NO. 73

# JOURNAL

## OF THE

## SENATE

OF THE

## STATE OF SOUTH CAROLINA



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023** 

WEDNESDAY, JUNE 26, 2024

## Wednesday, June 26, 2024 (Statewide Session)

**Indicates Matter Stricken** 

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

#### I Samuel 3:19-20

Returning to I Samuel, we are told that: "As Samuel grew up, the Lord was with him and let none of his words fall to the ground. And all Israel from Dan to Beersheba knew that Samuel was a trustworthy prophet of the Lord."

Please bow as we pray: As this august Body returns yet again to its Chamber, we pray fervently, O God, for Your rich blessings to be upon all who labor here. Allow these Senators and their staff members to use their gifts wisely as they endeavor to bring about worthy results. And to achieve that goal, dear Lord, may each servant in this place be counted among Your "trustworthy prophets," showing bold concern at every turn for all of the people of South Carolina. In addition, Gracious Lord, further continue holding in Your care each of our women and men in uniform wherever they happen to be serving, May these valiant souls also know that You are with them unfailingly. We humbly pray all these things in Your loving name, dear Lord. Amen.

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

#### Call of the Senate

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

Allen	Bennett
Corbin	Cromer
Devine	Fanning
Garrett	Gustafson
Hembree	Hutto
Johnson, Kevin	Johnson, Michael
Malloy	Martin
Matthews	McElveen
	Corbin Devine Garrett Hembree <i>Johnson, Kevin</i> Malloy

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

A quorum being present, the Senate resumed.

## **MESSAGE FROM THE GOVERNOR**

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

#### **Local Appointments**

Initial Appointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Timothy Thorton, 1828 Bolin Road, North Augusta, SC 29841 VICE Sheridan Lynn

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Stacy Mark Blair, 2526 Getsinger Road, Anderson, SC 29625-3241 VICE Jeremey Pickens

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carla B. Deering, 221 Clemson Street, Williston, SC 29853-6505 VICE Judge Stapleton

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Paige Adams, 6 Twin Oaks Lane, Isle of Palms, SC 29451-2718 VICE Thomas E. Lynn

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Thomas O. Sanders, 23 Lord Calvert Drive, Charleston, SC 29407-6963 VICE Tiffany Spann-Wilder

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Patrick M. Smith, 211 Rutledge Court, McClellanville, SC 29458-

9703 VICE Frances Lee Cain-Lofton

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026 John A. Davis, 206 Chapman Street, Chesterfield, SC 29709-1102

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026 John K. Melton, 104 Clyde Ave., Cheraw, SC 29520-3026

<u>Reappointment, Chesterfield County Magistrate, with the term to</u> <u>commence April 30, 2022, and to expire April 30, 2026</u> Vivian L. Patrick, 519 Sandpiper Circle, Cheraw, SC 29520-6891

Initial Appointment, Darlington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Valerie Gardner, 205 Loring Drive, Hartsville, SC 29550-5167

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Johnathan Guiles, 32 Genesis Dr., Georgetown, SC 29440-9398

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Gwendolyn R. McNeil, P.O. Box 694, Andrews, SC 29510-0694

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary C. Vanderhost, 2520 Folly Grove Road, Hemingway, SC 29554-4078 VICE Isaac Pyatt

Initial Appointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Larkin Lynch, 280 Haley Brooke Drive, Conway, SC 29526-6399 VICE Gerald Whitley

<u>Reappointment, Kershaw County Magistrate, with the term to</u> <u>commence April 30, 2023, and to expire April 30, 2027</u> Carrie Tanner, 29 Ascot Drive, Camden, SC 29020-7313

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kyliene Lee Keesley, 1501 Alpine Dr., West Columbia, SC 29169-6005 VICE Albert J. Dooley III

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Larry Saunders, Jr., 100 Cherokee Isle Court, Lexington, SC 29072-7137 VICE Scott Whittle

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kimberly Roache, 1371 Tolly Ganly Circle, Orangeburg, SC 29118-3136 VICE Stephanie McKune-Grant

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

Charles Edward James, 103 Oak Circle, Easley, SC 29640-2220 VICE Michael Gillespie

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Billy Odom, 115 Paula Court, Cowpens, SC 29330-9183 VICE Olin D. Ledford, Jr.

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Edward Gene Addington, P. O. Box 1301, Cowpens, SC 29330-1301

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James E. Crook, 622 Mosswood Lane, Spartanburg, SC 29301-5352 *VICE* Issac Dickson

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Erin Dobbins, 523 Kennet Court, Spartanburg, SC 29301-5377 VICE Paul D. Abbott, Jr.

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Theokli Clair Psilinakis Bourland, 309 Dunkineely Way, Moore, SC 29369-9499 VICE Tina McMillan

<u>Reappointment, Spartanburg County Magistrate, with the term to</u> commence April 30, 2023, and to expire April 30, 2027

Matthew Skinner, 1600 Roddy Road, Campobello, SC 29322-8515

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christopher Paul Thompson, 518 Jonas Circle, Chesnee, SC 29323-9415 VICE Karry Guillory

## Leave of Absence

On motion of Senator CROMER, at 12:10 P.M., Senators CAMPSEN and GOLDFINCH were granted a leave of absence for the balance of the day.

## Leave of Absence

On motion of Senator GROOMS, at 12:10 P.M., Senator ADAMS was granted a leave of absence for today.

## Leave of Absence

On motion of Senator FANNING, at 5:43 P.M., Senator KIMBRELL was granted a leave of absence for the balance of the day.

#### Leave of Absence

On motion of Senator DAVIS, at 5:45 P.M., Senator MARTIN was granted a leave of absence until 6:00 P.M.

#### **Expression of Personal Interest**

Senator HUTTO made remarks honoring the service of Senator SETZLER.

#### **Remarks by Senator SETZLER**

Senator SETZLER rose to make brief remarks regarding his service in the Senate.

#### **Remarks by Senator SETZLER**

One of you told me yesterday, and I do not remember who, during Senator PEELER's portrait, that I always said when I came to the podium that I was going to be short. Well, guess what? I am not going to say that today. We are going to pass out popcorn and have drinks about an hour and a half in.

I will say to you, that unlike the Senator McLEOD who said she was not going to get emotional, I will get emotional. You have seen me get emotional here before.

This is a day and a time that I never believed would come. And I said I will get emotional. I absolutely love the South Carolina Senate. Probably as much or more than anybody who has ever served in this Body. Each of us is here by the Grace of God. I am an ordinary person, who has been given an extraordinary gift, opportunity, and privilege of 48 years to serve in this Body.

I have a statue on my law office desk that has been there now for 25 years, that I got when Payne Stewart won the United States Open and was killed in an airplane crash shortly thereafter. And on that statue, it has this quote, "the thing about dreams is sometimes you get to live them out." I clearly have had the opportunity to live out my dream. First, I must say thank you to God, who has given me the privilege, the ability, and the health to do what I do in this chamber all these years. To my wife Ada Jane -- we will celebrate 55 years of marriage in August and who you have so honored here today. She is an incredible partner in life and an incredible partner in this journey called public service and I thank you, Ada Jane. It has been a joint journey. And we have shared it together. My family -- I have four daughters. They are all here. Some of you know all of them and some of you know one or two of them. They are all very, very successful, independent women, who are tremendous mothers and role models. And then that special gift you get when you get older, is grandchildren. There is nothing like them. I have nine that are here today with me, and they are an incredible blessing every day. If you visit my Senate office, you will see that I have a few plaques up, but I have one wall that is just pictures of my family and me with the grandchildren. I have four sons-in-law who are like sons to me. And they have been a tremendous part of our family.

To my law office and my partners, Danny, Joe, Michelle and Richard, who has retired, thank you. You cannot do this job and practice law without partners who support you.

Thank you to Alisa Painter, who is here today, and Jane Fallow, who is not here today and who was my first administrative assistant. Alisa Painter, as I told her earlier this morning, cares more about people than you can ever imagine one individual does and works so hard.

To the present and the past members of the South Carolina Senate, thank you for letting me share this journey with you -- each of you. Even though we may have differences of opinion, you have enriched my life and made me a better person. And for that I thank you. To the Democratic Caucus, to my right, thank you for allowing me the privilege of being your Minority Leader in this Body for eight years. Senator PEELER, as you said to me one time, it was great to do it, but it sure was a blessing when you left it too.

To the staff on the desk who I spoke to individually this morning, to the committee staffers that are here and are the ones who really make this place run -- make each one of us look very good every day, you do an incredible job. Two, in particular, that I have worked with Quentin Hawkins who staffed the first subcommittee of Senate Finance that I chaired and also staffed and the last one Rick Harmon who is an incredible expert in finance.

To the Sergeant at Arms, Chuck Williams, and security, thank you. You are exemplary in what you do. One of my proudest moments was when Chuck Williams was elected as Sergeant at Arms.

To my friend who is here from Kershaw, Senator Sheheen, who has been here and was an incredible member of this Body. He gave me advice each and every day -- sometimes wanted and sometimes not asked for.

Five people, in particular, some of whom are here. I want to thank them. First is Ricky Silver, with Chernoff Newman. Ricky Silver has been "my political consultant." We ran the first State Senate TV campaign commercial that had ever been run in this State. And then he came up with a particular slogan: *A Caring Conservative*, and we have used it for forty-eight years. And to be candid with you, it has driven Republicans absolutely crazy for forty-eight years. It does define who I am, and that makes it even more difficult for them to deal with it.

To Randy Davis, who is sitting here, my incredible friend, I call him my brother -- he has walked the streets with me for 12 elections and been my campaign manager. To Billy Huckabee and Tom Squires who put up 4'x 8' signs for forty-eight years in twelve elections. I think that is somewhere between 4,000 and 5,000 signs that they have put up. And

then to Antjuan Seawright who is a true blessing to each of us. Pastor Dow is my pastor and been a part of this journey that I have traveled in the last year and a half. I met with him concerning my decision of whether to run for reelection or not. I thought he was going to say, Nikki, you need to do this, or you need to do that. He looked at me after we talked about an hour and said, "well, there's no wrong decision. There's one that's good, and one that's better. You decide which one it is."

And my friend Reverend Charles Jackson and his wife Robin from Brookland Baptist Church who walked with me and has been my friend since the first time I ran. He started pastoring at fourteen years of age and helped me with my walk in 2012 when I was diagnosed and went through low grade prostate cancer.

To you, the current members of the Senate. This is probably where I will get emotional. I do not have the words to express to you how humbled, how shocked and how honored, I am, that you passed a resolution to hang my portrait in this chamber. Thank each of you for this incredible honor!

To my former House of Representative members and current House members, Kenny Bingham and Russell Ott, who have been tremendous partners in our representation of our district and to the House of Representatives, particularly to the Speaker of the House. While I do not always agree with the House, I have worked closely with and have a great relationship with the current Speaker and the former Speaker, as well as with the current Chairman of the Ways and Means Committee. They have been tremendous.

To the lobbyists. I have said this many times. Lobbyists play a vital role in what we do. Lobbyist is not a bad word. And I appreciate everything they do.

To the pages who are here. Thank you. I started as a page, and I will talk about that in just a minute. Thank you to the support staff.

Let me take just a moment to tell you a little bit about myself. Senator MASSEY and I had this conversation when I was Minority Leader, and he was Majority Leader. When we come in here and serve, we really do not know each other in depth. Senator MASSEY and I talked about the idea of having a social where the members were together from both parties, and we could enjoy some free time with each other.

I was born in Asheville, North Carolina, moved to Cayce/West Columbia area when I was one year old, and you could not drag me out of there. It is who I am. My parents were both high school graduates. Neither one had a college education. I was an only child, and my parents were devoted to me. They ran a hamburger/hot dog drive-in restaurant

for forty-four years. My father died in 1979. When he died, I ran it from 1979 to 1994, when my mother died. We then closed it. It was the icon where everybody met and went in West Columbia. It is still meaningful to everybody in the community.

My parents taught me hard work. They worked twelve to fourteen hours a day. Put me through undergraduate school and law school. They taught me hard work. They taught me honesty. They taught me commitment to the community. Four generations of the Setzler family worked in that hamburger/hot dog place -- all four of our daughters worked there.

I was fortunate enough to go to law school and be hired by the father of Harry Lightsey III, who is the current Secretary of Commerce. What an incredible man, Harry Lightsey, Jr. was. No offense to anybody in this room, but he may be the smartest man that I have ever known in my life. He could talk to the guy who was digging the ditch on the side of the road, and he could talk to the President of the United States and be at ease with either one. He went to Clemson University with all A's. He went to law school with all A's. He went to veterinary school with all A's. He was incredible. He taught me to practice law, and he was my mentor in politics. He was an influence in my life.

We struggled. Ada Jane and I struggled when I got elected to the Senate. It was tough. If you are trying to practice law, run a hamburger/ hot dog restaurant, raise two small kids, and be a Senator that is something that takes some time.

As I said, I absolutely love the South Carolina Senate. I could do it the rest of my life. My skill set and my whole human body is energized and thrives on this environment. I could have never done anything that I would have enjoyed more than serving in this Body. That being said, so how do I arrive at today? How did I get to the decision that led to me giving farewell remarks to the South Carolina Senate?

Four years ago, on the night of the election, we were in my office after the election was over. We won by nine points which is a very good win. I looked at my family and Randy, and said, I think this maybe it for me. And I thought it was. But you know how that wheel turns and you get back over here, the juice gets flowing again, and you question am I really making the right decision if I do not run again? But it did not change my mind.

About a year and a half ago, Ada Jane and I started praying about it. I went to see Pastor Dow and talked to him about it. I met with each one of my daughters individually, and we talked about it. We cried about it, and it was clear. God led me here. God told me, it is time to go home. I

did not realize it at the time I made that decision and announcement. But I really reflected on it this weekend. Ada Jane and I went to the beach, just the two of us -- just to get away so we could talk and get emotionally and mentally ready for today, because it will be a life change for us. I think there were two things in my life that impacted that decision.

In 1972, Ed Saleeby beat Spot Mozingo in the Democratic Primary. And I believe, Senator MALLOY, you practiced law with Ed Saleeby, and I served with Ed Saleeby. At that time, I was working with Harry Lightsey, and the only person that the Saleeby people would talk to throughout that recount was me. They would not talk to anybody else. They wanted to talk to that young lawyer. I guess they thought they could take advantage of me. But the whole point of this story is, they sent me to the hospital to see Spot. We called him Spot, as he allowed us to do that. He was an icon in the Senate Chamber, and he was an icon as a lawyer. He was incredible. I visited with him, and he and I talked about the Senate. I went back to the office and Mr. Lightsey was there. He said, "How did it go?" I said, "He is not coming out of there. He is not going to leave the hospital." Mr. Lightsey said, "Why?" I said, "Because that's his whole life. He cannot give it up. He will not come out." About two days later, he died in the hospital.

Then several years ago, my dear friend Senator Leatherman, ran for reelection at eighty-nine years of age. I thought to myself then, that is for him, but I cannot do that. I cannot reach that point where I cannot give it up. Senator Leatherman was a wonderful friend, and we were very, very close. So those two things also impacted my decision.

We are big fans of the play, *Hamilton*. When I made my decision not to run again and made my announcement, my oldest daughter sent me a line from *Hamilton* when Washington told Hamilton that he was not going to run again and step aside and let Jefferson run. And Washington told him it was his time and he wanted to go. "He wanted to show them the importance of knowing how to say goodbye and we are going to teach them how to do it." And he did, the rest is history.

Since I made the decision to retire, which was not easy and still not easy today, I am at total peace. I do not have any regrets. I have excitement about the next phase of my life. But I will tell you I am not going to stop being active. I am not going fishing and hunting, and if I have a gun, you all better run. I don't have a license for one nor want one.

I am going to stay active in the State and in my community. I am available if you have a job you want to give out. Just call me. All joking aside, I am going to stay active. I am going to retire from elective office.

I started this journey in 1976. November of 1976, I got elected, fortyeight years ago. I did not even realize it until this weekend that when I filed for office, I was thirty years old. Think about that -- thirty years old. Married with two children both under two and a half years old. I had just opened my sole practitioner law practice, and I am running for the South Carolina Senate. I must have lost my mind is what I can tell you. On top of that, I filed against the incumbent in the primary, Jimmy Martin, who was the Senator at that time. He withdrew before the primary.

We ran in numbered seats in five counties, Lexington, Aiken, Bamberg, Barnwell and Edgefield -- 300,000 people. The general election was against an opponent who now serves in Congress, and we get along great. When you do that, there is always a story. Ms. Saunders in Bamberg who was the first person I ever told I was running for the Senate, looked at me and said, "Are you a Christian?" The night before the 1976 Election in November, I spent the night in Aiken in a motel between Aiken and Augusta. Senator YOUNG knows the area. I picked up the phone to call Ada Jane, and at that time calls were operator assisted. I called Ada Jane collect, and the operator asked the name of the caller. I said Nikki Setzler. The operator said, "Good luck tomorrow." I thought maybe we have done a little bit of good in this process. When election night came, and I think Ada Jane knows the numbers better than I -- we went to bed about 1:30 at night, and we had lost. We thought we had lost, accepted it, and moved on. About 4:45 in the morning, I get a phone call that says, "Nikki, you won." I said, "What?" They said, "You all won by about eight hundred fifty-seven votes. "I picked up the phone and called Don Fowler who told me to write then (not in two hours, not in four hours) call every sheriff in five counties and impound those boxes, which is exactly what we did. We did a recount in each county. Of course, I had lawyers in each county. In Bamberg County, Jean Toal was my lawyer. In Barnwell County, Harry Lightsey, Jr. was my lawyer, and in Aiken County we had, Henderson Johnson, who was a great lawyer. In Edgefield County, we had Joe Anderson who is somewhere up in the balcony. Judge Joe Anderson and his family represented me in Edgefield County. They were big supporters of mine in 1976. As an aside, I will share that I believe one of the real travesties in history is that Judge Joe Anderson did not get appointed to the United States Supreme Court. He deserved that. And Randy Davis represented me in Lexington County.

I paged here in 1963, 1964 and 1965. Twelve years later, I am sitting here and sworn into the South Carolina Senate. I wanted to say this for the pages' benefit. The freshman Senators elected in 1976 included 14

individuals, I think. They are projecting at least 9 new members of this Body next year. Some of those people that came in with me were Carol Campbell, Heyward McDonald. Alex Sanders, Johnny Waller, John Land, Tom Turnipseed and David Turnipseed. We were sworn in, and we told we were going to organize which was the process at that time. I am telling you these stories because I have been asked to. I realize it may not be of interest to all. I appreciate and respect that. But if you do not know where you came from, you do not know where you're going.

They put the freshman Senators, the fourteen of us, in the anteroom. The senior Senators went upstairs in the big conference room to assign committees and were going to come down and tell the freshman Senators what committees they were going to be on. We, the fourteen freshman Senators, sat down here about four minutes decided we were not going to do this. We all barreled into that room upstairs and later became known as "the renegades."

At the time when I came, political party played no interest in how the Senate operated. It was absolute seniority -- no Caucuses. If you were a Republican, you were the number one Senator in this Body. If you were a Democrat, you were number one in the Body. Nobody ever asked anybody what party you were in. I realize those days are gone, but I think it is worth noting where this Body has come from.

We went in session in January. And we were in session until October and November, continuously and all summer long. We came here three days a week with no break. We maybe had a break the week of July 4<sup>th</sup>. And that was it. The only way we got early adjournment was when Senators like Tom Smith from Florence or I put up a mandatory adjournment date in June for which we had to sit out a filibuster to get passed.

Filibusters were a common part of the process, and easily lasted all night. Rule 3B was invoked regularly where they locked those outer doors, and they sent the highway patrol to get you wherever you were if you were not here. You did not leave, and there is a story about Tommy Moore some of us know. I have been here three days and three nights continuously on a filibuster when we were locked in here. Ada Jane would bring clothes and a shaving kit.

The motion period was a free for all. There was not only one person who stood up and got recognized. It was who could holler the loudest, raise your hand and get recognized. You could make a motion on anything in the world you wanted to. Committees, particularly conference committees and even the budget conference committee -everything was done in public. You voted on every proviso. You voted

on every line in the budget. You fought it out in public. It took days, but it was done.

Senator Drummond, who sat right here and many of you knew and served with, was a renegade when he was first here. He would put up an amendment to strike every new state employee in the budget. You think that is one amendment. If there were six hundred state employees, he would put up six hundred amendments and make you vote on every one of them until you just said, "We've had enough, we'll take them out." There were telephones, where these pages sit on the side. And Carroll Campbell who came to the Senate the same year I did and later became Governor would stay on that telephone over there the entire time campaigning. Marion Gressette, the Senator for whom the building is named, ruled the South Carolina Senate with an iron hand. He sat right there. Even though I have now surpassed his time and length of service, I will unequivocally tell you, I am not any Marion Gressette. There is no comparison.

The President Pro Tempore Office was right there where the telephone room is, and, at one time, the press sat right here on benches behind you. Now, you are talking about true transparency. That is real true transparency. The reporter for The State asked me earlier this week if I would introduce a Resolution to do that again, and I told him I might do it.

I have had the opportunity to serve with some truly outstanding people, who were committed to this State, just like each one of you. And there were also some characters. I mean true characters in this Senate in my time of service. I see several laughing as you remember serving with some of them. These individuals were committed to the State. They might have had their faults, but every day they did what they thought was right for the Senate. We had Reapportionment in the 1980's and Arthur Ravenel was here as was Dewey Wise both from Charleston. As Reapportionment came up, Arthur Ravenel would tell Dewey, I am going to run against you next time.

Finally, as we got ready to adjourn one day, I went up to him and I said "Arthur, how in the world do you know you are going to be in his district?" He said, "Nikki, I own 124 houses in Charleston. He cannot move anywhere that I do not own a house where I can live and run against him" -- Senator Jack Lindsay. I can tell stories on Jack Lindsay all day long. He sat right here. Jack Lindsay was as smart as any person I have ever served. A lobbyist would hand him one sheet of paper, and he could talk for three days. He was that good. Senator MALLOY remembers this story. We had an equal rights amendment up, one of

many times, but this was the first time, I think. Senator Lindsay told his people in Marlboro County he was going to hold a referendum and vote however the referendum went. His people voted for it. As the Senate was getting ready to vote, the roll was being called. Senator Lindsay, with all his people from Marlboro County that had voted for the referendum sitting in the balcony, gets up and he says, "I lied, I lied!" He voted against it, and that is a true story.

I'll tell you one more story about Jack Lindsey and Ed Saleeby. At that time, there was no ethics, and I mean that seriously. There were no ethics laws. Senators would fly on the state airplane all the time. Senator Lindsey got on the state airplane and went to the Super Bowl. He ran into Senator Saleeby and asked him how he was getting back. He said on a commercial flight. Senator Lindsey says, "Oh no, come on with us." Senator Saleeby gets on the state plane with them. Suddenly on the way back to South Carolina, Senator Lindsay and Senator Saleeby get a call that the press is at the Columbia Airport waiting on them. The press heard the news that the state plane was at the Super Bowl. Senator Lindsay gets off first, and he walks right by the press. The press asked him about taking the state plane. Senator Lindsay says, "I didn't take the plane. Ask Senator Saleeby, he is right behind me."

Senator John Land who I sat beside was one of the great orators of this Body, but he also had a great sense of humor, many of you served with him and will remember this. When a Senator wanted to pass a piece of statewide legislation that impacted his county, and the Senate would not pass it, he passed it on a local level. Everybody knew when he did, he was going to get beaten. I went outside and came back and sat down beside John Land, and I said, "Senator, what's he talking about?" And he said, "He is giving his farewell speech, he just does not know it yet." Senator Tommy Moore was a great negotiator, and Senator Vincent Sheheen was an extraordinary negotiator in this Body who did so much good.

I served through the great renovation of the State House. It was closed three years. Some of you do not even know that because twenty members of this Body have been elected since 2016. Think about that -- twenty new members since 2016. We were across the street for three years, while the Senate Chamber and the whole building was renovated.

There have been incredibly difficult and tough times during my time serving in the South Carolina Senate. I was here when we voted to expel two sitting members of this Body. That was tough. I was here during the tragedy at Mother Emanuel. Senator Pinckney sat right behind me.

Senator JACKSON and I were probably the last two to see him as he

got up and walked out of Finance Committee that day. Out of that tragedy, I realized a lot about the people of South Carolina. On the bus ride into Charleston for Senator Pinckney's service, seeing the lines of citizens from all over South Carolina and out of state lining the streets, around block after block after block. It was a testament, in my opinion, to the people of South Carolina and who we are.

I was here during Hurricane Hugo. Senator PEELER, it was terrible. I was here during the removal of the Confederate flag from the State House. I was here during the Republican takeover in 2001. I was here during Operation Lost Trust, which resulted in the passing of the Ethics Bills we have now. No one would talk to anybody for fear of who they may be talking to.

I have been afforded some incredible opportunities. The visit from the Pope, working across the State to bring huge companies to South Carolina, going on educational exchange to Japan, an economic development trip with Charlie Wade and being part of the Southern Regional Education Board and the Low-level Nuclear Waste Compact.

I have been blessed to serve forty-eight years. South Carolina became a State on May 27, 1788, which was two hundred thirty-six years ago. I have served in this Body 20% of the time that this State has been in existence. What an incredible honor and what a scary thought for a lot of people. I served under eight Governors. Senator PEELER talks about being one of forty-six people who serve in this Body out of 5.3 million people. I have been blessed to be one of those foty-six for forty-eight years. I cannot say any more about what an honor that is. I would like to quote another line from *Hamilton*. It has a line in it, or part which says, "I wanna be in the room where it happens. Wanna be in the room where it happens. I've got to be. I've got to be in that room in that big ole room." I have been blessed to be in that big old room and inside that little room in the big old room most of my service. It is an incredible honor.

I served twenty-four years under the seniority system and twenty-four years under a partisan system. I like the seniority system, but the day of a pure seniority system is gone forever. There are only a few of us left that have been part of both. We are, in some way, clearly the old guard. I have served under both systems. Thank goodness, I have been very successful under both systems.

Extended debate through filibuster, in my forty-eight years of service, nearly every time results in better legislation. I would suggest to you not to vote cloture just because you are tired of an issue. The majority and minority have a responsibility to each other. Not just the majority to the minority, but also the minority to the majority. I do not want that to be

misunderstood. That is a two-way street, not a one-way street. There are ways to break a filibuster without cloture. If you have been here during that system which Senator Peeler and I have, you know how to break them.

In either system, whether it is partisanship or seniority, I believe you have better government if you govern from the middle. If you take moderates from middle and govern not too far right or left, you have better government.

I have run for election twelve times. I have had opposition eleven of those twelve times so I am not one of these guys that got elected, and never had opposition again. I think the public has the power, some will disagree with this, of term limits every time one of us stands for reelection.

When I first ran, people who helped me raise my money told me they would help me run, but Randy remembers this, do not get involved in anybody else's race. They told me that they would help me, but that I was not to try and tell people who to vote for. I made that pledge to them. I still stand by that pledge. I have never gotten in anybody's race at any level of government. I think that is a proper position to be in. Many of you would disagree with that.

Politics is a system of addition not subtraction. Senator HUTTO is, my desk mate, my suite mate, my incredible friend, with whom I have dinner once or twice a week when in session. He is tremendously intelligent. Just so you know those of us on this side get tickled every time he stands up because we know Senator CAMPSEN is going to get up and respond. Senator HUTTO is a true friend and a man that is very effective in this Chamber but a man of few words, most of the time.

Senator ALEXANDER is my close friend. He is the resident expert in health care in this Body, and a southern gentleman who was made for the job of President of the South Carolina Senate.

Senator JACKSON, my desk mate. One of my closest friends, if not my closest friend in this Body. I will tell you that I love Darrell Jackson. He is my friend, and he is the moral compass of the Senate. I owe you so much, Senator, for what you have done for me and my family.

Senator PEELER, I got in your head at your portrait unveiling yesterday. You will be looking for that Gamecock the rest of your life. You will never be able to forget me when I leave. Those of you who were not here yesterday, we will tell you that story later. Senator PEELER is a strong leader of the Senate Finance Committee. He has been Majority Leader, President of the Senate, Chairman of the Education Committee, Chairman of Medical Affairs, Chairman of Senate Finance. The two of

us have served together longer than any two people currently serving. I serve on Joint Bond Review Committee and because of Senator PEELER -- he gave me the privilege of Chairing the subcommittee of Economic Development in Senate Finance Committee. We have shared many experiences together. Some I can tell, when younger, some I should not tell. I will tell you that Senator PEELER is my friend. He has that unique understanding of people. He has a very unique understanding and knows when to use it -- how to use it with his humor and his touch.

Senator MASSEY is an incredible friend whom I respect more than you will ever know. He and I co-chaired the committee tasked with addressing the abandonment of the VC Summer Nuclear plant in Fairfield County. That is one of my most impactful times of service in the South Carolina Senate. We spent two years talking numerous times every day. His wife finally said, "Why don't you spend Valentines with Nikki instead of me?" But it was one of the most rewarding experiences. We decided at the very beginning of that process, that we were going to swear the witnesses. When we swore those witnesses, if we had not done that, all of that would have never come to light. Never. We would not have gotten to bottom of that, and you would have never seen what has come out of it. He and I served as Majority and Minority Leaders together and met every week. I trust him explicitly. He navigates rushing waters every day in this Senate.

Senator RANKIN -- some have heard me call him "Senator Chaos." He is not the Senator from Horry, he is "Senator Chaos." He gets more done by not having committee meetings. He does not talk about it. Then all of a sudden, we recall legislation from Senate Judiciary Committee, and it passes. He is a dear friend, and I could tell a bunch of stories about him from our weekly dinners.

To the sister Senators, you define courage. We are proud of you. My fellow members of the delegation, Senator SHEALY, in particular, you are invaluable. You are a true friend, and we love you.

My subcommittee of Senate Finance, Senator WILLIAMS, Senator SHEALY, Senator CORBIN and Senator GAMBRELL, I could not have asked for a better subcommittee. They were there all the time. They asked questions. They studied issues and worked closely together. We always knew when we did this, Senator WILLIAMS would get more money in the budget than anybody in the Senate. Poor man, he does not have a dime when it is all over with.

Senator HEMBREE. I will never forget when the Senator HEMBREE became chairman of the Senate Education Committee. Right after he was elected Chairman, most of you do not know this, I get a call from Senator

HEMBREE in my office. I say yes, sir, I will come down. He said, "No, I am coming to your office." He walks in, shuts the door and says, "I want you to do me a favor." I said, "What do you want me to do, Senator?" He said, "I want you to be my Vice Chair of the Senate Education Committee." Having known that I Chaired the Education Committee for twelve years -- what an incredible act of bipartisan, courtesy and respect. One I will never forget.

Senator MALLOY, I could talk all day about you, but I will not. He knows the rules and is here every day sitting at his chair, just like I am.

Senator MARTIN said not to say anything about him, but he always called me the floor leader.

Senator McELVEEN -- Brave, bipartisan, effective and the State of South Carolina is losing a rising star. Senator McELVEEN, you gave your children the greatest gift you could give. You gave them your time. The most important thing any one of us can do any day in our life is give somebody our time. Your children will be forever eternally grateful to you, as tough as that decision was.

Senator BENNETT -- I told him right after he got here, and I will tell you. He is a leader on the way to the top. Inside and outside this Body.

Senator GROOMS and Senator VERDIN, we have had some fights. We had Amazon coming to Lexington County. Senator GROOMS did not want it to come. He did not like the tax breaks they were getting, so he filibustered. We were here with him filibustering, and half of Lexington County was here as well. I had just been diagnosed with lowgrade early-stage prostate cancer, nobody knew it, and he would not quit talking. Senator VERDIN was counting votes for him. On Thursday morning he did not know Senator Paul Campbell called from Charleston and asked if I needed him. I was one vote short, and Senator Campbell indicated he would come and asked if he needed to bring clothes. I answered yes. He got here, and we broke that filibuster by one vote. Senator VERDIN always tells me now, that I taught him how to count.

There are so many others I could talk about. I am often asked what stands out in your service? What are you proudest of? Bringing Michelin and bringing Amazon to Lexington County, being a part of many economic development projects such as BMW, Boeing, Scout, universal 4k kindergarten which was transformational in this State, Palmetto Life Scholarships, Hope Scholarships, Needs-based Scholarships, cochairing the Fairfield VC Summer Committee with Senator MASSEY, widening I-26 to six lanes and Exit 119 at the Calhoun County line and Malfunction Junction. The Malfunction Junction project is transformational. It is the largest road project in the history of the State

of South Carolina at over \$1 billion. It is larger than the Arthur Ravenel Bridge project. When they broke ground, the Chairman of Transportation Commission said, "This is "Nikki's project." And it was. Lexington Medical Center is near and dear. It is the crown jewel of Senate District 26, and we believe it is the best medical facility in all of South Carolina. Restructuring the Conservation Bank -- millions of dollars into our area for the expansion of the Riverwalk, for the Congaree Heritage Preserve and for the bridge across the river. Some of my most impactful work has been as Chairman of the Joint Bond Review Committee Oversight subcommittee. I submit to you, working with Rick Harmon, needs to continue. It is critical. One of the most impactful things for me, hiring Deanne Gray and Alisa Painter. Removing the Confederate Flag -- after voting to take down the confederate flag, the next election flyers against me said "No votes for turncoats." Chairing the Senate Education Committee was a dream of my life. I loved it. Working on Higher Educations matters, USC. I do not have to tell you how much I love the University of South Carolina -- I think Coach Tanner is in the audience, Coach Staley and others are here -- Technical education system, Ports Authority and moving what was SCANA now Dominion Energy headquarters to Cayce. I met with the President of SCANA when it was located in Columbia. They were looking to move somewhere. I said come to Cayce, and he liked the idea. They moved to Cayce.

I think all of that is important. All of that is meaningful. But the most important part is every day you serve in this Body you get to change and touch the lives of somebody and make it better. What other thing could we want to do other than that?

I have had a number of people that have impacted my life. My parents, of course, being an only child. My family, my former desk mates and my constituents. I had a constituent named Glenn Poole, who was a Fire Chief in rural Aiken County, Hollow Creek. He came to me for money to help the fire department survive. He also needed a fire truck. That man worked every day for somebody else. He put himself last. Every time he called, I would go out of my way to help the man and I was able to help with the fire department, the fire truck and in other ways. He is deceased now, and it really hurt me when he died.

The teachers of South Carolina have impacted my life. I have two daughters that are teachers and my wife taught until we started having children. Teachers in South Carolina do not do it for the pay, as much as we are trying to raise their pay. They do it because of the love of children. We cannot ever forget that. Teachers see that the children have food on

weekends and get the things they need that they do not get at home. They are a crown jewel in South Carolina.

Harry Lightsey, Jr., who I mentioned earlier, was a mentor of mine. He impacted my life tremendously. The late Joe Taylor of Richland County, while our politics were not the same, he was my dear friend. He was a visionary. Mayor Tem Miles, who is in the audience and from West Columbia, agrees Joe Taylor changed our side of the river with his vision. Randy Davis who has been with me for forty-eight years means more than he will ever realize. Then two people who are probably going to surprise you. I do not know if they are here, but it is Essie and Kenny. Essie came to my office yesterday and brought me this card. It says I am going to miss you. She says she loves me and Ada Jane, and she gave me her telephone number. Kenny, in the mail department, spoke words to me when my mother died that I have never forgotten.

My legacy will be my work in this Body. Each person will have to judge that. In closing, I will leave you with a couple of thoughts as you go forward. These are my thoughts. I understand you may not agree. We are elected to do our job no matter what happens internally. If you lose a committee chairmanship, subcommittee chairmanship, whatever it may be, we still have the responsibility to do our job. As I said earlier, politics and life are a system of addition, not subtraction.

As I leave, I hope that you will deal with the issue of dark money. Dark money on issues in South Carolina is a tragedy. It is going to continue to be a tragedy. I am not talking about only in political races but also in issues. Constituents get information from out-of-state special interest groups, and they do not know who they are. Nobody knows who they are. I understand the Supreme Court said you cannot regulate them. But they have not said you cannot make them report it. At least bring sunshine to it.

Charter schools, you heard me during the budget debate, I was the sponsor of Charter School legislation, but it is out of control. You need to regulate management companies, and you need to regulate the authorizers. If you do not do that, the lid will blow off. When it does, it will be ugly, and you are going to wish you had.

Also, the issue that I have mentioned is the growing divide between urban and rural South Carolina. It gets worse every day. The needs in rural South Carolina. I have been blessed for the entire forty-eight years I have served to have districts that are partial rural and partial urban. That has been a true blessing to me.

I think those are some things I hope you will address. I always say to Senator DAVIS and others, it is not about making the deal. It is about the

details of the deal. You have to be sure what the details of the deal are. If you do not check the details before you do the deal, six months, a year later, you are going to get bitten. True in-depth oversight is critical.

We represent people. We do not represent parties. Last time I voted --I have never gone in to vote where I saw a party standing there passing giving a registration card to vote. We run under a party label, but we represent people. We need to vote what is in the best interest of the people that we represent, not what some party tells us to. Bipartisanship, in my opinion, is the key to success and hallmark of a great public servant.

What you do at this podium is your integrity. Protect, please, the institution of the Senate. All of you know that is near and dear to my heart. The rules, traditions and customs -- it is up to you to not let Senate become the House of Representatives in how it operates. I respect the House and its leadership and get along with them, but the Senate is not the House of Representatives.

Respect every member and their views, no matter whether you agree or not. There are some of us whose views are probably 360 degrees apart, but I respect the views of others because they are elected by their people.

Listen to the person at the podium. I have tried to preserve and protect the institution of the Senate every day I am here. Part of what I say today is so you know the history. If you do not know where you have been, you do not know where you are going.

Today, that mantle of protecting the institution of the Senate falls to you, who are going to continue to be here. Together we have accomplished a lot, improved lives of South Carolinians -- education, job, health care, infrastructure, conservation. That mantle today is passing to the new Senate in November.

I challenge those who are leaving with me, whether voluntarily or involuntary, that we continue to support the members of the Senate and work together to make South Carolina the greatest State it can be. To those who will continue to serve, I challenge you to respect and build upon the work of those that have served in this Body before you. John F. Kennedy said, "Change is the law of life. Those who look only to the past and present are certain to miss the future." Look forward, Senators, as you move forward.

I was Nikki when I came to this Body, I will be Nikki when I leave. Being a South Carolina State Senator has been an incredible journey that I have loved every minute of. But at the end of this journey, my journey on this life, my greatest accomplishment will be as a Daddy and Pop Pop. Thank you and God bless you.

On motion of Senator HUTTO, with unanimous consent, the remarks of Senator SETZLER were ordered printed in the Journal.

#### **Remarks by Senator SHEALY**

Senator SHEALY rose to make brief remarks regarding her service in the Senate.

## **Remarks by Senator SHEALY**

Ladies and gentlemen, this may be the last time I get to come up here which is kind of sad. Twelve years ago, when I ran for the Senate, I didn't know if I was going to win or not because I had run before and, you know, I had been beaten before. Losing is never a fun thing. It's kind of like an empty feeling in your heart but I never grew up thinking I wanted to be in the Senate anyway, so, um, losing vesterday was -- it wasn't that empty feeling anymore. It was kind of like a weight lifted. But the only thing I hate is looking around this room and seeing my friends, and I'm probably going to cry some so I'll tell you that up front because I haven't cried because I only cry when I see people that I love to work with and there's some people in here I don't love to work with. I'm just going to be honest but -- I'm still a comedian -- but when I see the people I love to work with and I see the people that have helped me so much -- helped children and helped families and helped the disabled and, you know, we've helped women and we've helped veterans, and what I'm so worried about is who is going to do that now? Which one of you will step up to the plate and take over what I've been doing for the last twelve years? Because everybody in here has their little niche.

Everybody has what they work on and everybody has what they do and I know what I did and I've done a good job. My opponent spent the last six months lying about me and telling people what a bad job I've done and it's not true and I promised myself when I came to the Senate that I would never ever embarrass my family or my grandchildren. The legacy I wanted to leave here was that my grandchildren would be proud, and I wanted to make my grandchildren proud, and I've read billboards that said I was a baby killer. I would never hurt a child. I have saved more children since I have been in the South Carolina Legislature than probably anybody else, I think. I have taken children out of foster homes, out of group homes and I have literally saved their lives from being beaten to death with a window blind. I have saved children's lives and to watch what Personhood South Carolina has done to me is just cruel and unheard of. I hope the lobbyists for those groups are happy with themselves, because my grandchildren aren't embarrassed because of

me. My grandchildren stood last night and said, thank God I get my Mema back. I see the people that should be most ashamed got up and left the room because they are ashamed of what they've done. And, you know, the rest of you, I love how hard you've worked for me this week and the money that some of you have put into my campaign. The caucuses worked hard for me, both sides. I'm not going to lie, my Democrat sisters and my Democrat friends and my Republican friends all of you'll have worked so hard for me, because you know what I do. You know how I stand up for people, and I just want to know which one of you is going to do it? I hope -- Senator YOUNG, you got a big job over there in the Family and Veterans' Services Committee. It used to be the other committee or whatever it was, but now it has a title, it has a job, and I'm going to call you and harass the hell out of you if you don't do it. Because I want families and veterans and children to be taken care of. I'm still going to be out there. I'm going to find some other way for me to save the world, and I'm going to do it. Somebody is going to be out there saying Senator SHEALY -- oh, my opponent who is not yet a Senator by the way, I'm going to be aggravating you, too. What are you doing for Lexington County? But I'm always going to be a Senator, Mr. Kennedy. I'm always going to be a Senator. Oh, and by the way, are those Kennedys related to the ones that you kept abusing me about?

You know, the one thing I did was look out for women. I was looking out for girls and, you know, the future of South Carolina and we weren't allowed to, um, bring our -- Profile and Courage award into the Chamber because it's too controversial. We weren't allowed to put it in the antichamber because it's too controversial and we weren't allowed to put it in the State House because it was too controversial. Well, let me tell you how expensive it is before I put on these white gloves. It is \$36,000 -worth of white gloves that I'm putting on to pick it up. Here it is. It's beautiful and I'm proud of it and I am proud of losing this Senate race just to get this, because I stood up for the right thing. I stood up for women. I stood up for children. I stood up for South Carolina, and for all of the sister Senators here with me. We are not ashamed to be called sister Senators. We're not ashamed of anything we did. If you don't think this says a lot, it says, "Profile and Courage award presented to KATRINA SHEALY, MARGIE BRIGHT MATTHEWS, MIA McLEOD, SANDY SENN and PENRY GUSTAFSON in recognition of their distinguished public service example they have set, of political courage in American public life October 29, 2023." By God I'm proud of it and there is nothing anybody can do to hurt me now. This is what a Senate seat costs. I'm proud of it. So somebody better do the job I'm

leaving because I'm going to be watching you and I'm going to be out there saving children and families some other way, and I just appreciate all of you in here that love me and care about me and all I've done in the past and you all better suck it up and get busy is all I've got to say. Thank you.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

### **Remarks by Senator HARPOOTLIAN**

Senator HARPOOTLIAN rose to make brief remarks regarding his service in the Senate.

#### **Remarks by Senator HARPOOTLIAN**

Unlike Senator SHEALY, my opponent didn't have to lie to beat me. He out worked me and to be frank he had strategy that was superior to mine. I would like to say he lied about me. I would like to blame it on something other than the truth, but the fact of the matter is I was not up to the task. I am a trial lawyer. I have tried cases for 50 years. I win some, I lose some. I am someone who does not bemoan the fact I lost.

Now, I do bemoan the fact that she lost. I think there are people like Katrina who live what they say and believe. I am not necessarily one of those people. On occasion I rise to meet that, but she does it every day. I will not be here, but if I were here I would miss her. She is the conscience of this Body and she lost because she voted her conscience. Many of us here vote what we believe to be the politically convenient position. I am going to talk about that in a minute. Let me say this before I go any further. I was sworn in six years ago. I ran for a Senate seat where the previous Senator had been indicted for public corruption. I was sworn in in November. The election had been over. I really didn't know what I was getting into and had no idea what a Senator did. I was angry with the Department of Revenue for not helping me shut down bars in Five Points. It was as simple as that. I would like to tell you I had some big plan -- that I was going to confront issues that were going to matter statewide, but I was pissed, pardon me. So, without talking to my wife or my family I announced I was running, and stranger things have happened, but I won. And so I began that January sitting in this Chamber listening to my fraternity brother of sixty years ago speak about this Chamber -- this side of that rail as hallowed ground. I thought he had broken into my college stash. I had no idea what he was talking about. I could not in any way comprehend hallowed ground. Hallowed ground is

Omaha beach. How could this be hallowed ground? How could this in any way be comparable to that and yet over the last six years I learned that this is indeed hallowed ground. Things happen here that matter to millions of people, sometimes good, sometimes bad in my opinion. In those six years I am proud of many, many things I have done.

Before I get to that, before I start talking about my favorite topic, me -- I want to talk to you about the people that I have worked with here and who have helped me during this process. Somewhere up there in that balcony are Heather Hardy and Holli Miller. Stand up. Stand up because these folks are going to find this amazing. It has been thirty years with me for Ms. Miller, and twenty or twenty-five years for Ms. Hardy who working at my law office. They run my day-to-day life. Well, since my wife has been overseas, they run my day to day and nighttime life. They run my life, and make sure that I eat healthy and that I do all the things one ought to do when you are living as a bachelor, and trying to practice law, and be in the Senate, and run for re-election. So they are responsible significantly for whatever successes I have had. They are loyal, good, hard-working, and great, great, great assistants and paralegals. Holli was our paralegal on the Murdaugh case to the extent that we had any successes during that process -- not many, but to the extent we had some, she was responsible. She is the one who prepared the documents, got us the witness summaries, and did all of that which is a very difficult thing to do. Heather worked on other cases with me as well. They really do keep the shop going. Where is Javell Bynoe? Javell works in an office with me and ROSS TURNER. She has kept my Senate office going which is extraordinarily frustrating because I am not focused on constituent services. Thank you, Javell. She is great. I counted this morning how we watch people, recognize people, and present Resolutions. In six years, I have done that five times -- five times. That may be a record of the least number of times of times that has been done by a Senator. I have not really been focused on that piece of legislative service. I also want to thank WES CLIMER and apologize to his wife Marty for the insinuations in the recent Post & Courier editorial that Wes and I were closer than just colleagues. Marty, you are safe. Marty, if you are listening, you are safe. Wes and I just work very closely together. The Post & Courier said bipartisan. There are a bunch of other folks I want to thank. Let me tell you something, THOMAS ALEXANDER is the nicest guy I have ever met anywhere, anytime, in any context. He is a gentleman. He is considerate. He goes out of his way to see if he can help you in any way. I mean he is the perfect guy for this job, and I cannot tell you how lucky we are to have him here. Likewise, Jeff Gossett has

gone out of his way to be helpful, kind, and considerate. I do not know if you have noticed or not, I can be a little contentious, but Jeff has guided me in a very calm voice as has Thomas to not be as confrontational as perhaps I wanted to be. There are several Senators here who have all been great pals to me. I have known DARRELL JACKSON for forty years. I have known the Chairman of Senate Finance, HARVEY PEELER, for almost sixty years. And back there is GREG HEMBREE who was an assistant solicitor with me thirty or forty years ago? We both learned a lot about ourselves while prosecuting cases and making very tough decisions in very tough circumstances. You know, he left my office, became solicitor in Horry County, and then became a state Senator. I mean he has had an extraordinary career. He is one of the brightest people that have ever worked for me, and his career exemplified that brilliance, if you will, of understanding very complicated things and digesting them and spitting them back out in a simplified way. Of course, no operation runs properly without the other person. Where is SHANE MARTIN? We do not agree on anything. I do not think. At one time he and his daughter were down in the parking garage, and he needed a ride somewhere and I gave him a ride. Shane convinced his daughter I was an uber driver. It is true. So, while we do not agree on much if anything, he has always been courteous, listened to my arguments, and rejected them most of the time, but he was kind enough to listen and express whatever his opinion was. So, again, this exemplifies what is good about this Body and why this is again, hallowed ground. Senator SETZLER, he is a man of tremendous seriousness of thought. His one word to me -- if there is one word he repeated in those six years 10,000 times, it was "patience." Patience which did not take hold much. He is what typifies a public servant. He is someone who has not only talked the talk but walked the walk. So, it has been my extreme pleasure. I did not know Nikki very well before I got to the Senate, but I am better off for having known him and his beautiful bride. The real people that run this place are back behind the rail. Alex back there who accommodated Wes and I every day getting some minion to go get us coffee. You do not have any idea how that was the high point of my day. Thank you, thank you for that. Because there was some bloviating going on in here, it is hard to stay awake. There are a number of people I have got listed here, but it is getting late and the one thing that I complained about every day we were here was how some fool got up here and went on and on about nothing. So I do not think my last day here ought to make me one of those fools who get up here and go on and on and on about nothing.

I do want to talk about being a Senator. You know I have been a county councilman, a solicitor, a chairman of a party, and a Senator at my age. I think my quote the morning after I lost the race was that it was a tragedy that a budding political career had been nipped so early in the bud. But at my age I can be philosophical about this. Nobody died; I lost an election. I have lost elections before. I will not lose another election, nor will I win one. I am about politicked out, and by that I mean this. I want to transition into something that is important to talk about, and this is serious stuff. It is going to offend people and I would say I am sorry, but I am not. I think these are some hard truths we ought to think about. Let me talk about something offensive to my friends first and then I will get to you guys.

Let me give you a little history. In 1986 I ran for county council At large in Richland County. No single member districts, At large. I campaigned with a guy named Willie Rogers who was a well-respected African American educator who had a daughter named Abigail. Abigail worked for me and became a family court judge, great family. Very bright guy. Much more qualified to be on county council than me. I had been an assistant solicitor, practiced law for a couple of years with Jack Swerling doing criminal law, and when Jim Barber, a friend of mine said he was not running again, I ran for the seat. We campaigned together like brothers; Willie and I did. He took me to black churches and black gatherings, and I took him to Shandon neighborhood council meetings and rotary clubs and those sorts of things. On election day, I led the ticket. There were six seats to be filled. Willie came in number seven; he lost. No black person was elected to Richland County Council that year because white people would not vote for black people. It is just as simple as that. It is just as simple as that. The Justice Department came in and decided the way to correct this was to create single member districts. The single member districts had to be majority African American to ensure the community of color had a voice in who gets elected, and we did that. We got John Scott in that class, along with Bernice Scott, and Harriet Gardin Fields. I mean a tremendous class, if you will, of African Americans. City white folks were more concerned about the art museum than we were about health care in Lower Richland or up Monticello Road where African Americans lived in impoverished conditions; that changed. Bernice educated me almost at the end of a stick about what her community needed as opposed to what did she call us, "the white wine and pate crowd". With Bernice, I saw a world I did not see in Shandon downtown. She took me down to Lower Richland. She educated me about paving roads, county roads that were dirt and when it

rained you could not get an ambulance to them. It truly was needed. They were needed, these single member districts, no question about it. It was necessary they be significant African American majorities; it was a corrective remedial measure. It meant that this would transition us into a society where African Americans could get white votes. Like any remedial or corrective measure like a cast put on a leg, if you leave it on too long the leg atrophies. It is deleterious to the health of the body politic. Over the last five months as I campaigned in this race, I saw that we have two societies in South Carolina now. We have African American officials who really do not need to talk to white people in most instances, and then we have white candidates in many instances that do not have to talk to black people. Because of gerrymandering we have resegregated our society where there is no communication between the races of any meaningful sense. Now that I think about it, I attended several African American churches. I will confess I am not someone who attends church every Sunday -- my home church. I do not need anybody talking to me telling me what God says. I can talk to God directly. Many of these African American churches have no white members. I do not know about Senator JACKSON'S church, but the churches I attended in rural South Carolina -- rural Lexington County and rural Calhoun County -- have no white members. I found that the most segregated hour of the week is Sunday morning. We are not talking. By we, I mean black folks and white folks. And we are institutionalizing that by reapportionment and gerrymandering. I spoke against it when we did reapportionment. I litigated against it in 1992 and later in 2002 and I testified in a recent reapportionment case. I think it is unhealthy. I think the long-term results of that are unhealthy and I am not blaming my white Republican friends for it. A lot of the fault goes to African American elected officials who do not want a lot of white people in their district. I get it; I understand you want to get reelected. But the long-term cost of that is deleterious to the State and to this Country. I will not be here for the next reapportionment. I might can bring a lawsuit, though. Which I am thinking about.

But let me move to this side of the Chamber. The other thing I discovered, and I am just astounded by as I campaigned in this election, was that I occasionally ran into a Republican. When I say a Republican, I am saying a Republican who believes that the 2020 Election was bogus. I am very concerned about this. Everyone from Donald Trump's Attorney General to everybody that looks at it. The facts are Biden won; Trump lost. Anyone watching this that thinks that did not happen is over in the House where they put on aluminum foil hats. You are entitled to your

opinion -- your own opinion. What you are not entitled to is your own facts. I would not care if you did not think we landed on the moon. I would not care if you thought that aliens are occupying the White House. I do not care about that, but I do care about when you have an opinion that sheds and shades your belief and everyone else's belief in the electoral process. You threaten our democracy. Our democracy. And that is what is going on. If I met one, I met fifteen that told me they believed that. Their facts are based on some whacko pillow salesman who posted something on the internet or was interviewed, on some right-wing show. They call themselves conservatives. They are not conservatives. Conservatives believe in the Constitution. Conservatives believe in the validity and sanctity of the electoral process. That is one problem I have, because they are challenging this democracy. We had a trial a few weeks ago and the guy got convicted. Suddenly, the judicial system is corrupt. Now, I represented this guy last year. You may have been familiar with it. His name was Alec Murdaugh. He got convicted and did we have a press conference saying this is corrupt and we know everything was fixed? No. We did not do that. What did we discover earlier this year? The clerk of court was caught trying to fix the jury. Did we have a press conference saying it is corrupt? No. We did something. I know this sounds radical. We abided by the system. We filed an appeal, we filed briefs, and we had legal arguments, because this is a legal process. So, if you challenge the electoral process and the judicial process and you convince a majority of the people that neither one is fair and both are corrupt, what does that do? I mean the next thing is going to be when you run and you win; you fixed it. You were corrupt. It is not good once you begin debating the validity of our democracy's two major pillars, elections and the judicial system. If you honestly believe Biden did not win in 2020, then you should go out there and agree with these folks. I believe these folks are not basing their decisions on facts. There is something wrong if you believe that the way to challenge a judicial decision is to riot, or in some way indicate that you are a political prisoner. There are actual political prisoners, and those folks are not one of them. Agree with them if you want. If not, you have a moral responsibility to say, "Look, I am voting for the guy" if that is what you want to do. But the election was valid in 2020 and he has an appellate process on what is occurring in the judicial system. I am not going to sit here and placate you by saying that you are right about that. If you do that, simply deal with the facts, you will do much for this country and for this State. So, I have offended everybody here today, the goal I have had for six years.

In all seriousness, let me close by saying this. One of the major accomplishments I have had in this Body dealt with the Department of Commerce because when they sold the Panthers deal to us. I raised questions. I hired my own person to analyze the benefits of it and found out it was bogus, and it turned out to be bogus. When I asked for other information from the Department of Commerce, they would not give it to me, so I sued them. Henry McMaster and I have known each other for forty or fifty years. We used to be chairmen of opposite parties. We debated each other and even traveled together. I have a great relationship with Henry and Peggy. I think the best decision he has ever made was to get Harry Lightsey as the Chairman of the Department of Commerce; he sat down with me and worked through our issues. Now we heard Nikki talk about Harry Lightsey, Sr., who I had as a professor in law school, and was the brightest guy I have ever met. Harry Lightsey, Jr. has brought a new prospective on the Department of Commerce and a new approach to the Department of Commerce and I want to say that he is doing yeoman's work there. The Scout Project is obviously big to this county here.

Another one of my proudest achievements is the quantum computer project here in the City of Columbia. I want to thank Senator PEELER for the \$15 million that he allowed to go through the budget and the Governor for signing it. I think is an investment in the intellectual capital of our State. Four kids that are using that program competed in something called a Quantum Hack-A-Thon at MIT. The number one team was from Yale and Harvard. The number two team was a group of physicists from Stanford. The number three team was from the University of South Carolina business school; they trained here using the program that we funded last year. This is a big deal. Oakridge labs in Tennessee sponsors the Hack-A-Thon. They are going to have the competition here this year, where kids and scientists from all over the country will compete by using scientific computers to solve very complicated problems. I am proud of that. There is nothing else I have done that will generate this tremendous amount of benefit to kids from South Carolina. They are working with kids from Clemson, Carolina, Allen, Benedict, and SC State. It is going to be bright kids that want to use access to quantum. Ten years from now they will not be using supercomputers, they will be using quantum computers. I could talk about it all day long, but I will not.

In conclusion -- no applause! In conclusion, I want to say, this is sort of the last thing. In losing this race, I must say I felt relieved the next day because my life became simpler. Now I can practice law. I think my wife

will finally come home from Slovenia now that she knows I am not going to be running and campaigning all fall. I am going to over to see her in a couple weeks. I can enjoy life a little bit more, and at our stage, enjoying life a little bit more is probably the best thing we ought to be doing. I forgot to mention one person, SANDY SENN sitting back there, another one of the Sister Senators. She and I go way back. Sandy is a great lawyer, a good person, and she got dealt with the same way you did, Katrina -- horrible. And you know, you are one of the good guys. You are one of the people that if I wanted to come back, I would want to come back to. Without you and Katrina here, I am not sure it will be the kind of place I wanted to come back to anyway. The rest of you are just okay.

I am sort of a music aficionado and over the years I have prided myself on meeting several different rock and roll people. I am a rock and roll aficionado. I have hung out with the Allman Brothers before they were the Allman Brothers and did some things that I really do not want to admit to. I got to know several people that were in that genre. Lately I have taken to listening to Johnny Cash. You might find that shocking. But Johnny Cash did a cover of a Trent Reznor song. Trant Reznor is the lead singer of a group called Nine Inch Nails. Senator PEELER, they are not a Motown group. I was listening to Johnny Cash the other morning and he was singing this song and it sort of exemplifies how I feel leaving here. I am going to read these lyrics to you and that will be the end of this, and me. This is the last time I will appear in this Body at this podium; it is bittersweet. A little more sweet than bitter. But at the same time, I want you to understand how I feel about it. The name of the song is "Hurt". "What have I become, my sweetest friend? Everyone I know goes away in the end. And you can have it all, my empire of dirt. I will let you down. I will make you hurt." Thank you.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator HARPOOTLIAN were ordered printed in the Journal.

#### **Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

#### **Remarks by Senator GUSTAFSON**

Senator GUSTAFSON rose to make brief remarks regarding her service in the Senate.

#### **Remarks by Senator GUSTAFSON**

By the grace of God and to his glory, I stand here today. I am honored to have served the people of District 27 in Kershaw, Chesterfield and Lancaster Counties and what a privilege to share this chamber with all of you.

When Todd and I moved to Camden on Feb. 5, 2015, there was no hint of what was to come. I was a stay-at-home mom of three, and very involved in my community helping with homelessness and other problems. The South Carolina Senate has been an adventure, and it's been an education -- like a civics lesson every day. There is always something to learn -- like graduate school for politicians. Senator SHEALY has always advised me that, "Senators don't cry," and I did not cry on primary night. I will have you know. But I did cry last night as I watched her stand with fierce, stoic resolve against an unlikely and frankly, despicable outcome.

This farewell is conflicted because I don't want to go. But no one loses 82-18% without a chunk of responsibility, so I'll claim that right now publicly and formally. But I am no martyr. I've been asked if the abortion debate was the hardest thing I've ever done. Truthfully, the answer is "no." The toughest times of my life have been punctuated by extreme hardships including financial struggles with a really hard divorce and starting over with only a car and some debt in my 30s. Then, amid all this my only brother, Troy, was murdered.

Each of us carries some kind of scar tissue from whatever your trauma has been, whatever you've gone through in life, good and bad, and you carry it. We each can build our own reservoir of courage that comes with time, effort and practice. Moral capital is built in the same way. The more you stand up and do what you say you're going to do, lead your own life, step into this arena, and take risks the easier it gets. This is true for every human alive. I promise you when that crucial moment appears, you'll be ready.

All that heartache mentioned before led to my greatest blessing who was introduced today, Todd. We have three grown children, William, Maggie and Drew. Another blessing is my dad, Tom Morgan. I have a gratifying job, a home and a country I love.

So, let's address the elephant in the room. Why did the "Sister Senators" story attract so much attention and criticism? We five decided to stand by our shared beliefs about women, about motherhood and yes, about politics. We did not compromise; we collaborated amid one of the most divisive subjects of our time.

Believe me when I say the easiest route for me was to go along party lines no matter what and just vote "yes." No matter the lack of hearings and medical testimony, no matter if Legislators would not accept facts given by their female colleagues, and no matter if the Bill was chopped up and changed dramatically before it came back to us. The pressure from all sides has been enormous, but ultimately, I voted "no" to the final Bill coming after voting "yes" to every other piece of abortion legislation (including S. 474 itself before it went to the South Carolina House).

I did not seek the media; they sought me. As a public servant, I felt obligated to answer as many requests as possible, as a Legislator and as a Senator for all people. Whoever wished to hear from me -- I talked with them. I even spoke with a Japanese news outlet, Canada and all over the country and local, of course. But by God, I dared to do an interview on CNN. I had no idea there would be negative repercussions from doing what I perceived to be yet another interview or two.

The Kershaw County Republican Party and the Chesterfield County Republican Party responded by censuring me for appearing on CNN, if you can believe that. They censured me while leaders within the state party, not speaking about the leadership in this chamber, called for the replacement of all female republican Senators. Congratulations, because we are gone now.

I want to walk out these doors with dignity and grace, like the lady I was raised to be. Really and truly, gratitude does fill my heart. Allow me to mention and say thank you to a number of people who have been very special in this journey.

The first Senators I ever knew were Senator GARRETT, Senator DAVIS and Senator SHEALY. The first time I saw the Senator from Beaufort, he was explaining medical marijuana. This was years ago, so he's been advocating a long time. I recall speaking with him after a woman's club meeting at length, and I thought, man, he cared enough to go to our little club. It was small with maybe fifteen people there that day. I have supported that legislation ever since then and still do.

Now Senator GARRETT, he's kind of different, and most people do not know why I know you so well and why you know me so well. He was my divorce attorney, and it was a horrible time. He knows more about me than anybody else in this room. Shhhhh -- just keep that professionalism, okay? You've been very good for four years; thank you for not sharing my darkest secrets. I met Senator SHEALY from Lexington at another women's republican group meeting, and she was talking about, surprise, Katrina's Kids. That was our first-time meeting in person, so I had some sort of connection with those three.

In 2018, I ran for the South Carolina House Seat 52 against an established democratic incumbent, and nobody knew me. They couldn't pronounce my name, they couldn't say my name, they couldn't spell my name, but I did get 43% of that vote that year which was encouraging. Most first-time candidates do not win. That's why I encourage anyone who wants to run for office -- better plan on running twice. So, I had planned to run for the House again in 2020 for the same job. Then, someone strongly suggested that I run for the Senate. I thought they had lost their mind! A lot of convincing by facts, figures and numbers was needed. Finally, after considering the numbers and votes, I thought I could do it. Now, please understand nobody else did. Nobody on the planet thought I was going to win that race. It must have been upsetting to the people in this body that a long-standing member would be leaving so unexpectedly. My flipping this seat over a democrat incumbent millionaire lawyer who ran for Governor twice was huge for the Republican Party and the South Carolina Senate. I have a lot more empathy than I did four years ago. In 2020, I won by less than 900 votes, but two weeks ago I had arguably the biggest defeat of any incumbent in South Carolina political history.

All my life I've made lists, goals and plans. If a plan does not work, then another is created. I usually reach the goals, but the South Carolina General Assembly is quite different, isn't it? Everything is slow, but I've learned the system better and better every year. I've become a better Senator. Instead of tackling these items, urgent needs in my district hit me right in the face. These urgent issues are not on the republican platform, nothing sexy. We're talking water, sewer, dangerous roads, problems with funding fire, problems with our coroners, expanding law enforcement and our bursting school systems. These technical problems were unknown at my arrival, but all of this has been the bulk of my work in the district. Water and sewer capacity issues and dangerous roads where my constituents were dying took highest priority. For example, there is a new stoplight intersection at the corner of Dove Sutton Road and Love's Truck Plaza in Pageland. This may seem like a small success because you have done remarkable feats in this body. For me, that light installation was remarkable, because getting SCDOT to do it as quickly as possible was not easy. My efforts made the difference, and I am proud I was part of the solution.

Unfortunately, my views and votes have been twisted. I know, that's politics, y'all. I have thick skin; it's okay. I have been pounded for four years, but is it over? Are y'all going to continue to beat up on me on Facebook? Please stop. I'm done.

Let me set a couple of things straight. Number one, I did not kill Constitutional Carry. How many thousands received mailers of deceit? We debated two gun Bills since 2020, just two, and I voted "yes" for both of them. I also voted "yes" to send it out of committee to be placed on the calendar this year. However, my no vote on an amendment to the Open Carry with Training Bill in 2021 caught the eye of the most fervent gun rights activists. Most of us voted against this amendment proven by the fact it did not pass. The Palmetto Gun Rights group and others made sure to inform the public in a very ugly way that I was "anti 2A" and against gun rights, gun people and killed constitutional carry. They've printed it over and over again. The fact that I recognize the problems of gun violence and spoke openly about my brother's murder was held against me by extreme groups. My views have evolved, but the vote is what matters, and I was a yes vote. The NRA even gave me an "A" rating and an endorsement. Fascinating that people now say, oh, what has come of the NRA to endorse her? I just couldn't win on this topic no matter what my votes prove. Those are the facts, and I won't be talking about it anymore.

I'm also not a baby killer. Also, I am a conservative republican as proven by the votes. Party politics has been brutal, and the toxic nature of our political environment is what drew me to seek office in the first place. To solve internal problems, we are often told to step up into the arena and work from within. So, I joined my local GOP and eventually became its First Vice Chair. I even came to be an elected state delegate and a National Delegate to the RNC. Then I ran for office and ran again. I've tried my best and done as much as I can to improve from within.

There are few regrets but the yes vote for Scout Motors is one of them. There was no time to debate this multi-billion-dollar investment. After discussing the deal with Director Lightsey and lawyers, I supported this project that would be phenomenal for our State. Frankly, EVs are not going to take off the way they were expected to just a few years ago. We may be on our way to a different kind of transportation revolution, and EVs may only be a stepping stone to whatever that is. Technology moves fast.

But I am proud of legislation including over twenty-seven sponsored Bills being made into law. The Fentanyl Trafficking Bill was very important, but the Drug Induced Homicide Bill stalled in the House. I supported the repeal of certificate of need and bond reform limiting catch and release; that's something my constituents definitely wanted. All kinds of effective legislation came out of the Family and Veterans' Services Committee, of which I serve. Veterans no longer have to pay
taxes on their state income, and we passed the biggest tax cut ever in 2022.

I supported and sponsored two School Choice Bills, because I believe in choice. That's yet another reason why I ran twice because there were no choices on the ballot. Nobody was stepping up to run, but I did, and I provided, if nothing else, a choice for the voting public. It is important that all incumbents have some kind of opposition, because it makes better leaders and Legislators.

I'm thankful for so many, but I'm not naming them all, because the people closest to me know who you are. Staying true to myself and living an honest and full life have been worthy goals. I promise to persist in advocating for the issues that touch our lives. It just won't be in this arena, but I do look forward to seeing where it will be. I have absolutely loved this time in the Senate and thank those who voted for me. These four years have been such an honor.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GUSTAFSON were ordered printed in the Journal.

#### **Remarks by Senator SENN**

Senator SENN rose to make brief remarks regarding her service in the Senate.

# **Remarks by Senator SENN**

I just want you to know that was very moving and I know everybody is feeling a little melancholy, I guess. I don't know what is wrong with me. I feel liberated. I just do. I love y'all. I will miss y'all. I really will. It was a gut punch to have lost by thirty-one votes, but that is thirty more than the guy needed to beat me. So just like four other Senators who have stood up here today, they have gone ahead and said, "You know what we lost...we lost." There is going to be life after losing and I really only felt gut punched for a couple of days. All these people were calling me saying I need this, we need this, remember after your election you said you would help with this. And all of a sudden, I just went -- this is not my burden anymore. It is not my burden. It will be somebody's burden and it needs to be somebody's burden.

What I do hope is that we are going to have a lot more women who are going to run for office. We have a bunch that are running now in the general election. Again, like I said to you before, I don't want any of my colleagues to feel like I want you to lose just because I want more women to run. I do however feel like we need to have more of a balance and not

just women to men, but Republicans to Democrats. Because one thing I have learned is if one party is in such extreme control there is no room for negotiation and why would you? You can't make great law when there is nobody willing to negotiate.

Now I know most of you probably were not riveted sitting by your computers and your TVs when we accepted the award that we accepted. I would not have changed that for the world. But one of the things I did mention is that you have in today's environment the extreme left and the extreme right, and yet most people in this world fall somewhere in the middle, in the reasonable middle -- not in crazy chaos, election deniers. There is room for all of us to get together in the middle of all those things. So, in between chaos versus dignity, I believe I'm just going to take dignity every single time and sit back now and watch the rest of the rodeo from Abaco by the way. If anybody wants to come see me that's where I will be, in Abaco smiling and enjoying life.

I do want to thank a couple of people. First of all, Deana, my wonderful staff member. She is fantastic. All the staff members here are. My son is in the balcony and my husband, my sign warrior. Where would I have been without them? I do love them dearly.

Now, I want you to know that I don't regret a single vote that I ever took, and I would make the vote again. I would. But now the weight of the world is off my shoulders. Women, somebody else is going to have to stand up. Somebody else is going to have to come and make things right. Now I have no doubt but that we were able to hold off a total ban on abortion for a year. I am sure that there are going to be those that are going to be coming straight after -- not only a total ban on abortion, but they are going to want criminal penalties and they are going to want no exceptions. That is coming. That is not going to be my problem. It is going to be the problem, though, of others and so I do hope that we are going to find more people willing to come together in the middle -- not necessarily because they have to because you are going to have the numbers to be able to ram anything down our throats -- but because you know it is the right thing to do. And some of you who sit on the back row back there who didn't really like the way you voted sometimes, but you held your nose, and you did it anyway because it was the safe thing to do, you now no longer have us taking the bullets for you. So, if you really do feel the way I know that some of you do feel, you are going to have some tough decisions to make next year. You are going to have to figure out exactly how you're going to handle it with those of us on the front line not taking the bullets for you. We did have courage, but every single

one of us in this room has had courage. Anybody that has ever put their name on a ballot has courage.

Every single one of you are wonderful colleagues, I would ask you to consider this one thing. Where is that trophy? Y'all took it away. Alright, well it was a \$38,000 trophy. She belittled it. I think she said \$36,000. I think it was a \$38,000 trophy -- that time and accepting that award was wonderful. That is something that you know -- maybe y'all will get it, maybe you won't -- but I kind of doubt anyone else in this room is going to get that award and I think it's pretty special. For those of you who don't, I want you to think though that there are going to be a lot of women and children who do think it is special. They do think that award is special. So, for us to be told that there is not a place in the State House of honor for us to keep that trophy, is an insult. So, I do hope that at some point if it is not going to be those of you who are in office next year or maybe the following year or the year after -- that you will consider we five "Sister Senators." We will remain here in this Body forever because of the things that we did during our period of time here. That is something that whether you liked it or not -- you ought to consider it. Y'all don't like to remove statues. I mean, I don't. I think that history is history. It is what it is and maybe sure we were not John C. Calhoun or anything of that nature, but still we did something here in the South Carolina Senate. I do hope that at some point those of you who control whether a trophy, since we only have one, can be put somewhere in the State House. I hope that you will consider that in our favor. I love each and every one of you. Thank you so much.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SENN were ordered printed in the Journal.

# **CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill: S. 1360 Sen. Devine

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1369 -- Senator Hutto: A SENATE RESOLUTION TO CONGRATULATE THOMAS B. SCOTT III UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS TWENTY-NINE YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0758km-vc24.docx

The Senate Resolution was adopted.

S. 1370 -- Senators Young, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Tedder, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE SHERIFF MICHAEL E. HUNT, SR. UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0768km-vc24.docx

The Senate Resolution was adopted.

S. 1371 -- Senators Young, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Tedder, Turner, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MAYOR RICK OSBON FOR HIS SERVICE TO THE CITY OF AIKEN AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE IN AIKEN COUNTY.

The Senate Resolution was adopted.

S. 1372 -- Senator Devine: A CONCURRENT RESOLUTION TO CONGRATULATE THE BOOKER T. WASHINGTON HIGH SCHOOL FOUNDATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE COLUMBIA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0771km-vc24.docx

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

sr-0765km-vc24.docx

S. 1373 -- Senator Tedder: A SENATE RESOLUTION TO CONGRATULATE BEATRICE MYERS GIVENS ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0770km-vc24.docx

The Senate Resolution was adopted.

S. 1374 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE JUNE 16-22, 2024, AS WASTE AND RECYCLING WORKERS WEEK IN HONOR OF SOLID WASTE AND RECYCLING COLLECTORS' HARD WORK AND DEPENDABILITY THAT PROVIDE AN INVALUABLE SERVICE TO COMMUNITIES ACROSS SOUTH CAROLINA.

sr-0766km-vc24.docx

The Senate Resolution was adopted.

S. 1375 -- Senators Matthews, Campsen, Hutto, Stephens, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Talley, Tedder, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF KENNETH ARTHUR "K.C." CAMPBELL, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0767km-vc24.docx

The Senate Resolution was adopted.

S. 1376 -- Senator Martin: A SENATE RESOLUTION TO CONGRATULATE LIEUTENANT RUSSELL THOMPSON UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0763km-vc24.docx

The Senate Resolution was adopted.

S. 1377 -- Senator Williams: A SENATE RESOLUTION TO CONGRATULATE MAE FRANCES MASON STEVENSON ON THE OCCASION OF HER EIGHTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0764km-vc24.docx

The Senate Resolution was adopted.

S. 1378 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LEWISVILLE HIGH SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2024 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

lc-0635cm-gm24.docx

The Senate Resolution was adopted.

S. 1379 -- Senator Fanning: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MARY E. PRAILLEAU OF WINNSBORO, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

lc-0483vr-rm24.docx

The Senate Resolution was adopted.

S. 1380 -- Senator Matthews: A SENATE RESOLUTION TO CONGRATULATE MAJOR GENERAL DAVID WILSON FOR BECOMING THE FIRST AFRICAN AMERICAN GRADUATE FROM THE CITADEL TO BE PROMOTED TO THE RANK OF MAJOR GENERAL, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD. sr-0772km-vc24.docx

The Senate Resolution was adopted.

S. 1381 -- Senator Tedder: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF FRED BROUGHTON OF ORANGEBURG AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

lc-0356ha-rm24.docx

The Senate Resolution was adopted.

#### **Appointments Reported**

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

# **Statewide Appointments**

Initial Appointment, Advisory Panel for Massage/Bodywork Therapy, with the term to commence June 30, 2021, and to expire June 30, 2025 <u>Massage/Bodywork Therapist:</u> Janet Shaw, 802 Pinedale Road, West Columbia, SC 29170-2638

Received as information.

<u>Reappointment</u>, <u>Advisory Panel for Massage/Bodywork Therapy</u>, with the term to commence June 30, 2021, and to expire June 30, 2025

Massage/Bodywork Therapist:

Gloria Lee Smith, 201 Corley Woods Drive, Lexington, SC 29072-3845

Received as information.

<u>Reappointment, South Carolina Residential Builders Commission,</u> with the term to commence June 30, 2022, and to expire June 30, 2026

7th Congressional District:

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

Received as information.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2023, and to expire June 30, 2027 <u>3rd Congressional District:</u> Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

Received as information.

Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2023, and to expire June 30, 2027 At-Large, Physician:

Jon F. Lucas, 12 Paddock Run Lane, Simpsonville, SC 29681-5368

Received as information.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2022, and to expire June 30, 2026 3rd Congressional District: Andrew Osborne, 304 Greenville Church Road, Donalds, SC 29638-9306 VICE William J. D'Andrea Received as information. Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2022, and to expire June 30, 2026 Barber: Renee H. Patton, 5535 Highway 9, Suite C, Inman, SC 29349 Received as information. Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2022, and to expire June 30, 2026 Master Hair Care Specialist: Paul E. Robinson, Jr., 4441 Deerfield Dr., Orangeburg, SC 29118 Received as information. Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2023, and to expire March 20, 2027 Cosmetologist: LaQuita W. Horton, 1210 Cheraw Rd., Cassatt, SC 29032 Received as information. Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 31, 2024, and to expire March 31, 2028 Cosmetologist: Tiffiny Q. Jones, 400 Oak Ridge Place, Easley, SC 29642-9088 VICE

Patricia Walters

Received as information.

Initial Appointment, South Carolina State Board of Cosmetology,

with the term to commence March 20, 2022, and to expire March 20, 2026 <u>Cosmetologist:</u> Adrienne MacLeod, 3142 Cannon Road, Greer, SC 29651-5328 VICE Eddie L. Jones Received as information. <u>Initial Appointment, South Carolina State Board of Cosmetology,</u> with the term to commence March 20, 2023, and to expire March 20, <u>2027</u>

Esthetician:

Elizabeth Anne Postilis, Browning Studio, LLC, 1941 D Woodruff Road, Greenville, SC 29607-5938 VICE Marcia R. Delaney

Received as information.

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2023, and to expire November 27, 2028

Master Social Worker:

Alicia Nix, 312 Winding Way, Columbia, SC 29212-1347 VICE Catherine M. Buchanan

Received as information.

Initial Appointment, Advisory Panel for Massage/Bodywork Therapy, with the term to commence June 30, 2023, and to expire June 30, 2027

Massage/Bodywork Therapist:

Alicia Roberts, 202 Cedar Lane, Conway, SC 29527-6031 VICE Denise Van Nostran

Received as information.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2024, and to expire May 31, 2027

Licensed or Certified Appraiser:

Carlton Segars, Jr., 1713 Bradley Dr., Columbia, SC 29201 VICE Christopher Barczak

Received as information.

Initial Appointment, South Carolina State Board of Barber Examiners, with the term to commence March 30, 2023, and to expire March 30, 2027

Barber:

Tony Holloman, 1003 Watson Drive, Elgin, SC 29045-8915 VICE Christopher Javis

Received as information.

<u>Reappointment, South Carolina Residential Builders Commission,</u> with the term to commence June 30, 2023, and to expire June 30, 2027 5th Congressional District:

Christy B. Rhyne, 726 Poston Drive, Rock Hill, SC 29732-7838

Received as information.

<u>Reappointment, South Carolina State Board of Social Work</u> <u>Examiners, with the term to commence November 27, 2023, and to</u> expire November 27, 2027

General Public:

Dean S. Stephens, 102 Golf View Lane, Greenville, SC 29609-6911

Received as information.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.212, H. 4248 by a vote of 98 to 11:

(R212, H4248) -- Reps. Rose and Robbins: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-4-50, RELATING TO THE SALE OF BEER, ALE, PORTER, OR WINE TO UNDERAGED PERSONS, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE; AND BY AMENDING SECTION 61-6-4080, RELATING TO THE SALE OF ALCOHOLIC LIQUORS TO AN UNDERAGED PERSON, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

# HOUSE CONCURRENCE

S. 1372 -- Senator Devine: A CONCURRENT RESOLUTION TO CONGRATULATE THE BOOKER T. WASHINGTON HIGH SCHOOL FOUNDATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE COLUMBIA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence. Received as information.

#### HOUSE CONCURRENCE

S. 1356 -- Senator McElveen: A CONCURRENT RESOLUTION TO CONGRATULATE ELIZABETH DUBOSE "BETTY" BROGDON ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS, AND TO NAME OCTOBER 15, 2024, AS "BETTY BROGDON DAY" IN THE STATE OF SOUTH CAROLINA.

Returned with concurrence. Received as information.

# THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

May 21, 2024

The Honorable Thomas C. Alexander President of the Senate State House, Second Floor Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-200, S. 1166 which seeks to require prosecutors in South Carolina to dismiss all

pending charges for unlawful possession of a handgun pursuant to Section 16-23-20 of the South Carolina Code of Laws, as recently amended by the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, if those charges "were nullified" by that Act.

As a former United States Attorney and South Carolina Attorney General, I have great respect and admiration for prosecutors and recognize the important role that prosecutorial discretion plays in our criminal justice system. I am therefore wary of any attempt to limit that authority and discretion. Every case is unique, and the prosecutors in our State should be permitted to evaluate each case based on the law and the facts. Some charges might warrant dismissal; other charges may warrant continued prosecution. Unfortunately, S. 1166 would universally strip prosecutors of the ability to make such individualized determinations.

I am also skeptical of, and opposed to, S. 1166's mandatory, blanket dismissals of pending criminal charges for another reason: When the defendants who would benefit from these dismissals committed their alleged crimes, their alleged actions were, in fact, unlawful. To be sure, those actions might not be illegal today, but that distinction misses the critical point that such actions were illegal at the time they were committed. I have repeatedly noted by belief in the importance of upholding and adhering to the Rule of Law, which requires not only that everyone follow the law as written but also that the law apply equally to every person. If a person disobeys the law, consequences including potentially criminal prosecution-may follow, even if a person believes a law should be changed. If that law is ultimately changed, blanket dismissals are rarely the answer for previous violations of that law, and they are not the answer here.

For the foregoing reasons, I am respectfully vetoing R-200, S. 1166 and returning the same without my signature. Yours very truly, Henry McMaster

# VETO OVERRIDDEN

(R200, S1166) -- Senators Tedder, Stephens and Rice: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-1-65, RELATING TO THE EXPUNGEMENT OF CONVICTIONS FOR THE UNLAWFUL POSSESSION OF HANDGUNS THAT OCCURRED BEFORE THE ENACTMENT OF THE S.C. CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, SO AS TO PROVIDE THE STATE MUST DISMISS CERTAIN PENDING

# UNLAWFUL HANDGUN POSSESSION CHARGES THAT OCCURRED PRIOR TO THIS ACT, TO PROVIDE THE DISMISSAL OF THESE CHARGES DOES NOT MANDATE THE DISMISSAL OF OTHER RELATED CHARGES OR MAY SERVE AS A BASIS OR SUPPORT FOR CIVIL ACTIONS DUE TO THE ARREST.

The veto of the Governor was taken up for immediate consideration.

Senator TEDDER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 38; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--38

NAYS

#### Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

## **VETO OVERRIDDEN**

(R212, H4248) -- Reps. Rose and Robbins: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-4-50, RELATING TO THE SALE OF BEER, ALE, PORTER, OR WINE TO UNDERAGED PERSONS, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE; AND BY AMENDING SECTION 61-6-4080, RELATING TO THE SALE OF ALCOHOLIC LIQUORS TO AN UNDERAGED PERSON, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE.

The veto of the Governor was taken up for immediate consideration.

Senator HUTTO moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

# The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 33; Nays 5

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Malloy	Matthews	McElveen
McLeod	Peeler	Rankin
Sabb	Setzler	Shealy
Stephens	Talley	Tedder
Turner	Williams	Young

# Total--33

	NAYS	
Corbin	Massey	Reichenbach
Rice	Verdin	

Total--5

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

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

## **SECOND READING BILL**

H. 5014 -- Reps. Caskey, Ballentine, Calhoon, Forrest, Kilmartin, May, McCabe, Ott, Taylor, White and Wooten: A BILL TO EXTEND THE ONE PERCENT SALES TAX IMPOSED BY ACT 378 OF 2004, AS AMENDED, THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.

On motion of Senator SETZLER.

## H. 5014--Ordered to a Third Reading

On motion of Senator SETZLER, H. 5014 was ordered to receive a third reading on the next legislative day.

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

# S. 142--FREE CONFERENCE POWERS GRANTED FREE CONFERENCE COMMITTEE APPOINTED REPORT OF THE COMMITTEE OF FREE CONFERENCE ADOPTED

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE

TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

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

Senator HUTTO spoke on the report.

# S. 142--Free Conference Powers Granted Free Conference Committee Appointed

Senator HUTTO asked to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

. . . . . .

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

# Total--41

# NAYS

# Total--0

Free Conference Powers were granted.

Whereupon, Senators HUTTO, GUSTAFSON and ADAMS were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

# Total--42

#### NAYS

# Total--0

The Committee of Free Conference Report was adopted as follows:

## S. 142--Conference Report

The General Assembly, Columbia, S.C., June 03, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT **OFFENSES** COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE **RETROACTIVE.** 

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

That the same do pass with the following amendments:

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

SECTION 1. Section 16-3-2010(7) of the S.C. Code is amended to read:

(7) "Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person performing the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by any person:

(a) criminal sexual conduct pursuant to Section 16-3-651;

(b) criminal sexual conduct in the first degree pursuant to Section

16-3-652;

(c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;

(d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;

(e) criminal sexual conduct with a minor pursuant to Section 16-3-655;

(f) engaging a child for sexual performance pursuant to Section 16-3-810;

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

(h) sexual battery pursuant to Section 16-3-651;

(i) sexual conduct pursuant to Section 16-3-800; or

(j) sexual performance pursuant to Section 16-3-800;

(k) sexual exploitation of a minor pursuant to Section 16-15-395, 16-15-405, or 16-15-410; or

(1) promoting or participating in prostitution of a minor pursuant to Section 16-15-415 or 16-15-425.

SECTION 2. Sections 16-3-2020(F) and (G) of the S.C. Code are amended to read:

(F) In a prosecution or adjudication of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution or adjudication, if the offenses were committed as a direct result of, or incidental or related to, interrelated to trafficking. A victim of trafficking in persons convicted or adjudicated delinquent of a violation of this article, or prostitution, or any other nonviolent misdemeanor or Class F felony offenses may motion the court to vacate the conviction and expunge the record of the conviction or adjudication for a nonviolent misdemeanor or Class F felony offense committed as a direct result of, or interrelated to trafficking. The court may grant the motion on a finding by a preponderance of evidence that the person's participation in the offense was a direct result of being a victim. or interrelated to being a victim of trafficking. The court may consider any prior rulings made by a court on the petitioners use of the affirmative defense provided in this section. An alleged victim of trafficking who files a motion to expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent misdemeanor offense or Class F

felony means all offenses listed in Section 16-1-20(A)(6)(7)(8) and (9).

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted in court -pursuant or adjudicated delinquent for a violation of this article, or a prostitution offense, or for any other nonviolent misdemeanor or Class F felony offense if it is determined after investigation that the victim committed the offense as a direct result of, or interrelated toincidental or related to, trafficking. For purposes of this subsection, nonviolent misdemeanor offense or Class F felony means all offenses listed in Section 16-1-20(A)(6)(7)(8) and (9). A person under the age of eighteen who is a victim of trafficking in persons in violation of this title shall not be found in violation of or be the subject of a delinquency petition if it is determined after investigation that the victim's conduct was a direct result of, or incidental or related to, trafficking However, if the victim is still under the age of eighteen, the victim must be referred by law enforcement or the prosecuting agency to the Department of Social Services in accordance with Sections 63-7-20, 63-7-310, 63-7-630, 63-7-980 and 63-11-2400. The department must assess the referral and proceed according to the provisions in Title 63.

SECTION 3. Article 1, Chapter 25, Title 16 of the S.C. Code is amended by adding:

Section 16-25-130. (A) For the purposes of this section:

(1) "Address" means the residential street address, school address, or work address of an individual, as specified on the application for a program participant under this section.

(2) "Address confidentiality program" or "program" means the address confidentiality program established by this section.

(3) "Application assistant" means an employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, dating violence, human trafficking, sexual offenses, stalking, or harassment and who has been designated by the Attorney General to assist persons with applications to participate in the address confidentiality program.

(4) "Designated address" means the address assigned to a program participant by the Attorney General pursuant to this section.

(5) "Domestic violence" means any act that is described in Chapter 25, Title 16.

(6) "Human trafficking" has the same meaning as provided in Article 19, Chapter 3, Title 16.

(7) "Mailing address" means an address that is recognized for delivery by the United States Postal Service.

(8) "Program participant" means a person certified by the Attorney General to participate in the program.

(9) "Sexual offense" means any act that is described in Articles 7 and 8, Chapter 3, Title 16.

(10) "Stalking" has the same meaning as provided in Article 17, Chapter 3, Title 16.

(11) "Harassment" has the same meaning as provided in Article 17, Chapter 3, Title 16.

(B) The address confidentiality program is established to protect victims of domestic violence, human trafficking, stalking, harassment, or sexual offenses by authorizing the use of designated addresses for such victims. The program is administered by the Attorney General under the following application and certification procedures:

(1) Upon the recommendation of an application assistant, the following persons may apply to the Attorney General for assignation of a designated address:

(a) an individual;

(b) a parent, guardian, custodian, legal counsel, or other appropriate adult acting on behalf of a minor; or

(c) a guardian acting on behalf of an incapacitated person.

(2) The Attorney General may approve an application only if it is filed with the Office of the Attorney General in the manner established and on a form prescribed by the Attorney General. A completed application must contain:

(a) the application's preparation date, the applicant's signature, and the signature and victim service provider number of the application assistant who assisted the applicant in applying to be a program participant;

(b) a designation of the Attorney General as agent for the purposes of service of process and for receipt of first-class, certified or registered mail;

(c) the mailing address where the applicant may be contacted by the Attorney General or his designee and the telephone number or numbers at which the applicant may be called by the Attorney General or his designee; and

(d) one or more addresses or mailing addresses that the applicant requests be concealed, if disclosure may jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

(3) Upon receipt of a properly completed application, the Attorney General may certify the applicant as a program participant. A program

participant is certified for four years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The Attorney General shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification.

(4) The Attorney General shall forward first-class, certified or registered mail to the appropriate program participants.

(5)(a) An applicant may not file an application knowing that it:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, the minor, or incapacitated person on whose behalf the application is made.

(b) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, the minor, or incapacitated person on whose behalf the application is made.

(C) Certification for the program may be canceled if one or more of the following conditions apply:

(1) a program participant obtains a name change, unless the program participant provides the Attorney General with documentation of a legal name change within thirty business days of the name change;

(2) there is a change in a program participant's residential street address from the address listed on the application, unless the program participant provides the Attorney General with notice of the change in such manner as the Attorney General provides; or

(3) the applicant or program participant files an application knowing that it:

(a) contains false or incorrect information; or

(b) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, the minor, or incapacitated person on whose behalf the application is made.

(D) Notwithstanding the provisions of subsection (E), state and local government agencies and the courts shall accept and use only the designated address as the program participant's address upon demonstration of a program participant's certification in the program.

(E) As the Attorney General determines appropriate, he may make a program participant's address or mailing address available for use by granting an exemption to:

(1) a law enforcement agency, a commissioner or other chief administrator of a state or local government agency, or the commissioner's or administrator's designee, if:

(a) the agency has a bona fide statutory, administrative, or law enforcement need for the program participant's address or mailing address such that the agency is unable to fulfill its statutory duties and obligations without the address or mailing address; and

(b) the program participant's address or mailing address will be used only for those statutory, administrative, or law enforcement purposes and otherwise will be kept under seal and excluded from public inspection; or

(2) a person identified in a court order, if the Attorney General receives a court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure.

(F) A program participant's application and supporting materials, and the program's state email account, are not public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the Attorney General.

(G) The Attorney General, his employees, application assistance agencies designated under this section, and the employees or volunteers of such agencies shall not be liable for any injury, loss, or damage resulting from any act or omission under this section, except if the injury, loss, or damage is caused by an act or omission pursuant to this section that is criminal, grossly negligent, intentional, or wilful. The State asserts this immunity under Section 15-78-20.

(H) This section does not create, and shall not be construed to create, a new cause of action or substantive legal right against the State or an officer or employee thereof.

(I) A participant in the address confidentiality program may not be mailed an absentee ballot unless the participant has requested an absentee ballot pursuant to Section 7-15-330. The participant's absentee ballot must be the same ballot used in the precinct assigned to the participant's residential street address. The request for an absentee ballot submitted by the participant is not a public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the county board of voter registration and elections to which the request was made.

SECTION 4.A. Section 16-3-910 of the S.C. Code is amended to read: Section 16-3-910. Whoever shall<u>A person who</u> unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years unless sentenced for murder as provided in Section 16-3-20.

B. Nothing contained in this SECTION may be construed to repeal, replace, or preclude application of any other criminal statute.

SECTION 5. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-340. (A) As used in this section, "child" means a person under sixteen years of age.

(B) A person eighteen years of age or older who, with the intent to harm a child or for any other unlawful purpose, lures, entices, or attempts to lure or entice a child, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(C) Mistake of age is not a defense to prosecution pursuant to the provisions of this section. However, it is an affirmative defense to prosecution pursuant to the provisions of this section if the:

(1) person lured, enticed, or attempted to lure or entice, the child for a lawful purpose; or

(2) person's actions were otherwise reasonable under the circumstances, and the person did not have the intent to harm the child.

(D) The penalties provided in this section are in addition to other penalties as provided by law for kidnapping or any other offense, as warranted. The offense of luring a child is not intended to be a lesser included offense of kidnapping or any other offense.

SECTION 6. The rights delineated under SECTION 2 of this act shall apply retroactively.

SECTION 7. 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 8. This act takes effect upon approval by the Governor. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY SECTION 16-3-2010, RELATING AMENDING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A AND PROMOTING OR PARTICIPATING MINOR IN PROSTITUTION OF A MINOR; BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO OFFENSES COMMITTED AS A DIRECT RESULT OR INTERRELATED TO TRAFFICKING, TO PROVIDE THAT A TRAFFICKING VICTIM MAY HAVE CERTAIN OFFENSES EXPUNGED IF THE OFFENSES WERE A DIRECT RESULT OR INTERRELATED TO BEING A VICTIM OF TRAFFICKING, AND TO PROVIDE SIMILAR PROVISIONS FOR MINOR TRAFFICKING VICTIMS AND TO REQUIRE THE MINOR TO BE REFERRED TO THE DEPARTMENT OF SOCIAL SERVICE; BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE **ADDRESS** CONFIDENTIALITY PROGRAM WITHIN THE ATTORNEY GENERAL'S OFFICE TO PROTECT THE VICTIMS OF DOMESTIC VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, AND OTHER SEXUAL OFFENSES; BY AMENDING SECTION 16-3-910, RELATING TO KIDNAPPING, SO AS TO ALLOW SENTENCING FOR THE CRIME OF KIDNAPPING AND OTHER CRIMES: BY ADDING SECTION 16-15-340 SO AS TO CREATE THE OFFENSE OF LURING AND PROVIDE A PENALTY AND DEFENSES TO PROSECUTION; AND TO PROVIDE THAT CERTAIN PROVISIONS IN THIS ACT ARE RETROACTIVE.

/s/Sen. Hutto	/s/Rep. Bernstein
/s/Sen. Gustafson	/s/Rep. Guest
/s/Sen. Adams	/s/Rep. Connell
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT А MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE. Very respectfully,

Speaker of the House

Received as information.

### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING. TO PROVIDE THAT А MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE **RETROACTIVE.** Very respectfully,

Speaker of the House

Received as information.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO

INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO OFFENSES COMMITTED AS A DIRECT RESULT OR INTERRELATED TO TRAFFICKING, TO PROVIDE THAT A TRAFFICKING VICTIM MAY HAVE CERTAIN OFFENSES EXPUNGED IF THE OFFENSES WERE A DIRECT RESULT OR INTERRELATED TO BEING A VICTIM OF TRAFFICKING, AND TO PROVIDE SIMILAR PROVISIONS FOR MINOR TRAFFICKING VICTIMS AND TO REOUIRE THE MINOR TO BE REFERRED TO THE DEPARTMENT OF SOCIAL SERVICES: BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WITHIN THE ATTORNEY GENERAL'S OFFICE TO PROTECT THE VICTIMS OF DOMESTIC VIOLENCE. HUMAN TRAFFICKING, STALKING. AND OTHER SEXUAL OFFENSES; HARASSMENT, BY AMENDING SECTION 16-3-910, RELATING TO KIDNAPPING, SO AS TO ALLOW SENTENCING FOR THE KIDNAPPING OFFENSES WHEN ALSO SENTENCED FOR MURDER; BY ADDING SECTION 16-15-340 SO AS TO CREATE THE OFFENSE OF LURING A CHILD AND PROVIDE A PENALTY AND DEFENSES TO PROSECUTION; AND TO PROVIDE THAT CERTAIN PROVISIONS IN THIS ACT ARE RETROACTIVE.

Very respectfully,

Speaker of the House

Received as information.

# S. 314--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-47-40, RELATING TO INFORMATION PROVIDED TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO DELETE THE REQUIREMENT THAT THE COMMISSION ON HIGHER EDUCATION FROM FORWARDING AND COMMENTING ON THE SUBMISSION OF INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 2 47 50, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF PERMANENT

**IMPROVEMENT PROJECT; BY ADDING SECTION 2-47-52 SO AS** TO EXEMPT CERTAIN PROJECTS FROM BEING CONSIDERED A PERMANENT IMPROVEMENT PROJECT; BY AMENDING SECTION 2-47-55, RELATING TO THE COMPREHENSIVE PERMANENT IMPROVEMENT PLAN, SO AS TO DELETE A REPORTING PROVISION; BY AMENDING SECTION 2-47-56, RELATING TO GIFTS IN KIND FOR ARCHITECTURAL AND ENGINEERING SERVICES, SO AS TO DEFINE "SOURCE OF FUNDS"; BY AMENDING SECTION 59-119-940 AND ACT 518 OF 1980, BOTH RELATING TO BORROWING LIMITATIONS AT CERTAIN INSTITUTIONS, SO AS TO INCREASE THE LIMIT; BY 1-11-55, AMENDING SECTION RELATING TO LEASE AGREEMENTS, SO AS TO INCREASE THE LIMIT OF LEASE AGREEMENTS FOR CERTAIN INSTITUTIONS; AND BY 59-103-110 RELATING REPEALING SECTION TO THE APPROVAL OF NEW CONSTRUCTION AT CERTAIN INSTITUTIONS.

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

Senator TALLEY spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach

# AYES

Rice Setzler Talley Verdin Sabb Shealy Tedder Williams Senn Stephens Turner Young

Total--42

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

# S. 314--Conference Report

The General Assembly, Columbia, S.C., June 25, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: S. 314 -- Senator Talley: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE **STATE FISCAL** ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF Α CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND

ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 2-47-40 of the S.C. Code is amended to read:

Section 2-47-40. (A) To assist the authority and the Joint Bond Review Committee in carrying out their respective responsibilities, any agency or institution requesting or receiving funds from any source for use in the financing of any permanent improvement project, as a minimum, shall provide to the authority, in such form and at such times as the authority, after review by the committee, may prescribe:

(1) a complete description of the proposed project;

(2) a statement of justification for the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project;

(7) a proposed plan of <u>funding for</u> <del>financing</del> the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(B) <u>All institutions of higher learning shall submit permanent</u> improvement project proposal and justification statements to the authority, through the Commission on Higher Education, which shall forward all such statements and all supporting documentation received to the authority together with its comments and recommendations. The recommendations of the Commission on Higher Education, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the Commission on Higher Education without regard to the sources of funds proposed for the financing of the projects requested.

The authority shall forward a copy of each project proposal and justification statement and supporting documentation received together

with the authority's recommendations on such projects to the committee for its review and action. The recommendations of the Commission on Higher Education shall be included in the materials forwarded to the committee by the authority.

(C) No provision in this section or elsewhere in this chapter, shall be construed to limit in any manner the prerogatives of the committee and the General Assembly with regard to recommending or authorizing permanent improvement projects and the funding such projects may require.

SECTION 2. Section 2-47-50 of the S.C. Code is amended to read:

Section 2-47-50. (A) The authority shall establish formally each permanent improvement project before actions of any <u>sort which</u> implement the project <u>in any way may be undertaken and no expenditure</u> of any funds for any services or for any other project purpose contracted for, delivered, or otherwise provided prior to the date of the formal action of the authority to establish the project shall be approved. State agencies and institutions may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. After the committee has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering such requests as proposed by the authority, requests to establish permanent improvement projects shall be made in such form and at such times as the <del>authority</del> may require.

(B) Any proposal to finance all or any part of any project using any funds not previously authorized specifically for the project by the General Assembly or using any funds not previously approved for the project by the authority and reviewed by the committee shall be referred to the committee for review prior to approval by the authority.

(C) Any proposed revision of the scope or of the budget of an established permanent improvement project deemed by the authority to be substantial shall be referred to the committee for its review prior to any final action by the authority. In making their determinations regarding changes in project scope, the authority, and the committee shall utilize the permanent improvement project proposal and justification statements, together with any supporting documentation, considered at the time the project was authorized or established originally. Any proposal to increase the budget of a previously approved project using any funds not previously approved for the project by the authority and reviewed by the committee shall in all cases be deemed to be a substantial revision of a project budget which shall be referred to

the committee for review. The committee shall be advised promptly of all actions taken by the authority which approve revisions in the scope of or the budget of any previously established permanent improvement project not deemed substantial by the authority.

(D) For purposes of this chapter, <u>a with regard to all institutions of higher learning</u>, permanent improvement <u>or a permanent improvement</u> project is <u>any improvement meeting the definition of a capital improvement under generally accepted accounting principles including</u>, without limitation<del>defined as</del>:

(1) acquisition of land, regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;

(2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;

(3) work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;

(4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;

(5) capital lease purchase of <u>any</u> facility acquisition or construction in which the total cost is one million dollars or more;

(4) new construction;

(5) work on existing facilities including their renovation, repair, maintenance, alteration, or demolition;

(6) architectural and engineering and other types of planning and design work that is intended to result in a permanent improvement project; excluding, however, master plans and feasibility studies;

<u>(7)(6)</u> equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and

(8)(7) any project new construction of a facility that exceeds a total cost of five hundred thousand dollars.

(E) Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or by

the General Assembly including, without limitation, any project funded by appropriated capital improvement bond funds, capital reserve funds, or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.

(E) Any capital improvement that meets the above definition must be established as a permanent improvement project in accordance with the provisions of this chapter, regardless of the source of funds.

(F) For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson-PSA) and South Carolina State University Public Service Activities (SC State-PSA) are subject to the provisions of this chapter.

SECTION 3. Chapter 47, Title 2 of the S.C. Code is amended by adding:

Section 2-47-52. (A) For purposes of this chapter, except as provided in subsection (B), permanent improvement projects are subject to review by the committee and approval by the authority where the costs of the permanent improvements exceed two hundred fifty thousand dollars; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1), (2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost.

(B) For purposes of this chapter, permanent improvement projects proposed by public institutions of higher learning as defined in Section 59-103-5, including their related public service activities, are exempt from the requirements of Section 2-47-50 where the costs of the permanent improvements do not exceed ten million dollars for research universities as identified in Section 11-51-30(5) or two million five hundred thousand dollars for all other public institutions of higher learning so long as the institution's governing board votes to approve the project in a public session; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1), (2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost. Institutions shall provide a report of projects approved by their governing boards pursuant to this subsection, and work on existing facilities including their renovation, repair, maintenance, alteration, or demolition, to the Joint Bond Review Committee and the State Fiscal Accountability Authority of the previous fiscal year's approved projects that meet the same criteria of this subsection by November fifteenth of each year.

(C) State agencies and institutions may advertise, interview, and engage the services of professional firms for architectural, engineering, planning, and design work as set forth in Section 2-47-50(D)(6) to inform the project estimate prior to the review of the committee; provided, however, that the costs of such engagements do not exceed ten million dollars for research universities as identified in Section 11-51-30(5), two million five hundred thousand dollars for all other public institutions of higher learning, or two hundred fifty thousand dollars for all other agencies subject to the provisions of this chapter.

(D) Notwithstanding any other provision of this section, the committee may establish reporting and other requirements.

(E) Where the funding for a proposed permanent improvement project includes proceeds from the issuance of bonds or other indebtedness, including any obligation for an agency or institution to make payments pursuant to a lease or other agreement securing indebtedness in connection with or on behalf of the permanent improvement project, approval of the permanent improvement project is the responsibility of the Department of Administration, and approval of the issuance of bonds, where required pursuant to the applicable bond enabling act, or other indebtedness in accordance with the provisions of this subsection, is the responsibility of the State Fiscal Accountability Authority. SECTION 4. Section 2-47-55 and Section 2-47-56 are amended to read:

Section 2-47-55. (A) All state agencies and institutions of higher learning responsible for providing and maintaining physical facilities are required to submit-maintain a Comprehensive Permanent Improvement Plan (CPIP). The CPIP must include all of the agency's or institution's permanent improvement projects anticipated and proposed over the next five succeeding years beginning with the fiscal year starting July first after submission. The purpose of the CPIP process is to provide the authority and the committee with an outline of each agency's permanent improvement activities for the next five years. Agencies and institutions of higher learning must submit a CPIP to the Department of Administration by September first of each year. The department must compile the plans and submit a comprehensive statewide permanent improvement plan to the committee and the authority on or before a date to be determined by the committee and the authority. The CPIP for each higher education agency, including the technical colleges, must be submitted through the Commission on Higher Education which must review the CPIP and provide its recommendations to the authority and the committee by January first of each year. The authority and the committee must approve the CPIP comprehensive statewide permanent

<u>improvement plan</u> after submission and may develop policies and procedures to implement and accomplish the purposes of this section.

(B) The State shall define a permanent improvement only in terms of capital improvements, as defined by generally accepted accounting principles, for reporting purposes to the State.

Section 2-47-56. Each state agency and institution may accept giftsin-kind for architectural and engineering services and construction of a value less than two hundred fifty thousand dollars with the approval of the Commission of Higher Education or its designated staff, the director of the department, and the Joint Bond Review Committee or its designated staff. No other approvals or procedural requirements, including the provisions of Section 11-35-10, may be imposed on the acceptance of such gifts. For purposes of this chapter, the term "source of funds" includes, without limitation, gifts, gifts-in-kind, and donations; and when used as a financial resource to defray any cost of a permanent improvement project, the amount of the source of funds from such gifts, gifts-in-kind, and donations is the value of the gift, gift-in-kind, or donation. Each state agency and institution may accept gifts-in-kind for architectural and engineering services and construction following review by the committee or its designated staff in accordance with the provisions of Section 2-47-52. Such gifts are exempt from the provisions of Section 11-35-10.

SECTION 5.A. Section 59-119-940 of the S.C. Code is amended to read:

Section 59-119-940. Upon receiving the approval of the State Fiscal Accountability Authority or the Department of Administration, as appropriate, and upon review by the Joint Bond Review Committee, the trustees may from time to time borrow such sums as necessary to accomplish the purpose of this article and to evidence such borrowings by bonds issued pursuant to this article in the aggregate principal amount as they determine, except that other provisions of this article to the contrary notwithstanding, there must not be outstanding at any time bonds issued pursuant to this article in the aggregate principal amount as they determine, except that other provisions of this article to the contrary notwithstanding, there must not be outstanding at any time bonds issued pursuant to the provisions of this article to the contrary notwithstanding, there must not be outstanding at any time bonds issued pursuant to the outstanding at any time bonds issued pursuant to the outstanding at any time bonds issued pursuant to the outstanding at any time bonds issued pursuant to the outstanding at any time bonds issued pursuant to this article in excess of two-five hundred million dollars.

B.SECTION 9D. of Act 518 of 1980, as last amended by Act 17 of 2007, is further amended to read:

D. May Issue Bonds.

Subject to obtaining the approval of the state board expressed by resolution duly adopted, the trustees are authorized to issue from time to
time not exceeding two-five hundred million dollars of bonds for the purpose of acquiring, constructing, reconstructing, renovating, or equipping athletic facilities and for the purpose of refunding any previous series of bonds authorized by this section. If the trustees, in authorizing the issuance of bonds pursuant to this section, prescribe by resolution that there must be on deposit in the Bond Reserve Fund certain sums at the time of the delivery of the bonds, the trustees are empowered to utilize a portion of the proceeds of any series of bonds issued pursuant to this section in order to meet the requirement.

SECTION 6. Section 1-11-55(2) of the S.C. Code is amended to read:

(2) The Division of General Services of the Department of Administration is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section. However, a technical college, with the approval by the State Board for Technical and Comprehensive Education, and a public institution of higher learning, may enter into any lease agreement or renew any lease agreement up to one-two hundred thousand dollars annually for each property or facility. SECTION 7. Section 59-103-110 of the S.C. Code is repealed.

SECTION 8. 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 9. This act takes effect upon approval by the Governor. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-47-40, RELATING TO INFORMATION PROVIDED TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO DELETE THE REQUIREMENT THAT THE COMMISSION ON HIGHER EDUCATION FROM FORWARDING AND COMMENTING ON THE SUBMISSION OF INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 2-47-50, RELATING

TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 2-47-52 SO AS TO EXEMPT CERTAIN PROJECTS FROM BEING CONSIDERED A PERMANENT IMPROVEMENT PROJECT; BY AMENDING SECTION 2-47-55, COMPREHENSIVE RELATING TO THE PERMANENT IMPROVEMENT PLAN, SO AS TO DELETE A REPORTING PROVISION; BY AMENDING SECTION 2-47-56, RELATING TO GIFTS IN KIND FOR ARCHITECTURAL AND ENGINEERING SERVICES, SO AS TO DEFINE "SOURCE OF FUNDS"; BY AMENDING SECTION 59-119-940 AND ACT 518 OF 1980, BOTH RELATING TO BORROWING LIMITATIONS AT CERTAIN INSTITUTIONS, SO AS TO INCREASE THE LIMIT: BY **SECTION** AMENDING 1-11-55. RELATING TO LEASE AGREEMENTS, SO AS TO INCREASE THE LIMIT OF LEASE AGREEMENTS FOR CERTAIN INSTITUTIONS; AND BY SECTION 59-103-110 REPEALING RELATING TO THE APPROVAL OF NEW CONSTRUCTION AT CERTAIN INSTITUTIONS. /s/Sen. Peeler /s/Rep. Ballentine /s/Sen. Talley /s/Rep. Cobb-Hunter

/s/Sen. Talley/s/Rep. Cood-Hunter/s/Sen. Setzler/s/Rep. TaylorOn part of the Senate.On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-47-40, RELATING TO INFORMATION PROVIDED TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO DELETE THE REQUIREMENT THAT THE COMMISSION ON HIGHER EDUCATION FROM FORWARDING AND COMMENTING ON THE SUBMISSION OF INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 2 47 50, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF PERMANENT

**IMPROVEMENT PROJECT; BY ADDING SECTION 2-47-52 SO AS** TO EXEMPT CERTAIN PROJECTS FROM BEING CONSIDERED A PERMANENT IMPROVEMENT PROJECT; BY AMENDING SECTION 2-47-55, RELATING TO THE COMPREHENSIVE PERMANENT IMPROVEMENT PLAN, SO AS TO DELETE A REPORTING PROVISION: BY AMENDING SECTION 2-47-56, RELATING TO GIFTS IN KIND FOR ARCHITECTURAL AND ENGINEERING SERVICES, SO AS TO DEFINE "SOURCE OF FUNDS"; BY AMENDING SECTION 59-119-940 AND ACT 518 OF 1980, BOTH RELATING TO BORROWING LIMITATIONS AT CERTAIN INSTITUTIONS, SO AS TO INCREASE THE LIMIT; BY 1-11-55, AMENDING SECTION RELATING TO LEASE AGREEMENTS, SO AS TO INCREASE THE LIMIT OF LEASE AGREEMENTS FOR CERTAIN INSTITUTIONS: AND BY REPEALING SECTION 59-103-110 RELATING TO THE APPROVAL OF NEW CONSTRUCTION CERTAIN AT INSTITUTIONS. Very respectfully, Speaker of the House

Received as information.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-47-40, RELATING TO INFORMATION PROVIDED TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO DELETE THE REQUIREMENT THAT THE COMMISSION ON HIGHER EDUCATION FROM FORWARDING AND COMMENTING ON THE SUBMISSION OF INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 2 47 50, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 2-47-52 SO AS TO EXEMPT CERTAIN PROJECTS FROM BEING CONSIDERED A

PERMANENT IMPROVEMENT PROJECT; BY AMENDING SECTION 2-47-55, RELATING TO THE COMPREHENSIVE PERMANENT IMPROVEMENT PLAN, SO AS TO DELETE A **REPORTING PROVISION: BY AMENDING SECTION 2-47-56**, RELATING TO GIFTS IN KIND FOR ARCHITECTURAL AND ENGINEERING SERVICES. SO AS TO DEFINE "SOURCE OF FUNDS"; BY AMENDING SECTION 59-119-940 AND ACT 518 OF 1980, BOTH RELATING TO BORROWING LIMITATIONS AT CERTAIN INSTITUTIONS, SO AS TO INCREASE THE LIMIT; BY SECTION 1-11-55, RELATING AMENDING TO LEASE AGREEMENTS, SO AS TO INCREASE THE LIMIT OF LEASE AGREEMENTS FOR CERTAIN INSTITUTIONS; AND BY REPEALING SECTION 59-103-110 RELATING TO THE NEW CONSTRUCTION CERTAIN APPROVAL OF AT INSTITUTIONS. Very respectfully,

Speaker of the House

Received as information.

## S. 577--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 577 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE.

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

Senator SETZLER spoke on the report.

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

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

### Total--42

## NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

#### S. 577--Conference Report

The General Assembly, Columbia, S.C., June 25, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: S. 577 -- Senator Alexander: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 12-8-530(A) of the S.C. Code is amended to read: (A) A person distributing prizes or winnings to a resident or nonresident of five hundred dollars or more shall withhold seven percent <u>a percentage equal to the maximum individual tax rate</u> of each distribution made to an individual, partnership, trust, or estate and five percent of each distribution made to a corporation or other entity.

SECTION 2. Section 12-8-540(A) of the S.C. Code is amended to read: (A) A person making rent or royalty payments to a nonresident of twelve hundred dollars in any calendar year or more annually for the use or privilege of using property in this State shall withhold seven percent <u>a percentage equal to the maximum individual tax rate</u> of each payment to a nonresident individual, partnership, trust, or estate and five percent of each payment to a nonresident corporation or any other nonresident entity.

SECTION 3. Section 12-8-570(A) of the S.C. Code is amended to read: (A) A trust or estate making a distribution of South Carolina taxable

income to a nonresident beneficiary must withhold seven percent <u>a</u> <u>percentage equal to the maximum individual tax rate</u> of the beneficiary's distribution which is attributable to South Carolina taxable income. The amounts withheld must be remitted to the department at the time estimated tax payments are due.

SECTION 4. Section 12-8-580(A) of the S.C. Code is amended to read: (A)(1) A person who purchases real property, or real property and associated tangible personal property, from a nonresident seller shall withhold:

(a) seven percent a percentage equal to the maximum individual tax rate of the gain recognized on the sale by a nonresident individual, partnership, trust, or estate and five percent for a nonresident corporation or other nonresident entity if the seller provides the buyer with an affidavit, described in subsection (E), stating the amount of gain;

(b) seven percent a percentage equal to the maximum individual  $\underline{tax rate}$  of the amount realized on the sale for a nonresident individual, partnership, trust, or estate and five percent by a nonresident corporation or any other nonresident entity if the seller does not provide the buyer with an affidavit described in subsection (E); or

(c) the entire net proceeds payable to the nonresident seller, if the amount required to be withheld in subitem (1) or (2) exceeds the net proceeds payable to the seller.

(2) If a seller finances all or part of the transaction, in lieu of

remitting the tax due on each installment payment, the seller may give the buyer an affidavit stating that, for state income tax purposes, he will elect out of installment sales treatment, as defined by Section 453 of the Internal Revenue Code, and remit the entire amount of tax to be due over the period of the installment agreement.

SECTION 5. Section 12-8-595(A) of the S.C. Code is amended to read:

(A) A withholding agent, as defined in Section 12-8-10, shall withhold state income tax at the <u>same</u> rate of <u>seven percent</u> as the <u>maximum</u> <u>individual income tax rate</u> of the amount of compensation paid to an individual, which compensation is reported on Form 1099 and with respect to which the individual has:

(1) failed to provide a taxpayer identification number or social security number;

(2) failed to provide a correct taxpayer identification number or social security number; or

(3) provided an Internal Revenue Service issued taxpayer identification number issued for nonresident aliens.

SECTION 6. Section 12-2-140(A) and (B) of the S.C. Code is amended to read:

(A) Each state agency and each political subdivision of the State, is authorized, as necessary to comply with Internal Revenue Service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division and the Federal Bureau of Investigation on all <u>applicants, prospective employees, employees, subcontractors, and contractors with access to federal tax information. The State Law Enforcement Division is authorized to conduct fingerprint-based state and national background checks for state agencies, state institutions, and political subdivisions of the State which have access to federal tax information in order to comply with Publication 1075.</u>

(B) An <u>applicant, prospective employee, employee, subcontractor</u>, or contractor of a state agency or a political subdivision of the State with access to or that uses federal tax information must:

(1) agree to a national background check and the release of all investigative records to the applicable state agency or political subdivision for the purpose of verifying criminal history information for noncriminal justice purposes; and

(2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the State Law Enforcement Division, and then submit to a national criminal history

background check to be conducted by the Federal Bureau of Investigation.

SECTION 7. This act takes effect upon approval by the Governor.. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE; AND BY AMENDING SECTION 12-2-140, RELATING TO ACCESS TO FEDERAL TAX INFORMATION, SO AS TO REQUIRE CERTAIN INDIVIDUALS WITH SUCH ACCESS TO HAVE RECEIVED A BACKGROUND CHECK.

/s/Sen. Peeler	/s/Rep. Whitmire	
/s/Sen. Alexander	/s/Rep. Hayes	
/s/Sen. Setzler	/s/Rep. Willis	
On part of the Senate.	On part of the House.	
, and a message was sent to the House accordingly.		

## Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 577 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE; AND BY AMENDING SECTION 12-2-140, RELATING TO ACCESS TO FEDERAL TAX INFORMATION, SO AS TO REQUIRE CERTAIN INDIVIDUALS WITH SUCH ACCESS TO HAVE RECEIVED A BACKGROUND CHECK.

Very respectfully,

Speaker of the House

Received as information.

## S. 577--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

S. 577 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE.

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

A message was sent to the House accordingly.

## S. 862--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 862 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRE-SERVICE TRAINING REQUIREMENTS.

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

Senator SHEALY spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell

Malloy Matthews Peeler Sabb Shealy Tedder Williams Martin McElveen Reichenbach Senn Stephens Turner Young Massey McLeod Rice Setzler Talley Verdin

### Total--41

NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

### S. 862--Conference Report

The General Assembly, Columbia, S.C., June 06, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

S 862 -- Senators Shealy and Gustafson: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRE-SERVICE TRAINING REQUIREMENTS.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 63-13-30 of the S.C. Code is amended to read:

Section 63-13-30. (A) A caregiver who begins employment in a licensed or approved childcare center in South Carolina after June 30, 1994, must have at least a high school diploma-or General Educational Development (GED), a high school equivalency credential recognized by the State Board of Education, Certificate of Completion, or a South Carolina High School Employability Credential and at least six months' experience as a caregiver in a licensed or approved childcare facility. If a caregiver does not meet the experience requirements, the caregiver must be directly supervised for six months by a staff person with at least one year experience as a caregiver in a licensed or approved childcare

facility. Within-six months thirty days of being employed, a caregiver must have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a caregiver who has at least one year of experience as a caregiver in a licensed or approved childcare facility\_complete fifteen hours of health and safety service provider training. The caregiver shall be directly supervised for a period of at least thirty days by a staff person with at least one year of experience as a caregiver in a licensed or approved childcare facility and until such time as the caregiver has completed the required health and safety service provider training, provided the caregiver is also in compliance with Section 63-13-40 relating to required background checks.

(B) A caregiver who has two years' a high school diploma, a high school equivalency credential recognized by the State Board of Education, Certificate of Completion, or a South Carolina High School Employability Credential and at least six months' experience as a caregiver in a licensed or approved facility and is employed as of July 1, 1994, in a licensed or approved childcare center in South Carolina is exempt from the high school diploma and General Educational Development (GED) requirements of subsection (A).

SECTION 2. Section 63-13-20(22), (23), and (26) of the S.C. Code is amended to read:

(22) "Regular approval" means a written notice issued by the department for a two-year three-year period to a department, agency, or institution of the State, or a county, city, or other political subdivision, approving the operation of a public childcare center or group childcare home in accordance with the provisions of the notice, this chapter, and the regulations of the department. The department shall begin issuing the written notices for regular approval beginning with the Calendar Year 2025.

(23) "Regular license" means a license issued by the department for two\_three years to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed showing that the licensee is in compliance with the provisions of this chapter and the regulations of the department at the time of issuance and authorizing the licensee to operate in accordance with the license, this chapter, and the regulations of the department. The department shall begin issuing the written notices for regular approval beginning with the Calendar Year 2025.

(26) "Renewal" means in regard to childcare centers and group childcare homes, to grant an extension of a regular license or regular

approval for another<u>two year</u> three-year period provided an investigation of such facilities verifies that they are in compliance with the applicable regulations, in regard to family childcare homes, to place the name of the operator on the registration list for another year provided procedures indicated in this chapter have been completed. The department shall begin issuing the written notices for regular approval beginning with the Calendar Year 2025.

SECTION 3. This act takes effect five business days after approval by the Governor.

Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRESERVICE TRAINING REQUIREMENTS; AND BY AMENDING SECTION 63-13-20, RELATING TO CHILDCARE FACILITY DEFINITIONAL TERMS, SO AS TO CHANGE CERTAIN DEFINITIONS.

/s/Sen. Shealy	/s/Rep. Erickson	
/s/Sen. Young	/s/Rep. Hartnett	
/s/Sen. McElveen	/s/Rep. J.L. Johnson	
On part of the Senate.	On part of the House.	
, and a message was sent to the House accordingly.		

## Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 862 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRE-SERVICE TRAINING REQUIREMENTS.

Very respectfully,

Speaker of the House

Received as information.

#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 862 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRESERVICE TRAINING REQUIREMENTS; AND BY AMENDING SECTION 63-13-20, RELATING TO CHILDCARE FACILITY DEFINITIONAL TERMS, SO AS TO CHANGE CERTAIN DEFINITIONS.

Very respectfully,

Speaker of the House

Received as information.

### S. 969--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 969 -- Senators Alexander, Peeler, Setzler, K. Johnson, Young, Malloy, Senn, Stephens, McLeod and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO INCREASE THE SUBSISTENCE DEDUCTION AMOUNT FOR CERTAIN PAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS, AND TO INCREASE THE VOLUNTEER EXEMPTION AMOUNT FOR CERTAIN UNPAID PUBLIC SERVANTS SUCH AS LAW **ENFORCEMENT** AND FIREFIGHTERS.

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

Senator DAVIS spoke on the report.

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

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

## NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

#### S. 969--Conference Report

## The General Assembly, Columbia, S.C., June 24, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: S. 969 -- Senators Alexander, Peeler, Setzler, K. Johnson, Young, Malloy, Senn, Stephens, McLeod and Gustafson: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO INCREASE THE SUBSISTENCE DEDUCTION AMOUNT FOR CERTAIN PAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS, AND TO INCREASE THE VOLUNTEER EXEMPTION AMOUNT FOR CERTAIN UNPAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 12-6-1140(6) of the S.C. Code is amended to read:

(6) a subsistence allowance of <u>eight sixteen</u> dollars a day for federal, state, and local law enforcement officers paid by a political subdivision of this State, the government of this State, or the federal government, for each regular work day in a taxable year and full-time firefighters and emergency medical service personnel may deduct as a subsistence allowance <u>eight sixteen</u> dollars a day for each regular work day in a taxable year;

SECTION 2. Section 12-6-1140(10)(b) of the S.C. Code is amended to read:

(b) An individual may receive only one deduction pursuant to this item. The Revenue and Fiscal Affairs Office annually shall estimate a maximum deduction that may be permitted under this section for a taxable year based on an individual income tax revenue loss of three million one hundred thousand dollars attributable to this deduction and shall certify that maximum deduction to the Department of Revenue and for the applicable taxable year, the maximum deduction amount must not exceed the lesser of the certified estimate or three six thousand dollars. SECTION 3.A. Section 12-6-3800(A), (B), and (C) of the S.C. Code is amended to read:

(A) For the purposes of this section:

(1) "Independent institution of higher learning" has the same meaning as provided in Section 59-113-50.

(2) "Medical school-required clinical rotation", "physician assistant program-required clinical rotation", or "advanced practice nursing program-required clinical rotation" means a clinical rotation for a public teaching institution or independent institution of higher learning that:

(a) is established for a student who is enrolled in a South Carolina public teaching institution or an independent institution of higher learning, including:

(i) medical school;

(ii) a physician assistant program;

(iii) an advanced practice nursing program; and

(b) includes a minimum of one hundred sixty hours of instruction in one of the following clinical settings:

(i) family medicine;

(ii) internal medicine;

(iii) pediatrics;

(iv) obstetrics and gynecology;

(v) emergency medicine;

(vi) psychiatry; or

(vii) general surgery under the guidance of a physician, advanced practice registered nurse, or physician assistant; or

(viii) specialty care including, but not limited to, dermatology, hematology, neurology, and oncology.

(3) "Preceptor" means a physician, advanced practice nurse practitioner, or physician assistant who provides supervision and instruction during student clinical training experiences, is otherwise not compensated for doing so, and provides a minimum of two required clinical rotations within a calendar year.

(B)(1) There is allowed an income tax credit for each clinical rotation a physician serves as the preceptor for a medical school-required clinical rotation, advanced practice nursing program-required clinical rotation, and physician assistant program-required clinical rotation.

(2) If at least fifty percent of <u>If</u> the physician's practice <del>consists of</del> a <del>combined total of includes</del> Medicaid insured, <u>or</u> Medicare insured, <del>and</del> <del>self pay patients,</del> then the credit is equal to one thousand dollars for each rotation served, not to exceed four thousand dollars a year. <u>The provider</u> <u>must be a Medicaid-participating provider and have a minimum of at least one hundred Medicaid and Medicare patients combined or be a free clinic.</u>

(3) If at least thirty percent of the physician's practice consists of a combined total of Medicaid insured, Medicare insured, and self pay patients, then the credit is equal to seven hundred fifty dollars for each rotation served, not to exceed three thousand dollars a year.

(4) If less than thirty percent of the physician's practice consists of a combined total of Medicaid insured, Medicare insured, and self pay patients, then the credit is disallowed.

(5) The credits allowed by this subsection are not cumulative and may not be combined.

(C)(1) There is allowed an income tax credit for each clinical rotation an advanced practice registered nurse or physician assistant serves as the preceptor for an advanced practice nursing or physician assistantrequired clinical rotation. The credit is equal to one thousand dollars for each rotation served, not to exceed four thousand dollars a year. The provider must be a Medicaid-participating provider and have a minimum

of at least one hundred Medicaid and Medicare patients combined or be a free clinic.

(2) If at least fifty percent of the advanced practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self pay patients, then the credit is equal to seven hundred fifty dollars for each rotation served, not to exceed three thousand dollars a year.

(3) If at least thirty percent of the advanced practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is equal to five hundred dollars for each rotation served, not to exceed two thousand dollars a year.

(4) If less than thirty percent of the advance practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self pay patients, then the credit is disallowed.

(5) The credits allowed by this subsection are not cumulative and may not be combined.

B. SECTION 4 of Act 45 of 2019 is amended to read:

SECTION 4. This act takes effect upon approval by the Governor and shall apply to Tax Years 2020 through  $\frac{20252029}{20252029}$ . Section 12-6-3800 and Section  $\frac{12-6-1140()-12-6-1140(14)}{12}$  are repealed January 1,  $\frac{20262030}{20252030}$ .

C. This SECTION takes effect upon approval by the Governor and applies to Tax Years beginning after 2024.

SECTION 4.A. Section 4-37-30(A)(9) of the S.C. Code is amended to read:

(9) The tax authorized by this section is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable jurisdiction which are subject to the tax imposed by Chapter 36-of, Title 12 and the enforcement provisions of Chapter 54-of, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36-of, Title 12 are exempt from the tax imposed by this section. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture food stamps are exempt from the tax imposed by this section. For any tax authorized by this section pursuant to a referendum held on or after November 5, 2024, unprepared food items eligible for purchase with United States Department of Agriculture food states Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of Agriculture food items eligible for purchase with United States Department of the governing body of a county as may be provided in the authorizing ordinance required by item (1). The tax imposed by this section also applies to tangible personal property subject

to the use tax in Article 13, Chapter 36-of, Title 12. B. This SECTION takes effect upon approval by the Governor. SECTION 5. This act takes effect upon approval by the Governor and applies to tax years beginning after 2023. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO INCREASE THE SUBSISTENCE DEDUCTION AMOUNT FOR CERTAIN PAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS, AND TO INCREASE THE VOLUNTEER EXEMPTION AMOUNT FOR CERTAIN UNPAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS: BY AMENDING SECTION 12-6-3800, RELATING TO THE TAX CREDIT FOR SERVING AS A PRECEPTOR, SO AS TO AMEND DEFINITIONS AND ELIGIBILITY REQUIREMENTS; BY AMENDING ACT 45 OF 2019, RELATING TO THE PRECEPTOR TAX CREDIT, SO AS TO EXTEND THE PRECEPTOR TAX CREDIT FOR FOUR ADDITIONAL YEARS; AND BY AMENDING SECTION 4-37-30, RELATING TO SALES AND USE TAXES OR TOLLS AS REVENUE FOR TRANSPORTATION FACILITIES, SO AS TO PROVIDE FOR CERTAIN EXEMPTIONS FOR UNPREPARED FOOD ITEMS.

/s/Sen. Davis	/s/Rep. Herbkersman
/s/Sen. Turner	/s/Rep. B. Newton
/s/Sen. McElveen	/s/Rep. Dillard
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 969 -- Senators Alexander, Peeler, Setzler, K. Johnson, Young, Malloy, Senn, Stephens, McLeod and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO INCREASE THE

SUBSISTENCE DEDUCTION AMOUNT FOR CERTAIN PAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS, AND TO INCREASE THE VOLUNTEER EXEMPTION AMOUNT FOR CERTAIN UNPAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS.

### Very respectfully,

Speaker of the House

Received as information.

### S. 969--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

S. 969 -- Senators Alexander, Peeler, Setzler, K. Johnson, Young, Malloy, Senn, Stephens, McLeod and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO INCREASE THE SUBSISTENCE DEDUCTION AMOUNT FOR CERTAIN PAID PUBLIC SERVANTS SUCH AS LAW ENFORCEMENT AND FIREFIGHTERS, AND TO INCREASE THE VOLUNTEER EXEMPTION AMOUNT FOR CERTAIN UNPAID PUBLIC **SERVANTS** SUCH AS LAW **ENFORCEMENT** AND FIREFIGHTERS.

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

A message was sent to the House accordingly.

### S. 1031--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 1031 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35. RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT THE PUBLIC FROM FINANCIAL CRIME. STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REQUIREMENTS TO ENSURE FUNDS ARE PROTECTED IN AN ENVIRONMENT THAT SUPPORTS INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES.

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

Senator MALLOY spoke on the report.

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

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

	Ayes 41; Nays 0	
	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	
	Total41	

# Total--41

NAYS

## Total--0

The Committee of Conference Report was adopted as follows:

## S. 1031--Conference Report

The General Assembly, Columbia, S.C., June 04, 2024

# The COMMITTEE OF CONFERENCE, to whom was referred: S. 1031 -- Senator Cromer: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35,

RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT THE PUBLIC FROM FINANCIAL CRIME, STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REQUIREMENTS TO ENSURE FUNDS ARE PROTECTED IN AN ENVIRONMENT THAT SUPPORTS INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES.

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

That the same do pass with the following amendments:

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

SECTION 1. Chapter 11, Title 35 of the S.C. Code is amended to read: CHAPTER 11

South Carolina Anti-Money LaunderingUniform Money Services Act Article 1

#### General Provisions

Section 35-11-100. This chapter may be cited as the "South Carolina Anti-Money Laundering Uniform Money Services Act".

Section 35-11-105. As used in this chapter:

(1) "Acting in concert" means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

(1)(2) "Applicant" means a person that files an application for a license pursuant to this act.

(2)(3) "Authorized delegate" means a person a licensee designates to provide money services on behalf of the licensee.

(3) "Bank" means an institution organized under federal or state law which:

(a) accepts demand deposits or deposits that the depositor may use for payment to third parties and which engages in the business of making commercial loans; or

(b) engages in credit card operations and maintains only one office that accepts deposits, does not accept demand deposits or deposits that the depositor may use for payments to third parties, does not accept a savings or time deposit less than one hundred thousand dollars, and does not engage in the business of making commercial loans.

(4) "Average daily money transmission liability" means the amount of the licensee's outstanding money transmission obligations in this State at the end of each day in a given period of time, added together, and

divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under this chapter for any licensee required to do so, the given period of time must be the quarters ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first.

(5) "Bank Secrecy Act" means the Bank Secrecy Act, 31 U.S.C. Section 5311, et seq., and its implementing regulations, as amended and recodified from time to time.

(6) "Closed-loop stored value" means stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisee of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.

(4)(7) "Commissioner" means the South Carolina Attorney General. (5)(8)(a) "Control" means:

(a)(i) ownership of, or the power to vote, directly or indirectly, at least twenty-five percent of a class of voting securities the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(b)(ii) the power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or person in control of a licensee; or

(e)(iii) the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

(b)(i) A person is presumed to exercise a controlling influence when the person holds the power to vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee.

(ii) A person presumed to exercise a controlling influence as defined by this subitem can rebut the presumption of control if the person is a passive investor.

(c) For purposes of determining the percentage of a person controlled by any other person, the person's interest must be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and any other person who shares such person's home.

(6)(9) "Currency exchange" means receipt of revenues from the exchange of money of one government for money of another government.

(10) "Eligible rating" means a credit rating of any of the three highest rating categories provided by an eligible rating service, whereby each category may include rating modifiers such as "plus" or "minus" for S&P, or the equivalent for any other eligible rating service. Long-term credit ratings are considered to be eligible if the rating is equal to A- or higher by S&P, or the equivalent from any other eligible rating service. Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by S&P, or the equivalent from any other eligible rating service. In the event that ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

(11) "Eligible rating service" means any Nationally Recognized Statistical Rating Organization (NRSRO) as defined by the U.S. Securities and Exchange Commission, and any other organization designated by the Commissioner by rule or order.

(7)(12) "Executive officer" means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

(13) "Federally insured depository financial institution" means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company organized under the laws of the United States or any state of the United States, when such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company has federally insured deposits.

(14) "In this State" means at a physical location within this State for a transaction requested in person. For a transaction requested electronically or by phone, the provider of the money transmission may determine if the person requesting the transaction is "in this State" by relying on other information provided by the person regarding the location of the individual's residential address or a business entity's principal place of business or other physical address location, and any records associated with the person that the provider of money transmission may have that indicate such location including, but not limited to, an address associated with an account.

(15) "Individual" means a natural person.

(16) "Key individual" means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, such as an executive officer, manager, director, or trustee.

(8)(17) "Licensee" means a person licensed pursuant to this act.

(18) "Material litigation" means litigation, that according to United

States Generally Accepted Accounting Principles, is significant to a person's financial health and would be required to be disclosed in the person's annual audited financial statements, report to shareholders, or similar records.

(9)(19) "Monetary value" means a medium of exchange, whether or not redeemable in money.

(10)(20) "Money" means a medium of exchange that is authorized or adopted by the United States or a foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

(11)(21) "Money services" means money transmission or currency exchange.

(12)(22)(a) "Money transmission" means any of the following:

(i) selling or issuing payment instruments to a person located in this State;

(ii) selling or issuing stored value to a person located in this State; or

(iii) receiving money or monetary value for transmission in this State.

(b) The term does not include the provision solely of delivery, online or telecommunications services, or network access.

(23) "MSB - accredited state" means a state agency that is accredited by the Conference of State Bank Supervisors and Money Transmitter Regulators Association for money transmission licensing and supervision.

(24) "Multistate licensing process" means any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals.

(25) "NMLS" means the Nationwide Multistate Licensing System and Registry developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

(13)(26) "Outstanding money transmission obligation", with respect to a payment instrument, means issued or sold by or for the licensee and reported as sold but not yet paid by or for the licensee is established and extinguished in accordance with applicable state law and means:

(a) any payment instrument or stored value issued or sold by the

licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee, or escheated in accordance with applicable abandoned property laws; or

(b) any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or escheated in accordance with applicable abandoned property laws.

(c) For purposes of this subsection, "in the United States" includes, to the extent applicable, a person in any state, territory, or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a U.S. military installation that is located in a foreign country.

(27) "Passive investor" means a person that:

(a) does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a person in control of a licensee;

(b) is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;

(c) does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(d) either:

(i) attests to subitems (a), (b), and (c), in a form and in a medium prescribed by the Commissioner; or

(ii) commits to the passivity characteristics of subitems (a), (b), and (c), in a written document.

(14)(28) "Payment instrument" means a written or electronic check, draft, money order, traveler's check, or other written or electronic instrument for the transmission or payment of money or monetary value, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services. stored value or any instrument that (A) is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisee of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or (B) not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

(29) "Payroll processing services" means delivering wages or salaries on behalf of employers to employees or facilitating the payment of

payroll taxes to state and federal agencies, making payments relating to employee benefit plans, making distributions of other authorized deductions from wages or salaries, transmitting other funds on behalf of an employer in connection with transactions related to employees, an employer performing payroll processing services on its own behalf or on behalf of its affiliate, or a professional employment organization subject to regulation under other applicable state law.

(15)(30) "Person" means an individual, corporation, business trust, estate, trust, general partnership, limited partnership, limited-liability company, association, joint venturestock corporation, government, governmental subdivision, agency or instrumentality, public corporation, or another legal or commercial entity or other corporate entity identified by the Commissioner.

(16)(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(17)(32) "Responsible individual" means an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this State. "Receiving money for transmission" or "money received for transmission" means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

(18)(33) "State" means a state, of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory, or insular possession subject to the jurisdiction of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(19)(34) "Stored value" means monetary value that is evidenced by an electronic record.representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. The term includes, but is not limited to, "prepaid access" as defined by 31 C.F.R. Section 1010.100, as amended or recodified from time to time. Notwithstanding the foregoing, the term "stored value" does not include a payment instrument or closed-loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

(35) "Tangible net worth" means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States Generally Accepted Accounting Principles.

(20)(36) "Unsafe or unsound practice" means a practice or conduct by

a person licensed to engage in money transmission or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the interests of its customers.

Section 35-11-110. (A) This chapter does not apply to:

(1) the United States or a department, agency, or instrumentality of the United States thereof, or its agent;

(2) money transmission by the United States Postal Service or by <del>a</del> <del>contractor on behalf <u>an agent</u> of the United States Postal Service;</del>

(3) a state, county, city, or another any other governmental agency or governmental subdivision or instrumentality of a state, or its agent;

(4) a bank, bank holding company, office of an international banking corporation, branch of a foreign bank, corporation organized pursuant to the Bank Service Corporation Act, 12 U.S.C. Section 1861-1867 (Supp. V 1999), or corporation organized under the Edge Act, 12 U.S.C. Section 611-633 (1994 & Supp. V 1999), under the laws of a state or the United States if it does not issue, sell, or provide payment instruments or stored value through an authorized delegate who is not such a persona federally insured depository financial institution, bank holding company, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to the International Bank Act, 12 U.S.C. Section 3102, as amended or recodified from time to time, corporation organized under the Edge Act, 12 U.S.C. Sections 1861-1867, as amended or recodified from time to time, or corporation organized under the Edge Act, 12 U.S.C. Sections 611-633, as amended or recodified from time to time;

(5) electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality of the United Statesthereof, or on behalf of a state or governmental subdivision, agency, or instrumentality of a statethereof;

(6) a board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. Section 1-25 (1994) as amended or recodified from time to time, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for a board of trade;

(7) a registered futures commission merchant under the federal commodities laws to the extent of its operation as a futures commission merchant;

(8) a person who provides clearance or settlement services pursuant to a registration as a clearing agency or an exemption from that

registration granted under the federal securities laws to the extent of its operation as a provider of clearance or settlement services;

(9)(8) an operator of a payment system to the extent that it provides processing, clearing, or settlement services, between or among persons excluded exempted by this section, in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar funds transfers;

(10)(9) a person registered as a securities broker-dealer under federal or state securities laws to the extent of his operation as a securities broker-dealer; -or

(11)(10) a credit union regulated and insured by the National Credit Union Association.an individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements of this chapter when acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor;

(11) a person expressly appointed as a third-party service provider to, or agent of, an entity exempt under Section 35-11-110(A)(4), solely to the extent that:

(a) such service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(b) the exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent;

(12) a person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission itself, provided to the payor by the payee, provided that:

(a) there exists a written agreement between the payee and the agent directing the agent to collect and process payments from payors on the payee's behalf;

(b) the payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

(c) payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor's obligation is extinguished and there is no risk of loss to the payor if the agent fails to

remit the funds to the payee;

(13) a person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender, and the sender's designated recipient, provided that the entity:

(a) is properly licensed or exempt from licensing requirements under this chapter;

(b) provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient;

(14) a person exempt by regulation or order if the Commissioner finds such exemption to be in the public interest and that the regulation of such person is not necessary for the purposes of this chapter; or

(15) payroll processing services.

(B) The Commissioner may require that a person claiming to be exempt from licensing pursuant to this section provide information and documentation to the Commissioner demonstrating that it qualifies for any claimed exemption.

## Article 2

Money Transmission Licenses

Section 35-11-200. (A) A person may not engage in the business of money transmission or advertise, solicit, or hold himself out as providing money transmission unless the person is:

(1) licensed under this <del>chapter or approved to engage in money</del> transmission pursuant to Section 35-11-210<u>article</u>;

(2) an authorized delegate of a person licensed pursuant to this article; or

(3) an authorized delegate of a person approved to engage in money transmission pursuant to Section <u>35-11-210</u> exempted under Section <u>35-11-110</u>.

(B) A license issued pursuant to this chapter is not transferable or assignable.

Section 35-11-205. (A) In this section, "material litigation" means litigation that according to generally accepted accounting principles is significant to an applicant's or a licensee's financial health and would be required to be disclosed in the applicant's or licensee's annual audited financial statements, report to shareholders, or similar records.

- (B) A person applying for a license pursuant to this article shall do so and in medium prescribed by in а form а the commissionerCommissioner. Each form must contain content as set forth by regulation, order, instruction, or procedure of the Commissioner and may be changed or updated by the Commissioner in accordance with applicable law in order to carry out the purposes of this chapter and maintain consistency with NMLS licensing standards and practices. The application must state or contain:

(1) the legal name, residential and business addresses of the applicant, and any fictitious or trade name used by the applicant in conducting its business;

(2) a list of any criminal convictions of the applicant and any material litigation in which the applicant has been involved in the ten-year period next preceding the submission of the application;

(3) a description of any money services previously provided by the applicant and the money services that the applicant seeks to provide in this State;

(4) a list of the applicant's proposed authorized delegates and the locations in this State where the applicant and the applicant's authorized delegates propose to engage in money transmission or provide other money services;

(5) a list of other states in which the applicant is licensed to engage in money transmission or provide other money services and any license revocations, suspensions, or other disciplinary action taken against the applicant in another state;

(6) information concerning a bankruptcy or receivership proceeding affecting the licensee or a person in control of a licensee;

(7) a sample form of contract for authorized delegates, if applicable, and;

(8) a sample form of payment instrument or instrument upon which stored value is recorded, if applicable;

(8)(9) the name and address of any bank federally insured depository financial institution through which the applicant's payment instruments and stored value will be paidapplicant plans to conduct money transmission; and

(9) a description of the source of money and credit to be used by the applicant to provide money services; and

(10) other information the commissioner reasonably requires with respect to the applicant.

(C)(B) If an applicant is a corporation, limited liability company, partnership, or other <u>legal</u> entity, the applicant also shall provide:

(1) the date of the applicant's incorporation or formation and state or country of incorporation or formation;

(2) if applicable, a certificate of good standing from <u>this State and</u> the state or country in which the applicant is incorporated or formed;

(3) a brief description of the structure or organization of the applicant, including a parent entity or subsidiary of the applicant, and whether a parent entity or subsidiary is publicly traded;

(4) the legal name, a fictitious or trade name, all business and residential addresses, and the employment, in the ten-year period next preceding the submission of the application of each executive officer, manager, director, or person who has control of the applicant;

(5) a list of criminal convictions and material litigation in which an executive officer, a manager, director, or person in control of, the applicant has been involved in the ten-year period next preceding the submission of the application;

(6) a copy of the applicant's audited financial statements for the most recent fiscal year and, if available, for the two-year period next preceding the submission of the application or, if determined to be acceptable to the Commissioner, certified unaudited financial statements for the most recent fiscal year or other period acceptable to the Commissioner;

(7) a copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two-year period next preceding the submission of the applicationcertified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

(8) if the applicant is publicly traded, a copy of the most recent report filed with the United States Securities and Exchange Commission pursuant to Section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m (1994 & Supp. V 1999), as amended or recodified from time to time;

(9) if the applicant is a wholly owned subsidiary of a:

(a) corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed pursuant to Section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m (1994 & Supp. V 1999).as amended or recodified from time to time; or

(b) corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(10) if the applicant has a registered agent in this State, the name and address of the applicant's registered agent in this State; and

(11) other information the commissioner <u>Commissioner</u> reasonably requires with respect to the applicant.

(D)(C) A nonrefundable application fee of one thousand five hundred dollars and a license fee of seven hundred fiftyone thousand six hundred dollars must accompany an application for a license pursuant to this article. The license fee must be refunded if the application is denied.

(E)(D) The commissioner Commissioner may waive one or more requirements of subsections (B)(A) and (C)(B) or permit an applicant to submit other information in lieu of the required information.

Section 35-11-210. (A) A person who is licensed to engage in money transmission in at least one other state, with the approval of the commissioner and in accordance with this section, may engage in money transmission and currency exchange in this State without being licensed pursuant to Section 35-11-205 if the:

(1) state in which the person is licensed has enacted the Uniform Money Services Act or the commissioner determines that the money transmission laws of that state are substantially similar to those imposed by the law of this State;

(2) person submits to, and in the form required by, the commissioner:

(a) in a record, an application for approval to engage in money transmission and currency exchange in this State without being licensed pursuant to Section 35-11-205;

(b) a nonrefundable fee of one thousand dollars; and

(c) a certification of license history in the other state.

(B) When an application for approval pursuant this section is complete, the commissioner shall promptly notify the applicant in a record, of the date on which the request was determined to be complete and:

(1) the commissioner shall approve or deny the request within one hundred twenty days after that date; or

(2) if the request is not approved or denied within one hundred twenty days after that date the:

(a) request is approved; and

(b) approval takes effect as of the first business day after expiration of the one hundred twenty day period.

(C) A person who engages in money transmission and currency exchange in this State pursuant to this section shall comply with the requirements of, and is subject to the sanctions provided in this chapter,

as if the person were licensed pursuant to Section 35-11-220. Any individual in control of a licensee or applicant, any individual that seeks to acquire control of a licensee, and each key individual shall furnish to the Commissioner through NMLS the following items:

(1) the individual's fingerprints for submission to the Federal Bureau of Investigation and the Commissioner for purposes of a national criminal history background check unless the person currently resides outside of the United States and has resided outside of the United States for the last ten years; and

(2) personal history and experience in a form and in a medium prescribed by the Commissioner, to obtain the following:

(a) an independent credit report from a consumer reporting agency unless the individual does not have a Social Security number, in which case, this requirement must be waived;

(b) information related to any criminal convictions or pending charges; and

(c) information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty, or breach of contract.

(B) If the individual has resided outside of the United States at any time in the last ten years, the individual also shall provide an investigative background report prepared by an independent search firm that meets the following requirements:

(1) at a minimum, the search firm shall:

(a) demonstrate that it has sufficient knowledge, resources, and employs accepted and reasonable methodologies to conduct the research of the background report; and

(b) not be affiliated with or have an interest with the individual it is researching;

(2) at a minimum, the investigative background report must be written in the English language and must contain the following:

(a) if available in the individual's current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(b) criminal records information for the past ten years including, but not limited to, felonies, misdemeanors, or similar convictions for violations of law in the countries, provinces, states, cities, towns, and

contiguous areas where the individual resided and worked;

(c) employment history;

(d) media history, including an electronic search of national and local publications, wire services, and business applications; and

(e) financial services-related regulatory history including, but not limited to, money transmission, securities, banking, insurance, and mortgage-related industries.

Section 35-11-215. (A) Except as otherwise provided in subsection (B), An applicant for a money transmission license must provide, and a licensee at all times must maintain, security consisting of a surety bond, letter of credit, or other similar security in a form acceptable to the commissioner Commissioner in the amount of fifty thousand dollars plus ten thousand dollars for each location, not exceeding a total addition of two hundred fifty thousand dollars, must accompany an application for a license.

(B) Security must be in a form satisfactory to the commissioner and payable to the State for the benefit of a claimant against the licensee to secure the faithful performance of the obligations of the licensee with respect to money transmission. The amount of the required security must be:

(1) the greater of one hundred thousand dollars or an amount equal to one hundred percent of the licensee's average daily money transmission liability in this State calculated for the most recently completed three-month period, up to a maximum of five hundred thousand dollars; or

(2) in the event that the licensee's tangible net worth exceeds ten percent of total assets, the licensee shall maintain a surety bond of one hundred thousand dollars.

(C) The aggregate liability on a surety bond may not exceed the principal sum of the bond. A claimant against a licensee may maintain an action on the bond, or the commissioner may maintain an action on behalf of the claimant. A licensee that maintains a bond in the maximum amount provided for in Section 35-11-215(B)(1) or (2) may not be required to calculate its average daily money transmission liability for purposes of this section.

(D) A surety bond must cover claims for so long as the commissioner specifies, but for at least five years after the licensee ceases to provide money services in this State. However, the commissioner may permit the amount of security to be reduced or eliminated before the expiration of that time to the extent the amount of the licensee's payment instruments or stored-value obligations outstanding in this State is reduced. The

commissioner may permit a licensee to substitute another form of security acceptable to the commissioner for the security effective at the time the licensee ceases to provide money services in this State.<u>A</u> licensee may exceed the maximum required bond amount pursuant to Section 35-11-605(A)(5).

(E) In lieu of the security prescribed in this section, an applicant for a license or a licensee may provide security in a form prescribed by the commissioner.

(F) The commissioner may increase the amount of security required to a maximum of one million dollars if the financial condition of a licensee so requires, as evidenced by reduction of net worth, financial losses, or other relevant criteria.

Section 35-11-220. (A) When an application for an original license is filed and considered complete pursuant to this article, the commissioner <u>Commissioner</u> shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The <u>commissioner Commissioner</u> may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The <u>commissioner Commissioner</u> shall issue a license to an applicant pursuant to this article if the <u>commissioner Commissioner</u> finds that all of the following conditions have been fulfilled:

(1) the applicant has complied with Sections 35-11-205, 35-11-215, and 35-11-230; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant; and the competence, experience, character, and general fitness of the executive officers, managers, directors, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

(B) When an application for an original license pursuant to this article is complete, the <u>commissioner</u> promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the <u>commissioner Commissioner</u> shall approve or deny the application within one hundred twenty days after that date; or

(2) if the application is not approved or denied within one hundred twenty days after that date the:

(a) application is considered approved; and

(b) commissioner <u>Commissioner</u> shall issue the license pursuant to this article, to take effect as of the first business day after expiration of the one hundred twenty-day period.

(C) The commissioner <u>Commissioner</u> may for good cause extend the application period.

(D) A determination by the Commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items, including the Criminal Background Check response from the FBI, and addresses all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

(E) The Commissioner shall issue a formal written notice of the denial of a license application. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the commissioner Commissioner pursuant to this article section may appealrequest a hearing, within thirty days after receipt of the written notice of the denial, from the denial and request a hearing pursuant to Section 35-11-710.

(F) The initial license term begins on the day the application is approved. The license expires on December thirty-first of the year in which the license term began, unless the initial license date is between November first and December thirty-first, in which instance the initial license term runs through December thirty-first of the following year.

Section 35-11-225. (A) A person licensed pursuant to this article shall pay an annual renewal fee of seven hundred fifty dollars no later than thirty days before the anniversary of the issuance of the license or, if the last day is not a business day, on the next business day.license issued under this chapter must be renewed annually.

(1) An annual renewal fee of one thousand six hundred dollars must be paid no more than sixty days before the license expiration.

(2) The renewal term must be for a period of one year and begins on January first of each year after the initial license term and expires on December thirty-first of the year the renewal term begins.

(B) A licensee under this article shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the <u>commissionerCommissioner</u>. The renewal report must state or contain:

(1) a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the licensee's most recent audited consolidated annual financial statement;

(2) the number and monetary amount of payment instruments and stored value sold by the licensee in this State which have not been included in a renewal report, and the monetary amount of payment
#### instruments and stored value currently outstanding;

(3) a description of each material change in information submitted by the licensee in its original license application which has not been reported to the <u>commissioner Commissioner</u> on a required report<del>;</del>

(4) a list of the licensee's permissible investments and a certification that the licensee continues to maintain permissible investments pursuant to the requirements set forth in Sections 35-11-600 and 35-11-605;

(5) proof that the licensee continues to maintain adequate security as required by Section 35-11-215; and

(6) a list of the locations in this State where the licensee or an authorized delegate of the licensee engages in money transmission or provides other money services.

(C) If a licensee does not file a renewal report or pay its renewal fee by the renewal date or an extension of time granted by the commissioner, the commissioner shall send the licensee a notice of suspension. Unless the licensee files the report and pays the renewal fee before expiration of ten days after the notice is sent, the licensee's license is suspended ten days after the commissioner sends the notice of suspension. The suspension must be lifted if, within twenty days after its license is suspended, the licensee:

(1) files the report and pays the renewal fee; and

(2) pays one hundred dollars for each day after suspension that the commissioner did not receive the renewal report and the renewal fee.

(D) The commissioner <u>Commissioner</u> for good cause may grant an extension of the renewal date.

(D) The Commissioner is authorized and encouraged to utilize NMLS to process license renewals provided that such functionality is consistent with this section.

Section 35-11-230. A person licensed pursuant to this article shall maintain a net worth of at least two hundred fifty thousand dollars determined in accordance with generally accepted accounting principles.(A) A licensee under this chapter shall maintain at all times a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one hundred million dollars, two percent of additional assets for one hundred million dollars to one billion dollars, and one-half of one percent of additional assets for over one billion dollars.

(B) Tangible net worth must be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements pursuant to Section 35-11-205(B)(6).

(C) Notwithstanding the foregoing provisions of this section, the

Commissioner shall have the authority, for good cause shown, to exempt, in whole or in part, from the requirements of this section any applicant or licensee.

Section 35-11-235. (A) If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a new money transmission license, the Commissioner may suspend or revoke the licensee's license pursuant to Section 35-11-700 or 35-11-710 or other applicable state law for such suspension or revocation.

(B) An applicant for a money transmission license must demonstrate that it meets or will meet, and a money transmission licensee must at all times meet, the requirements in Sections 35-11-215, 35-11-230 and 35-11-600 of this chapter.

#### Article 3

**Currency Exchange Licenses** 

Section 35-11-300. (A) A person may not engage in currency exchange or advertise, solicit, or hold himself out as providing currency exchange for which the person receives revenues equal or greater than five percent of total revenues unless the person is:

(1) licensed pursuant to this chapterarticle;

(2) licensed for money transmission pursuant to Article 2<del>, or</del> approved to engage in money transmission pursuant to Section 35-11-210; or

(3) an authorized delegate of a person licensed pursuant to Article 2; or.

(4) an authorized delegate of a person approved to engage in money transmission pursuant to Section 35-11-210.

(B) A license issued pursuant to this chapter is not transferable or assignable.

Section 35-11-305. (A) A person applying for a license pursuant to this article shall do so in a form and in a medium prescribed by the <u>commissionerCommissioner</u>. The application shall state or contain:

(1) the legal name and residential and business addresses of the applicant, if the applicant is an individual or, if the applicant is not an individual, the name of each partner, executive officer, manager, and director;

(2) the location of the principal office of the applicant;

(3) complete addresses of other locations in this State where the applicant proposes to engage in currency exchange, including all limited stations and mobile locations; and

(4) a description of the source of money and credit to be used by the applicant to engage in currency exchange; and

(5)(4) other information the <u>commissioner</u> <u>Commissioner</u> reasonably requires with respect to the applicant, but not more than the <u>commissioner</u> <u>Commissioner</u> may require pursuant to Article 2.

(B) A nonrefundable application fee of one thousand five hundred dollars and a license fee of seven hundred fiftyone thousand six hundred dollars must accompany an application for a license pursuant to this article. The license fee must be refunded if the application is denied.

(C) The Commissioner may waive one or more requirements of subsection (A) or permit an applicant to submit other information in lieu of the required information.

Section 35-11-310. (A) When a person applies for a license pursuant to this article, the commissioner <u>Commissioner</u> shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The commissioner <u>Commissioner</u> may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The commissioner <u>Commissioner</u> shall issue a license to an applicant pursuant to this article if the commissioner <u>Commissioner Commissioner</u> finds that all of the following conditions have been fulfilled:

(1) the applicant has complied with Section 35-11-305; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant; and the competence, experience, character, and general fitness of the executive officers, managers, directors, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in currency exchange.

(B) When an application for an original license pursuant to this article is complete, the <u>commissioner Commissioner</u> promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the commissioner <u>Commissioner</u> shall approve or deny the application within one hundred twenty days after that date; or

(2) if the application is not approved or denied within one hundred twenty days after that date the:

(a) application is considered approved; and

(b) commissioner <u>Commissioner</u> shall issue the license pursuant to this article, to take effect as of the first business day after expiration of the period.

(C) The commissioner <u>Commissioner</u> may for good cause extend the application period.

(D) The Commissioner shall issue a formal written notice of the denial

of a license. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied a license by the commissioner Commissioner pursuant to this article may appealrequest a hearing, within thirty days after receipt of the written notice of the denial pursuant to Section 35-11-710, from the denial and request a hearing.

Section 35-11-315. (A) A person licensed pursuant to this article shall pay a biennial renewal fee of seven hundred fifty dollars no later than thirty days before each biennial anniversary of the issuance of the license or, if the last day is not a business day, on the next business day. <u>All</u> licenses issued pursuant to this article expire on December thirty-first of each year. A person licensed pursuant to this article shall pay a renewal fee of one thousand six hundred dollars on or before December first of each year.

(B) A person licensed pursuant to this article shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the <u>commissionerCommissioner</u>. The renewal report must state or contain a:

(1) description of each material change in information submitted by the licensee in its original license application which has not been reported to the <u>commissioner Commissioner</u> on a required report; and

(2) list of the locations in this State where the licensee or an authorized delegate of the licensee engages in currency exchange, including limited stations and mobile locations.

(C) If a licensee does not file a renewal report and pay its renewal fee by the renewal date or an extension of time granted by the commissioner, the commissioner shall send the licensee a notice of suspension. Unless the licensee files the report and pays the renewal fee before expiration of ten days after the notice is sent, the licensee's license is suspended ten days after the commissioner sends the notice of suspension.

(D)(C) The commissioner Commissioner for good cause may grant an extension of the renewal date.

# Article 4

# Authorized Delegates

Section 35-11-400. (A) In this section, "remit" means to make direct payments of money to a licensee or its representative authorized to receive money or to deposit money in a bank in an account specified by the licensee.

(B) A contract between a licensee and an authorized delegate must require the authorized delegate to operate in full compliance with this chapter. For such contracts initiated on or after the effective date of this act, the licensee shall provide to each authorized delegate information

sufficient for compliance with this chapter.Before a licensee is authorized to conduct business through an authorized delegate or allows a person to act as the licensee's authorized delegate, the licensee must:

(1) adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law;

(2) enter into a written contract that complies with Section 35-11-400(D); and

(3) conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.

(C) An authorized delegate shall remit all money owing to the licensee in accordance with the terms of the contract between the licensee and the authorized delegate. An authorized delegate must operate in full compliance with this chapter.

(D) If a license is suspended or revoked or a licensee does not renew its license, the commissioner shall notify all authorized delegates of the licensee whose names are in a record filed with the commissioner of the suspension, revocation, or nonrenewal. After notice is sent or publication is made, an authorized delegate shall immediately cease to provide money services as a delegate of the licensee. The written contract required by Section 35-11-400(B) must be signed by the licensee and the authorized delegate and, at a minimum, must:

(1) appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee;

(2) set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;

(3) require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including this chapter and regulations implementing this chapter, relevant provisions of the Bank Secrecy Act and the USA Patriot Act;

(4) require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate;

(5) impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee;

(6) require the authorized delegate to prepare and maintain records

as required by this chapter or regulations implementing this chapter, or as reasonably requested by the Commissioner;

(7) acknowledge that the authorized delegate consents to examination or investigation by the Commissioner;

(8) state that the licensee is subject to regulation by the Commissioner and that, as part of that regulation, the Commissioner may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation; and

(9) acknowledge receipt of the written policies and procedures required under Section 35-11-400(B)(1).

(E) An authorized delegate may not provide money services outside the scope of activity permissible under the contract between the authorized delegate and the licensee, except activity in which the authorized delegate is authorized to engage in pursuant to Article 2 of this chapter. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If the licensee 's license is suspended, revoked, surrendered, or expired, the licensee must, within five business days, provide documentation to the Commissioner that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the Commissioner of the suspension, revocation, surrender, or expiration of a license. Upon suspension, revocation, surrender, or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

(F) An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

(F)(G) An authorized delegate may not use a subdelegate to conduct money services on behalf of a licensee.

Section 35-11-405. A person may not provide money services on behalf of a person not licensed pursuant to this chapter or not exempt pursuant to Section 35-11-110. A person that engages in that activity provides money services to the same extent as if the person were a licensee and is jointly and severally liable with the unlicensed or nonexempt person.

Article 5

#### Examinations, Reports, and Records

Section 35-11-500. (A) The <u>commissioner</u> <u>Commissioner</u> may conduct an <u>annual</u> examination <u>or investigation</u> of a licensee or of any of the licensee's authorized delegates <del>on</del> a forty five day notice in a record to the licenseeor otherwise take independent action authorized by this chapter or by a rule or order issued under this chapter as reasonably necessary or appropriate to administer and enforce this chapter, regulations implementing this chapter, and other applicable law, including the Bank Secrecy Act and the USA Patriot Act. The Commissioner may:

(1) conduct an examination either on-site or off-site as the Commissioner may reasonably require;

(2) conduct an examination in conjunction with an examination conducted by representatives of other state agencies or agencies of another state or of the federal government;

(3) accept the examination report of another state agency or an agency of another state or of the federal government, or a report prepared by an independent accounting firm, which on being accepted is considered for all purposes as an official report of the Commissioner; and

(4) summon and examine under oath a key individual or employee of a licensee or authorized delegate and require the person to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

(B) The commissioner may examine a licensee or its authorized delegate, at any time, without notice, if the commissioner has reason to believe that the licensee or authorized delegate is engaging in an unsafe or unsound practice or has violated or is violating this chapter or a rule adopted or an order issued pursuant to this chapter. A licensee or authorized delegate shall provide, and the Commissioner shall have full and complete access to, all records the Commissioner may reasonably require to conduct a complete examination. The records must be provided at the location and in the format specified by the Commissioner, provided, the Commissioner may utilize multistate record production standards and examination procedures when such standards will reasonably achieve the requirements of this section.

(C) If the <u>commissioner</u> <u>Commissioner</u> concludes that an <u>on site</u> examination is necessary pursuant to subsection (A), the licensee shall pay the reasonable cost of the examination.

(D) Information obtained during an examination pursuant to this chapter may be disclosed only as provided in Section 35-11-530.

Section 35-11-505. The commissioner may consult and cooperate with other state money services regulators in enforcing and administering this act. They jointly may pursue examinations and take other official action that they are otherwise empowered to take.(A) To efficiently and effectively administer and enforce this chapter and to minimize regulatory burden, the Commissioner is authorized and encouraged to participate in multistate supervisory processes established between states and coordinated through the Conference of State Bank Supervisors, Money Transmitter Regulators Association, and affiliates and successors thereof for all licensees that hold licenses in this State and other states. As a participant in multistate supervision, the Commissioner shall:

(1) cooperate, coordinate, and share information with other state and federal regulators in accordance with Section 35-11-530;

(2) enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations the membership of which is made up of state or federal governmental agencies; and

(3) cooperate, coordinate, and share information with organizations the membership of which is made up of state or federal governmental agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with Section 35-11-530.

(B) The Commissioner may not waive, and nothing in this section constitutes a waiver of, the Commissioner's authority to conduct an examination or investigation or otherwise take independent action authorized by this chapter, or a rule adopted or order issued under this chapter, to enforce compliance with applicable state or federal law.

(C) A joint examination or investigation, or acceptance of an examination or investigation report, does not waive an examination assessment provided for in this chapter.

Section 35-11-510. (A) A licensee shall file with the <u>commissioner</u> <u>Commissioner</u> within fifteen business days any material changes in information provided in a licensee's application as prescribed by the <u>commissioner</u> <u>Commissioner</u>.

(B) A licensee shall file with the commissioner within forty-five days after the end of each fiscal quarter a current list of all authorized delegates, and locations in this State where the licensee or an authorized delegate of the licensee provides money services, including limited stations and mobile locations. The licensee shall state the name and street address of each location and authorized delegate. Each licensee shall

submit a report of authorized delegates within forty-five days of the end of the calendar quarter. The Commissioner is authorized and encouraged to utilize NMLS for the submission of the report required by this subsection provided that such functionality is consistent with the requirements of this subsection. The authorized delegate report must include, at a minimum, each authorized delegate's:

(1) company legal name;

(2) taxpayer employer identification number;

(3) principal provider identifier;

(4) physical address;

(5) mailing address;

(6) any business conducted in other states;

(7) any fictitious or trade name;

(8) contact person's name, phone number, and email;

(9) start date as licensee's authorized delegate;

(10) end date acting as licensee's authorized delegate, if applicable; and

(11) any other information the Commissioner reasonably requires with respect to the authorized delegate.

(C) A licensee shall file a report with the <u>commissioner Commissioner</u> within <u>three one</u> business <u>days day</u> after the licensee has reason to know of the occurrence of any of the following events:

(1) the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110 (1994 & Supp. V 1999), as amended or recodified from time to time, for bankruptcy or reorganization;

(2) the filing of a petition by or against the licensee for receivership, the commencement of another judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of its creditors; or

(3) the commencement of a proceeding to revoke or suspend its license in a state or country in which the licensee engages in business or is licensed;.

(4) the cancellation or other impairment of the licensee's bond or other security;

(D) A licensee shall file a report with the Commissioner within three business days after the licensee has reason to know of the occurrence of any of the following events:

(5)(1) a charge or conviction of the licensee or of an executive officer, manager, director, a key individual or person in control of the licensee for a felony; or

(6)(2) a charge or conviction of an authorized delegate for a felony. (E) Each licensee shall submit a report of condition within forty-five days of the end of the calendar quarter, or within any extended time as the Commissioner may prescribe. The report of condition must include:

(1) financial information at the licensee level;

(2) nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission;

(3) permissible investments report;

(4) transaction destination country reporting for money received for transmission, if applicable, which shall only be included in a report of condition submitted within forty-five days of the end of the fourth calendar quarter; and

(5) any other information the Commissioner reasonably requires with respect to the licensee. The Commissioner is authorized and encouraged to utilize NMLS for the submission of the report required by this subsection and is authorized to change or update as necessary the requirements of this subsection to carry out the purposes of this chapter and maintain consistency with NMLS reporting.

(F) Each licensee, within ninety days after the end of each fiscal year, or within any extended time as the Commissioner may prescribe, shall file with the Commissioner:

(1) an audited financial statement of the licensee for the fiscal year prepared in accordance with United States Generally Accepted Accounting Principles, prepared by an independent certified public accountant or independent public accountant who is satisfactory to the Commissioner, which must include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the Commissioner. If the certificate or opinion is qualified, the Commissioner may order the licensee to take any action as the Commissioner may find necessary to enable the independent or certified public accountant or independent public accountant to remove the qualification; and

(2) any other information as the Commissioner may reasonably require.

Section 35-11-515. (A) A licensee shall:

(1) give the commissioner notice in a record of a proposed change of control within fifteen days after learning of the proposed change of control;

(2) request approval of the acquisition; and

(3) submit a nonrefundable fee of one thousand dollars with the notice.

(B) After review of a request for approval pursuant to subsection (A), the commissioner may require the licensee to provide additional information concerning the proposed persons in control of the licensee. The additional information must be limited to the same types required of the licensee or persons in control of the licensee as part of its original license or renewal application.

(C) The commissioner shall approve a request for change of control pursuant to subsection (A) if, after investigation, the commissioner determines that the person or group of persons requesting approval has the competence, experience, character, and general fitness to operate the licensee or person in control of the licensee in a lawful and proper manner and that the public interest will not be jeopardized by the change of control.

(D) When an application for a change of control pursuant to this article is complete, the commissioner shall notify the licensee in a record of the date on which the request was determined to be complete and:

(1) the commissioner shall approve or deny the request within one hundred twenty days after that date; or

(2) if the request is not approved or denied within one hundred twenty days after that date:

(a) the request is considered approved; and

(b) the commissioner shall permit the change of control under this section to take effect as of the first business day after expiration of the period.

(E) The commissioner, by rule of order, may exempt a person from any of the requirements of subsection (A)(2) and (3) if it is in the public interest to do so.

(F) Subsection (A) does not apply to a public offering of securities.

(G) Before filing a request for approval to acquire control of a licensee or person in control of a licensee, a person may request in a record a determination from the commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the commissioner determines that the person would not be a person in control of a licensee, the commissioner shall enter an order to that effect and the proposed person and transaction is not subject to the requirements of subsections (A) through (C).<u>Any</u> person, or group of persons acting in concert, seeking to acquire control of a licensee shall obtain the written approval of the Commissioner prior to acquiring control. An individual is not deemed to acquire control of a

licensee and is not subject to these acquisition of control provisions when that individual becomes a key individual in the ordinary course of business.

(B) A person, or group of persons acting in concert, seeking to acquire control of a licensee, in cooperation with the licensee, shall:

(1) submit an application in a form and in a medium prescribed by the Commissioner; and

(2) submit a nonrefundable fee of one thousand dollars with the request for approval.

(C) Upon request, the Commissioner may permit a licensee or the person, or group of persons acting in concert, to submit some or all information required by the Commissioner pursuant to Section 35-11-515(B)(1) without using NMLS.

(D) The application required by Section 35-11-515(B)(1) must include information required by Section 35-11-210 for any new key individuals that have not previously completed the requirements of Section 35-11-210 for a licensee.

(E) When an application for acquisition of control under this section appears to include all the items and addresses all of the matters that are required, the application must be considered complete and the Commissioner shall promptly notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the Commissioner shall approve or deny the application within sixty days after the completion date; or

(2) if the application is not approved or denied within sixty days after the completion date:

(a) the application is approved;

(b) the person, or group of persons acting in concert, are not prohibited from acquiring control; and

(c) the Commissioner may for good cause extend the application period.

(F) A determination by the Commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

(G) When an application is filed and considered complete under subsection (E), the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control. The Commissioner shall approve an

acquisition of control pursuant to this section if the Commissioner finds that all of the following conditions have been fulfilled:

(1) the requirements of subsections (B) and (D) have been met, as applicable; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control; and the competence, experience, character, and general fitness of the key individuals and persons that would be in control of the licensee after the acquisition of control indicate that it is in the interest of the public to permit the person, or group of persons acting in concert, to control the licensee.

(H) The Commissioner shall issue a formal written notice of the denial of an application to acquire control within thirty days of the decision to deny the application. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the Commissioner under this section may request a hearing within thirty days after receipt of the written notice of the denial pursuant to Section 35-11-710.

(I) The requirements of subsections (A) and (B) do not apply to any of the following:

(1) a person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares or voting interests of a licensee or a person in control of a licensee;

(2) a person that acquires control of a licensee by devise or descent; (3) a person that acquires control of a licensee as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law;

(4) a person that is exempt under Section 35-11-110(A)(4);

(5) a person that the Commissioner determines is not subject to subsection (A) based on the public interest;

(6) a public offering of securities of a licensee or a person in control of a licensee; or

(7) an internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same.

(J) Persons in subsection (I)(2), (3), (4), (6), and (7), in cooperation with the licensee, shall notify the Commissioner within fifteen days after the acquisition of control.

(K)(1) The requirements of subsections (A) and (B) do not apply to a person that has complied with and received approval to engage in money

transmission under this chapter or was identified as a person in control in a prior application filed with and approved by the Commissioner or by an MSB-accredited state pursuant to a multistate licensing process, provided that:

(a) the person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the previous five years;

(b) if the person is a licensee, the person is well managed and has received at least a satisfactory rating for compliance at its most recent examination by an MSB-accredited state if such rating was given;

(c) the licensee to be acquired is projected to meet the requirements of Sections 35-11-215, 35-11-230, and 35-11-600 after the acquisition of control is completed, and if the person acquiring control is a licensee, that licensee is also projected to meet the requirements of Sections 35-11-215, 35-11-230, and 35-11-600 after the acquisition of control is completed;

(d) the licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control, and if the person acquiring control is a licensee, that licensee also will not implement any material changes to its business plan as a result of the acquisition of control; and

(e) the person provides notice of the acquisition in cooperation with the licensee and attests to subsection (K)(1)(a), (b), (c), and (d) in a form and in a medium prescribed by the Commissioner.

(2) If the notice is not disapproved within thirty days after the date on which the notice was determined to be complete, the notice is deemed approved.

(L) Before filing an application for approval to acquire control of a licensee a person may request in writing a determination from the Commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the Commissioner determines that the person would not be a person in control of a licensee, the proposed person and transaction is not subject to the requirements of subsections (A) and (B).

(M)(1) A licensee adding or replacing any key individual shall:

(a) provide notice in a manner prescribed by the Commissioner within fifteen days after the effective date of the key individual's appointment; and

(b) provide information as required by Section 35-11-210 within forty-five days of the effective date.

(2) Within ninety days of the date on which the notice provided

pursuant to item (1) was determined to be complete, the Commissioner may issue a notice of disapproval of a key individual if the competence, experience, character, or integrity of the individual would not be in the best interest of the public or the customers of the licensee to permit the individual to be a key individual of such licensee.

(3) A notice of disapproval must contain a statement of the basis for disapproval and must be sent to the licensee and the disapproved individual. A licensee may request a hearing regarding a notice of disapproval, within thirty days after receipt of such notice of disapproval pursuant to Section 35-11-710.

(4) If the notice provided pursuant to item (1) is not disapproved within ninety days after the date on which the notice was determined to be complete, the key individual is deemed approved.

Section 35-11-520. (A) A licensee shall maintain the following records for determining its compliance with this act-chapter for at least three years:

(1) a record of each payment instrument or stored-value<u>outstanding</u> money transmission obligation sold;

(2) a general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;

(3) bank statements and bank reconciliation records;

(4) records of outstanding payment instruments and stored-valuemoney transmission obligations;

(5) records of each <u>payment instrument and stored valuemoney</u> <u>transmission</u> obligation paid within the three-year period;

(6) a list of the last known names and addresses of all of the licensee's authorized delegates; and

(7) other records the <u>commissioner</u> reasonably requires by rule.

(B) The items specified in subsection (A) may be maintained in any form of record.

(C) Records may be maintained outside this State if they are made accessible to the <u>commissioner</u> on a seven business-day notice that is sent in a record.

(D) All records maintained by the licensee as required in subsections (A) through (C) are open to inspection by the commissioner <u>Commissioner</u> pursuant to Section 35-11-500.

Section 35-11-525. (A) A licensee and an authorized delegate shall file with the commissioner Commissioner all reports required by federal currency reporting, recordkeeping, and suspicious transaction reporting requirements as set forth in 31 U.S.C. Section 5311 (1994), 31 C.F.R.

Section 103 (2000)the Bank Secrecy Act and other federal and state laws pertaining to money laundering.

(B) The timely filing of a complete and accurate report required pursuant to subsection (A) with the appropriate federal agency is in compliance with the requirements of subsection (A), unless the commissioner <u>Commissioner</u> notifies the licensee that reports of this type are not being regularly and comprehensively transmitted by the federal agency to the <u>commissionerCommissioner</u>.

Section 35-11-530. (A) Unless otherwise specified in this section, all information filed with the Securities Commissioner shall be available for public inspection pursuant to rules promulgated by the commissioner consistent with state and federal law governing the disclosure of public information. Except as otherwise provided in subsection (B), all information or reports obtained by the Commissioner from an applicant, licensee, or authorized delegate, and all information contained in or related to an examination, investigation, operating report, or condition report prepared by, on behalf of, or for the use of the Commissioner, or financial statements, balance sheets, or authorized delegate information, are confidential and are not subject to disclosure under Section 30-4-10, et seq.

(B) Except for reasonably segregable portions of information and records that by law would routinely be made available to a party other than an agency in litigation with the commissioner, the commissioner shall not publish or make available:

(1) information contained in reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an investigation, examination, or inspection of the books and records of a person;

(2) interagency or intra-agency memoranda or letters, including without limitation:

(a) records that reflect discussions between or consideration by the commissioner or members of the commissioner's staff, or both, of an action taken or proposed to be taken by the commissioner or by a member of the commissioner's staff; and

(b) reports, summaries, analyses, conclusions, or any other work product of the commissioner or of attorneys, accountants, analysts, or other members of the commissioner's staff, prepared in the course of an:

 (i) inspection of the books or records of a person whose affairs

are regulated by the commissioner; or

(ii) examination, investigation, or litigation conducted by or on behalf of the commissioner;

(3) personnel files, medical files, and similar files if disclosure would constitute a clearly unwarranted invasion of personal privacy, including without limitation:

(a) information concerning all employees of the South Carolina Securities Division and all persons subject to regulation by the division; and

(b) personal information reported to the commissioner under the division's rules concerning registration about employees of applicants, licensees, or their agents;

(4)(a) investigatory records compiled for law enforcement purposes to the extent that production of the records would:

(i) interfere with enforcement proceedings;

(ii) deprive a person of a right to a fair trial or an impartial adjudication; or

(iii) disclose the identity of a confidential source;

(b) the commissioner also may withhold investigatory records that would:

(i) constitute an unwarranted invasion of personal privacy;

(ii) disclose investigative techniques and procedures; or

(iii) endanger the life or physical safety of law enforcement personnel;

(c) as used in this section, "investigatory records" includes:

(i) all documents, records, transcripts, correspondence, and related memoranda and work products concerning examinations and other investigations and related litigation as authorized by law that pertain to or may disclose the possible violation by a person of a provision of the statutes or rules administered by the commissioner; and

(ii) all written communications from or to a person confidentially complaining or otherwise furnishing information about a possible violation, as well as all correspondence and memoranda in connection with the confidential complaint or information;

(5) information contained in or related to examinations, operating reports, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, check issuers, money transmitters, money services providers, or money service businesses;

(6)(a) financial records of an applicant, licensee, or the agent of an applicant or licensee obtained during or as a result of an examination by the commissioner;

(b) when a record is required to be filed pursuant to this article with the commissioner as part of an application for license, annual

renewal, or otherwise, the record, including financial statements prepared by certified public accountants, must be public information unless sections of the information are bound separately and are marked "confidential" by the applicant, licensee, or agent upon filing;

(c) information pursuant to subitem (b) bound separately and marked "confidential" must be considered nonpublic until ten days after the commissioner has given the applicant, licensee, or agent notice that an order will be entered finding the material public information.

(d) an applicant, licensee, or agent may seek an injunction from the Richland County Circuit Court ordering the commissioner to withhold the information as nonpublic pending a final order from a court of competent jurisdiction if the order of the commissioner pursuant to subitem (c) is appealed under applicable law;

(7) trade secrets obtained from a person; or

(8) another record that is required to be closed to the public and is not considered open to public inspection under other law.<u>The</u> Commissioner may disclose information not otherwise subject to disclosure under subsection (A) to representatives of state or federal agencies who promise in a record that they will maintain the confidentiality of the information or where the Commissioner finds that the release is reasonably necessary for the protection and interest of the public in accordance with Section 30-4-10, et seq.

(C) The commissioner may disclose information not otherwise subject to disclosure pursuant to subsection (A) to representatives of state or federal agencies who promise in a record that they will maintain the confidentiality of the information; or the commissioner finds that the release is reasonably necessary for the protection of the public and in the interests of justice, and the licensee has been given previous notice by the commissioner of the commissioner's intent to release the information.

(D)(C) This section does not prohibit the commissioner from disclosing to the public a list of persons licensed under this chapter or the aggregated financial data concerning those licensees.

(D) Information contained in the records of the Commissioner that is not confidential and may be made available to the public either on the Commissioner's website, upon receipt by the Commissioner of a written request, or in NMLS must include:

(1) the name, business address, telephone number, and unique identifier of a licensee;

(2) the business address of a licensee's registered agent for service;(3) the name, business address, and telephone number of all

authorized delegates;

(4) the terms of or a copy of any bond filed by a licensee, provided that confidential information including, but not limited to, prices and fees for such bond is redacted:

(5) copies of any nonconfidential final orders of the Commissioner relating to any violation of this chapter or regulations implementing this chapter; and

(6) imposition of an administrative fine or penalty under this chapter.

Section 35-11-535. (A) Every licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

(B) If a licensee fails to forward money received for transmission in accordance with this section, the licensee must respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule, or regulation.

Section 35-11-540. (A) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time; or

(2) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

(B) Every licensee shall refund to the sender within ten days of receipt of the sender's written request for a refund of any and all money received for transmission unless any of the following occurs:

(1) the money has been forwarded within ten days of the date on which the money was received for transmission;

(2) instructions have been given committing an equivalent amount of money to the person designated by the sender within ten days of the date on which the money was received for transmission;

(3) the agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond ten days of the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section;

(4) the refund is requested for a transaction that the licensee has not

completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur; or

(5) the refund request does not enable the licensee to:

(a) identify the sender's name and address or telephone number; or

(b) identify the particular transaction to be refunded in the event the sender has multiple transactions outstanding.

Section 35-11-545. (A) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time;

(2) money received for transmission that is not primarily for personal, family, or household purposes;

(3) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee; or

(4) payroll processing services.

(B) For purposes of this article, "receipt" means a paper receipt, electronic record, or other written confirmation. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts shall be provided in a retainable form.

(C) Every licensee or its authorized delegate shall provide the sender a receipt for money received for transmission.

(1) The receipt must contain the following information, as applicable:

(a) the name of the sender;

(b) the name of the designated recipient;

(c) the date of the transaction;

(d) the unique transaction or identification number;

(e) the name of the licensee, NMLS Unique ID, the licensee's business address, and the licensee's customer service telephone number;

(f) the amount of the transaction in United States dollars;

(g) any fee charged by the licensee to the sender for the transaction; and

(h) any taxes collected by the licensee from the sender for the transaction.

(2) The receipt required by this section shall be in English and in

the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing, for a transaction conducted in person, electronically or by phone, if other than English.

Section 35-11-550. Every licensee or authorized delegate shall include on a receipt or disclose on the licensee's website or mobile application the name and phone number of the South Carolina Office of Attorney General and a statement that the licensee's customers can contact the Commissioner with complaints about the licensee's money transmission services.

# Article 6

#### Permissible Investments

Section 35-11-600. (A) A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles of not less than the aggregate amount of all of its outstanding payment instruments and store-value obligations issued or sold in all states and money transmitted from all states by the licenseemoney transmission obligation.

(B) Except for permissible investments enumerated in Section 35-11-605(A). The commissioner the Commissioner, with respect to a any licensee, may, by rule or order, limit the extent to which a type of specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, except for money and certificates of deposit issued by a bank. The commissioner by rule may prescribe or by order allow other types of investments that the commissioner determines to have a safety substantially equivalent to other permissible investments if the specific investment represents undue risk to customers, not reflected in the market value of the investments.

(C) Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding payment instruments and stored-valuemoney transmission obligations in the event of bankruptey or receivership of the licensee insolvency, the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. No permissible investments impressed with a trust pursuant to this section may be subject to attachment, levy

of execution, or sequestration by order of any court, except for a beneficiary of this statutory trust.

(D) Upon the establishment of a statutory trust in accordance with subsection (C) or when any funds are drawn on a letter of credit pursuant to Section 35-11-605(A)(4), the Commissioner shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice is deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State, and other states, as applicable. Any statutory trust established hereunder must be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

(E) The Commissioner, by regulation or by order, may allow other types of investments that the Commissioner determines are of sufficient liquidity and quality to be a permissible investment. The Commissioner is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and guality to be a permissible investment.

Section 35-11-605. (A) Except to the extent otherwise limited by the commissioner pursuant to Section 35-11-600, the The following investments are permissible pursuant to Section 35-11-600:

(1) cash, a certificate of deposit, or senior debt obligation of an insured depositary institution, as defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813 (1994 & Supp. V 1999)cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers in a federally insured depository financial institution, and cash equivalents including ACH items in transit to the licensee and ACH items or international wires in transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank, or money market mutual funds rated "AAA" by S&P, or the equivalent from any eligible rating service;

(2) banker's acceptance or bill of exchange that is eligible for purchase upon endorsement by a member bank of the Federal Reserve

System and is eligible for purchase by a Federal Reserve Bankcertificates of deposit or senior debt obligations of an insured depository institution, as defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813, as amended or recodified from time to time, or as defined under the federal Credit Union Act, 12 U.S.C. Section 1781, as amended or recodified from time to time;

(3) an investment bearing a rating of one of the three highest grades as defined by a nationally recognized organization that rates securities<u>an</u> obligation of the United States or a commission, agency, or instrumentality thereof; an obligation that is guaranteed fully as to principal and interest by the United States; or an obligation of a state or a governmental subdivision, agency, or instrumentality thereof;

(4) an investment security that is an obligation of the United States or a department, agency, or instrumentality of the United States; an investment in an obligation that is guaranteed fully as to principal and interest by the United States; or an investment in an obligation of a State or a governmental subdivision, agency, or instrumentality of a state the full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the Commissioner that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by subsection (A)(4)(c).

(a) The letter of credit must:

(i) be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states, or a foreign bank that is authorized under state law to maintain a branch in a state that bears an eligible rating or whose parent company bears an eligible rating and is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks, credit unions, and trust companies;

(ii) be irrevocable, unconditional, and indicate that it is not subject to any condition or qualifications outside of the letter of credit;

(iii) not contain reference to any other agreements, documents, or entities, or otherwise provide for any security interest in the licensee; and

(iv) contain an issue date and expiration date, and expressly provide for automatic extension, without a written amendment, for an additional period of one year from the present or each future expiration date, unless the issuer of the letter of credit notifies the Commissioner in writing by certified or registered mail or courier mail or other receipted

means, at least sixty days prior to any expiration date, that the irrevocable letter of credit will not be extended.

(b) In the event of any notice of expiration or nonextension of a letter of credit issued under subsection (A)(4)(a)(iv), the licensee is required to demonstrate to the satisfaction of the Commissioner, fifteen days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with Section 35-11-600(A) upon the expiration of the letter of credit. If the licensee is not able to do so, the Commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with Section 35-11-600(A). Any such draw must be offset against the licensee's outstanding money transmission obligations. The drawn funds must be held in trust by the Commissioner or the Commissioner's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

(c) The letter of credit must provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

(i) the original letter of credit, including any amendments; and (ii) a written statement from the beneficiary stating that any of the following events have occurred:

(A) the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Sections 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

(B) the filing of a petition by or against the licensee for receivership, or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization;

(C) the seizure of assets of a licensee by a commissioner pursuant to an emergency order issued in accordance with applicable law, on the basis of an action, violation, or condition that has caused or is likely to cause the insolvency of the licensee; or

(D) the beneficiary has received notice of expiration or nonextension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with Section 35-11-600(A) upon the expiration or nonextension of the letter of credit.

(d) The Commissioner may designate an agent to serve on the Commissioner's behalf as beneficiary to a letter of credit so long as the

agent and letter of credit meet requirements established by the Commissioner. The Commissioner's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this section are assigned to the Commissioner.

(e) The Commissioner is authorized and encouraged to participate in multistate processes designed to facilitate the issuance and administration of letters of credit including, but not limited to, services provided by the NMLS and State Regulatory Registry, LLC; and

(5) receivables that are payable to a licensee from its authorized delegates, in the ordinary course of business, pursuant to contracts that are not past due or doubtful of collection if the aggregate amount of receivables under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not hold at one time receivables under this item in any one person aggregating more than ten percent of the licensee's total permissible investments; and

(6) a share or a certificate issued by an open-end management investment company that is registered with the United States Securities and Exchange Commission under the Investment Companies Act of 1940, 15 U.S.C. Section 80a-1-64 (1994 & Supp. V 1999), and whose portfolio is restricted by the management company's investment policy to investments specified in items (1) through (4). one hundred percent of the surety bond or deposit provided for under Section 35-11-215 that exceeds the average daily money transmission liability in this State.

(B) <u>Unless permitted by the Commissioner by regulation or order to</u> exceed the limit as set forth herein, The the following investments are permissible pursuant to Section 35-11-600, but only to the extent specified:

(1) an interest-bearing bill, note, bond, or debenture of a person whose equity shares are traded on a national securities exchange or on a national over the counter market, if the aggregate of investments under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold investments under this item in any one person aggregating more than ten percent of the licensee's total permissible investments<u>receivables that are</u> payable to a licensee from its authorized delegates in the ordinary course of business that are less than seven days old, up to fifty percent of the aggregate value of the licensee's total permissible investments;

(2) a share of a person traded on a national securities exchange or a national over-the counter market or a share or a certificate issued by an open-end management investment company that is registered with the

United States Securities and Exchange Commission under the Investment Companies Act of 1940, 15 U.S.C. Section 80a-1-64 (1994 & Supp. V 1999), and whose portfolio is restricted by the management company's investment policy to shares of a person traded on a national securities exchange or a national over the counter market, if the aggregate of investments under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold investments in any one person aggregating more than ten percent of the licensee's total permissible investments<u>of</u> the receivables permissible under item (1), receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed ten percent of the aggregate value of the licensee's total permissible investments;

(3) a demand borrowing agreement made to a corporation or a subsidiary of a corporation whose securities are traded on a national securities exchange if the aggregate of the amount of principal and interest outstanding under demand borrowing agreements under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold principal and interest outstanding under demand borrowing agreements under this item with any one person aggregating more than ten percent of the licensee's total permissible investments the following investments are permissible up to twenty percent for each category and combined up to fifty percent of the aggregate value of the licensee's total permissible investments:

(a) a short-term, up to six months, investment bearing an eligible rating;

(b) commercial paper bearing an eligible rating;

(c) a bill, note, bond, or debenture bearing an eligible rating;

(d) U.S. tri-party repurchase agreements collateralized at one hundred percent or more with U.S. government or agency securities, municipal bonds, or other securities bearing an eligible rating;

(e) money market mutual funds rated less than "AAA" and equal to or higher than "A-" by S&P, or the equivalent from any other eligible rating service; and

(f) a mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in subsection (A)(1) through (3); and

(4) another investment the commissioner designates, to the extent specified by the commissioner.cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's

customers, at foreign depository institutions are permissible up to ten percent of the aggregate value of the licensee's total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution:

(a) has an eligible rating;

(b) is registered under the Foreign Account Tax Compliance Act;

(c) is not located in any country subject to sanctions from the Office of Foreign Asset Control; and

(d) is not located in a high-risk or noncooperative jurisdiction as designated by the Financial Action Task Force.

- (C) The aggregate of investments pursuant to subsection (B) may not exceed fifty percent of the total permissible investments of a licensee calculated pursuant to Section 35-11-600.

#### Article 7

#### Enforcement

Section 35-11-700. (A) The <u>commissioner</u> may suspend or revoke a license or order a licensee to revoke the designation of an authorized delegate if:

(1) the licensee violates this chapter or a rule adopted regulation or an order issued pursuant to this actchapter;

(2) the licensee does not cooperate with an examination or investigation by the <u>commissioner</u>Commissioner;

(3) the licensee engages in fraud, intentional misrepresentation, or gross negligence;

(4) an authorized delegate is convicted of a violation of a state or federal anti-money laundering statute, or violates a rule adopted<u>regulation</u> or an order issued pursuant to this chapter, as a result of the licensee's wilful misconduct or wilful blindness;

(5) the competence, experience, character, or general fitness of the licensee, authorized delegate, person in control of a licensee, or responsible personkey individual of the licensee or authorized delegate indicates that it is not in the public interest to permit the person to provide money services;

(6) the licensee engages in an unsafe or unsound practice;

(7) the licensee is insolvent, suspends payment of its obligations, or makes a general assignment for the benefit of its creditors; -or

(8) the licensee does not remove an authorized delegate after the commissioner-Commissioner issues and serves upon the licensee a final order including a finding that the authorized delegate has violated this chapter-; or

(9) the licensee is the subject of a final order, including a denial,

suspension, or revocation, by this or any other state or federal financial services regulator, including a state or federal money services regulator, that was entered against the licensee within the past five years.

(B) In determining whether a licensee is engaging in an unsafe or unsound practice, the <u>commissioner</u> <u>Commissioner</u> may consider the size and condition of the licensee's money transmission, the magnitude of the loss, the gravity of the violation of this <u>actchapter or a regulation</u> <u>or order issued pursuant to this chapter</u>, and the previous conduct of the person involved.

(C) In determining whether to suspend or revoke a license under subsection (A)(9), the Commissioner may consider if the licensee subject to the final order is currently licensed to conduct business in the jurisdiction where the order was entered.

(D) The Commissioner shall issue a formal written notice of the suspension or revocation. The Commissioner shall set forth in the order the specific reasons for the suspension or revocation. A licensee may request a hearing within thirty days after receipt of the written notice of suspension or revocation pursuant to Section 35-11-710.

Section 35-11-705. (A) The <u>commissioner Commissioner may</u> issue an order suspending or revoking the designation of an authorized delegate, if the <u>commissioner Commissioner</u> finds that the:

(1) authorized delegate violated this chapter or a rule adopted<u>regulation</u> or an order issued pursuant to this chapter;

(2) authorized delegate did not cooperate with an examination or investigation by the <u>commissionerCommissioner;</u>

(3) authorized delegate engaged in fraud, intentional misrepresentation, or gross negligence;

(4) authorized delegate is convicted of a violation of a state or federal anti-money laundering statute;

(5) competence, experience, character, or general fitness of the authorized delegate or a person in control of the authorized delegate indicates that it is not in the public interest to permit the authorized delegate to provide money services; or

(6) authorized delegate is engaging in an unsafe or unsound practice.

(B) In determining whether an authorized delegate is engaging in an unsafe or unsound practice, the <u>commissioner</u> <u>Commissioner</u> may consider the size and condition of the authorized delegate's provision of money services, the magnitude of the loss, the gravity of the violation of this chapter or a <u>rule adopted</u> regulation or order issued pursuant to this chapter, and the previous conduct of the authorized delegate.

(C) The Commissioner shall issue a formal written notice of the suspension or revocation. The Commissioner shall set forth in the order the specific reasons for the suspension or revocation. An authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate according to procedures prescribed by the commissioner request a hearing within thirty days after receipt of the written notice of suspension or revocation pursuant to Section 35-11-710.

Section 35-11-710. (A) If the commissioner determines that a violation of this chapter or of a rule adopted or an order issued pursuant to this chapter by a licensee or authorized delegate is likely to cause immediate and irreparable harm to the licensee, its customers, or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the commissioner may issue an order requiring the licensee or authorized delegate to cease and desist from the violation. The order becomes effective upon service of it upon the licensee or authorized delegate. If the Commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this chapter or a regulation or order issued under this chapter, the Commissioner may:

(1) issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this chapter;

(2) issue an order against a licensee to cease and desist from providing money services through an authorized delegate that is the subject of a separate order by the Commissioner; or

(3) issue an order under Sections 35-11-220(E), 35-11-235(A), 35-11-310(D), 35-11-515(H), 35-11-515(M), 35-11-700, and 35-11-705.

(B) The commissioner may issue an order against a licensee to cease and desist from providing money services through an authorized delegate that is the subject of a separate order by the commissioner. An order under subsection (A) is effective on the date of issuance. Upon issuance of the order, the Commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or costs of investigation the Commissioner will seek, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the Commissioner within thirty days after the date of service of the order, the order, which may include a civil penalty or costs of the

investigation if a civil penalty or costs were sought, becomes final as to that person by operation of law. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(C) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Section 35-11-700 or 35-11-705. If a hearing is requested or ordered pursuant to subsection (B), a hearing must be held. A final order may not be issued unless the Commissioner makes findings of fact and conclusions of law in a record. The final order may make final, vacate, or modify the order issued under subsection (A).

(D) In a final order under subsection (C), the Commissioner may impose a civil penalty against a person that violates this chapter or a regulation or order issued pursuant to this chapter in an amount not to exceed one thousand dollars per day for each day the violation is outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees.

(E) If a petition for judicial review of a final order is not filed in accordance with Section 35-11-830, the Commissioner may file a certified copy of the final order with the clerk of court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(F) If a person does not comply with an order under this section, the Commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the Commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five hundred dollars but not greater than five thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(G) A hearing in an administrative proceeding under this chapter must be conducted in public unless the Commissioner, for good cause consistent with this chapter, determines that the hearing will not be so conducted.

Section 35-11-715. The commissioner <u>Commissioner</u> may enter into a consent order at any time with a person to resolve a matter arising pursuant to this chapter or a <u>rule adopted</u> regulation or order issued

pursuant to this chapter. A consent order must be signed by the person to whom it is issued or by the person's authorized representative, and must indicate agreement with the terms contained in the order. A consent order may provide that it does not constitute an admission by a person that this chapter or a <u>rule adoptedregulation</u> or an order issued pursuant to this chapter has been violated.

Section 35-11-720. The commissioner may assess a civil penalty against a person that violates this chapter or a rule adopted or an order issued pursuant to this chapter in an amount not to exceed one thousand dollars per day for each day the violation is outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney fees Reserved.

Section 35-11-725. (A) A person who intentionally makes a false statement, misrepresentation, or false certification in a record filed or required to be maintained pursuant to this chapter, who intentionally makes a false entry or omits a material entry in that record, or violates a rule promulgated or order issued pursuant to this chapter is guilty of a Class B felony.

(B) A person who knowingly engages in an activity for which a license is required pursuant to this chapter without being licensed pursuant to this chapter and who receives more than five hundred dollars in compensation within a thirty-day period from this activity is guilty of a Class B felony.

(C) A person who knowingly engages in an activity for which a license is required pursuant to this chapter without being licensed pursuant to this chapter and who receives no more than five hundred dollars in compensation within a thirty-day period from this activity is guilty of a Class A misdemeanor.

Section 35-11-730. (A) If the commissioner Commissioner has reason to believe that a person has violated or is violating Section 35-11-200 or 35-11-300, the commissioner may issue an order to show cause why an order to cease and desist should not be issued requiring the person to cease and desist from the violation of Section 35-11-200 or 35-11-300.engaged or is about to engage in an act or practice constituting a violation of this chapter or a regulation or order issued pursuant to this chapter, the Commissioner may summarily issue an order to cease and desist pursuant to Section 35-11-710.

(B) In an emergency, the commissioner may petition the Richland County Circuit Court for the issuance of a temporary restraining order ex parte pursuant to the rules of civil procedure. The Commissioner may apply to the Richland County Court of Common Pleas to:

(1) temporarily or permanently enjoin an act or practice that violates this chapter or a regulation or order issued pursuant to this chapter; or

(2) enforce compliance with this chapter or a regulation or order issued or pursuant to this chapter.

(C) An order to cease and desist becomes effective upon service of the order on the person. A person that is served with an order to cease and desist for violating Section 35-11-200 or 35-11-300 may petition the Richland County Court of Common Pleas for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding pursuant to Section 35-11-710.

(D) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Sections 35-11-800 and 35-11-805.

Section 35-11-735. (A) Whenever a licensee has refused or is unable to pay its obligations generally as they become due or whenever it appears to the <u>commissionerCommissioner</u> that a licensee is in an unsafe or unsound condition, the <u>commissionerCommissioner</u> may apply to the Richland County <u>Circuit</u> Court of Common Pleas or to the circuit court of any county in which the licensee is located for the appointment of a receiver for the licensee. The court may require the receiver to post a bond in an amount that appears necessary to protect claimants of the licensee.

(B) The receiver, subject to the approval of the court, shall take possession of the books, records, and assets of the licensee and shall take an action with respect to employees, agents, or representatives of the licensee or other action that may be necessary to conserve the assets of the licensee or ensure payment of instruments issued by the licensee pending further disposition of its business as provided by law. The receiver shall sue and defend, compromise, and settle all claims involving the licensee and exercise the powers and duties that are necessary and consistent with the laws of this State applicable to the appointment of receivers.

(C) The receiver, from time to time, but in no event less frequently than once each calendar quarter, shall report to the court with respect to all acts and proceedings in connection with the receivership.

Section 35-11-740. (A)(1) A person who, knowing that the property involved in a financial transaction represents the proceeds of, or is derived directly or indirectly from the proceeds of unlawful activity, conducts or attempts to conduct such a financial transaction that in fact involves the proceeds:

(a) with the intent to promote the carrying on of unlawful activity;

(b) knowing that the transaction is designed in whole or in part to conceal or disguise the nature, location, sources, ownership, or control of the proceeds of unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed one hundred thousand dollars in a twelve-month period.

In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars, or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars, or quintuple the value of the financial transactions, whichever is greater.

(2) A person who transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in South Carolina to or through a place outside the United States or to a place in South Carolina from or through a place outside the United States:

(a) with the intent to promote the carrying on of unlawful activity; or

(b) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of unlawful activity and knowing that the transportation is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed

one hundred thousand dollars in a twelve-month period.

In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars, or quintuple the value of the financial transactions, whichever is greater.

(3) A person with the intent:

(a) to promote the carrying on of unlawful activity; or

(b) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of unlawful activity, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of unlawful activity, or property used to conduct or facilitate unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed one hundred thousand dollars in a twelve-month period.

In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars or quintuple the value of the financial transactions, whichever is greater.

For purposes of this subitem, the term "represented" means a representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a state official authorized to investigate or prosecute violations of this section.

(B) A person who conducts or attempts to conduct a transaction described in subsection (A)(1), or transportation described in subsection (A)(2), is liable to the State for a civil penalty of not more than the greater of:

(1) the value of the property, funds, or monetary instruments

involved in the transaction; or

(2) ten thousand dollars.

A court may issue a pretrial restraining order or take another action necessary to ensure that a bank account or other property held by the defendant in the United States is available to satisfy a civil penalty under this section.

(C) As used in this section:

(1) the term "conducts" includes initiating, concluding, or participating in initiating or concluding a transaction;

(2) the term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition and, with respect to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary instrument, or another payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(3) the term "financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments;

(4) the term "monetary instruments" means coin or currency of the United States or of another country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in that form that title to it passes upon delivery, and negotiable instruments in bearer form or otherwise in that form that title to it passes upon delivery;

(5) the term "financial institution" has the definition given that term in Section 5312(a)(2), Title 31, United States Code, and the regulations promulgated thereunder.

(D) Nothing in this section supersedes a provision of law imposing criminal penalties or affording civil remedies in addition to those provided for in this section, and nothing in this section precludes reliance in the appropriate case upon the provisions set forth in Section 44-53-475.

Section 35-11-745. (A) The Commissioner may:

(1) conduct public or private investigations within or outside of this State which the Commissioner considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this chapter or a regulation or order issued pursuant to this chapter, or to aid in the enforcement of this chapter or in the adoption of rules and forms under this chapter;

(2) require or permit a person to testify, file a statement, or produce

a record, under oath or otherwise as the Commissioner determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(3) publish a record concerning an action, proceeding, or an investigation under, or a violation of, this chapter or a regulation or order issued pursuant to this chapter if the Commissioner determines it is necessary or appropriate in the public interest.

(B) For the purpose of an investigation under this chapter, the Commissioner or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the Commissioner considers relevant or material to the investigation.

(C) If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the Commissioner under this chapter, the Commissioner may apply to the Richland County Court of Common Pleas or a court of another state to enforce compliance. The court may:

(1) hold the person in contempt;

(2) order the person to appear before the Commissioner;

(3) order the person to testify about the matter under investigation or in question;

(4) order the production of records;

(5) grant injunctive relief;

(6) impose a civil penalty of not less than five hundred dollars and not greater than five thousand dollars for each violation; and

(7) grant any other necessary or appropriate relief.

(D) This section does not preclude a person from applying to the Richland County Court of Common Pleas for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

# Article 8

#### Administrative Procedures

Section 35-11-800. All administrative proceedings pursuant to this chapter must be conducted in accordance with Article 3, Chapter 23, Title 1. In order to carry out the purposes of this chapter, the Commissioner may, subject to the provisions of Section 35-11-530:

(1) enter into agreements or relationships with other governmental officials or federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing resources, records, or related information obtained under this chapter;
(2) use, hire, contract, or employ analytical systems, methods, or software to examine or investigate any person subject to this chapter;

(3) accept, from other state or federal governmental agencies or officials, licensing, examination, or investigation reports made by such other state or federal governmental agencies or officials; and

(4) accept audit reports made by an independent certified public accountant or other qualified third-party auditor for an applicant or licensee and incorporate the audit report in any report of examination or investigation.

Section 35-11-805. Except as otherwise provided in Sections 35-11-225(C), 35-11-315(C), 35-11-710, and 35-11-730, the commissionerThe Commissioner may not suspend or revoke a license, issue an order to cease and desist, suspend or revoke the designation of an authorized delegate, or assess a civil penalty without notice and an opportunity to be heard <u>pursuant to Section 35-11-710</u>. The commissioner Commissioner also shall hold a hearing when requested to do so by an applicant whose application for a license is denied.

Section 35-11-810. This chapter is administered by the commissioner <u>Commissioner</u> who may employ such additional assistants as he deems necessary. The commissioner <u>Commissioner</u> may delegate any or all of his duties pursuant to this chapter to members of his staff, as he deems necessary or appropriate.

Section 35-11-815. The commissioner may promulgate and amend regulations or issue orders necessary to carry out the purposes of this chapter in order to provide for the protection of the public and to assist licensees in interpreting and complying with this chapter.

Section 35-11-820. The Commissioner may establish reasonable fees for filings required or permitted by regulation or order adopted pursuant to this chapter, and other miscellaneous filings for which no fees are otherwise specified by law.

Section 35-11-825. The Commissioner may retain all fees, assessments, and fines received under this chapter for the administration of this chapter.

Section 35-11-830. A person aggrieved by a final order of the Commissioner may obtain a review of the order in the Richland County Court of Common Pleas by filing in the court, within thirty days after entry of the order, a written petition praying that the order may be modified or set aside in whole or in part. The aggrieved person, upon filing a petition, may move before the court in which the petition is filed to stay the effectiveness of the Commissioner's final order until such time as the court has reviewed the order. If the court orders a stay, the

aggrieved person must post any bond set by the court in which a petition is filed. A copy of the petition must be served upon the Commissioner, and the Commissioner shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. The findings of the Commissioner as to the facts, if supported by competent, material, and substantial evidence, are conclusive.

# Article 9

#### **Miscellaneous** Provisions

Section 35-11-900. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 35-11-905. (A) A person licensed in this State to engage in the business of money transmission may not be subject to the amended provisions of this chapter, to the extent that they conflict with the prior law or establish new requirements not imposed under the prior law, until the first January first after the effective date of this chapter.

(B) Notwithstanding subsection (A), a licensee only must be required to amend its authorized delegate contracts for contracts entered into or amended after the effective date of the amendments to this chapter or the completion of any transition period contemplated under subsection (A). Nothing herein may be construed as limiting an authorized delegate's obligations to operate in full compliance with this chapter as required by Section 35-11-400(C).

SECTION 2. 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 3. 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 4. This act takes effect upon approval by the Governor. Amend title to conform.

/s/Sen. Malloy	/s/Rep. Blackwell
/s/Sen. Gambrell	Rep. Gatch
/s/Sen. Garrett	/s/Rep. Jefferson
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 1031 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35, RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT THE PUBLIC FROM FINANCIAL CRIME. STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REQUIREMENTS TO ENSURE FUNDS ARE AN ENVIRONMENT THAT SUPPORTS PROTECTED IN INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES. Very respectfully, Speaker of the House

Received as information.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 1031 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35, RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT **PUBLIC** THE FROM **FINANCIAL** CRIME. STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REOUIREMENTS TO ENSURE FUNDS ARE PROTECTED AN ENVIRONMENT THAT IN SUPPORTS INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES. Very respectfully,

Speaker of the House

Received as information.

#### RECESS

At 4:59 P.M., on motion of Senator HUTTO, the Senate receded from business not to exceed 20 minutes.

At 5:28 P.M., the Senate resumed.

# S. 1046--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT **SELECTION** COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS,

AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20. RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY 2-19-70, AMENDING SECTION RELATING TO THE PROHIBITION AGAINST DUAL OFFICES. PRIVILEGES OF THE FLOOR. AND PLEDGES. SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

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

Senator RANKIN spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 38; Nays 0

AYES			
Alexander	Allen	Bennett	
Cash	Climer	Corbin	
Cromer	Davis	Devine	
Fanning	Gambrell	Garrett	
Gustafson	Harpootlian	Hembree	
Hutto	Jackson	Johnson, Kevin	
Johnson, Michael	Malloy	Massey	
Matthews	McElveen	McLeod	
Peeler	Rankin	Reichenbach	
Rice	Sabb	Setzler	
Shealy	Stephens	Talley	
Tedder	Turner	Verdin	
Williams	Young		

## Total--38

# NAYS

# Total--0

The Committee of Conference Report was adopted as follows:

### S. 1046--Conference Report

The General Assembly, Columbia, S.C., June 26, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION

MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20. RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES. SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING ΤO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF **QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE** DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10. RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS

FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

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

That the same do pass with the following amendments:

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

SECTION 1. Chapter 19, Title 2 of the S.C. Code is amended to read: CHAPTER 19

South Carolina Judicial Merit Selection Commission

Screening and Election of Justices and Judges

Section 2-19-5. (A) There is created the South Carolina Judicial Merit Selection Commission composed of twelve members who must be appointed as follows:

(1) four members appointed by the Speaker of the House of Representatives and of these appointments:

(a) three members must be members of the House of Representatives; and

(b) one member must be selected from the South Carolina Bar who must be a member of the Bar in good standing with ten years' experience in the practice of law;

(2) four members appointed by the Senate and of these appointments:

(a) two members must be appointed by the President of the Senate one of whom must be a member of the Senate and one of whom must be selected from the South Carolina Bar and must be a member in good standing with ten years' experience in the practice of law; and

(b) two members must be appointed by the Chairman of the Senate Judiciary Committee both of whom must be members of the Senate; and

(3) four members appointed by the Governor all of which must be members in good standing of the South Carolina Bar with at least ten years' experience in the practice of law.

(B) No person is eligible for appointment if he individually contributed to a campaign of one of the appointing authorities in the most recent election. Nonlegislative members may not be a public employee or serve in another elected office.

(C) Members of the commission shall serve for a term of two years and may serve no more than two consecutive terms. However, a member of the House of Representatives or Senate who ceases to serve as a member of the General Assembly will have his service on the

commission terminated upon the end of his service in the General Assembly. Additionally, a member appointed to fill a vacancy in an unexpired term may serve two full terms thereafter. The initial appointments must be made as follows:

(1) one member each appointed by the Speaker of the House of Representatives pursuant to subsection (A)(1)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two-year term;

(2) one member each appointed by the President of the Senate and the Chairman of the Senate Judiciary Committee pursuant to subsection (A)(2)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two-year term; and

(3) two members appointed by the Governor pursuant to subsection (A)(3)(b) shall serve an initial term of one year and may be reappointed to a following two-year term.

(D) In making appointments to the commission, race, gender, national origin, and other demographic factors shall be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(E) A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) Members of the Judicial Merit Selection Commission serving on the effective date of this act who have served more than four years on the commission are not eligible for appointment to the commission pursuant to the provisions of this act except for the current chairman and vice chairman who can serve a two-year term but then may not serve a successive term.

(G) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(H) No member of the commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law court while serving on the commission and for a period of one year thereafter. If a candidate is a family member of a member of the commission, the member must resign. For the purposes of this subsection, "family member" means a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

Section 2-19-10. (A) Whenever When an election is to be held by the

General Assembly in Joint Session, for members of the judiciary, <u>a-the</u> <u>South Carolina</u> Judicial Merit Selection Commission, composed of <u>tentwelve</u> members, shall be appointed, in the manner prescribed by this <u>section, to</u>-consider the qualifications of the candidates. The Judicial <u>Merit Selection Commission</u> shall meet at least once annually and at other times as may be designated by the chairman. The commission, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules necessary to the purposes of the commission. These rules shall address, among other things:

(1) the confidentiality of records and other information received concerning candidates for judicial office;

(2) the conduct of proceedings before the commission;

(3) receipt of public statements in support of or in opposition to any of the candidates;

(4) procedures to review the qualifications of retired judges for continued judicial service;

(5) contacting incumbent judges regarding their desire to seek re-election;

(6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission-<u>; and</u>

(7) format and use of anonymous surveys by the commission.

A member may succeed himself as chairman or vice chairman. SixSeven members of the commission constitute a quorum at all meetings.

(B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

(1) five members appointed by the Speaker of the House of Representatives and of these appointments:

(a) three members must be serving members of the General Assembly; and

(b) two members must be selected from the general public;

(2) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; and
(3) two members, appointed by the President of the Senate, who must be selected from the general public.

- (C) In making appointments to the commission, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the

population of the State.

(D) The term of office of a member of the commission who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one year thereafter.

Section 2-19-20. (A) It is the responsibility of the <u>South Carolina</u> Judicial Merit Selection Commission to determine when judicial vacancies are to occur in the <u>administrative law judge</u> <u>divisionAdministrative Law Court</u> and on the family court, circuit court, court of appeals, or Supreme Court and to expeditiously investigate in advance the qualifications of those who seek <u>nominationthe position</u>. For purposes of this chapter, a vacancy is created in the <u>administrative law judge division Administrative Law Court</u> or on the family court, circuit court, court of appeals, or Supreme Court or on the family court, circuit court, court of appeals, or Supreme Court when any of the following occurs: a term expires; a new judicial position is created; or a judge can no longer serve due to resignation, retirement, disciplinary action, disability, or death.

(B) The commission, upon receiving notice of a judicial vacancy, ascertaining that a judicial vacancy shall occur, or receiving the decision of an incumbent judge regarding his seeking-re-electionreelection, shall notify the Supreme Court of the vacancy for publication in the advance sheets provided by the Clerk of the Supreme Court at least thirty days prior to closing applications for the vacancy. The commission shall, if practicable, also notify the South Carolina Bar, other professional legal organizations it considers appropriate, and each newspaper of this State with daily circulation of the vacancy at least thirty days prior to closing applications for the vacancy at least thirty days prior to closing applications for the vacancy at least thirty days prior to closing applications for the vacancy. This notice must include, but not be limited to, the judicial office in which the vacancy occurs, the address to which, and the date by which interested candidates may apply.

(C) The Judicial Merit Selection Commissioncommission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division Administrative Law Court, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for nominationa position as justice or judge may make application to the commission. No person may concurrently seek more than one judicial vacancy. The commission shall announce the names of those persons who have applied.

(D) Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the <u>Judicial Merit Selection Commission</u>. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate as it considers appropriate and may in the investigation utilize the services of any agency of state government. This agency shall, upon request, cooperate fully with the commission.

Section 2-19-25. (A) The South Carolina Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any candidate for an administrative law Administrative Law Court judgeship or a family court, circuit court, court of appeals, or Supreme Court judgeship from any state agency or other group including, but not limited to, court administration and any law enforcement agency, to the extent permitted by law. And, as part of the investigation, candidates for election to judicial office or reelection to judicial office must disclose any sanctions, including private reprimands, to the commission.

(B) The chairman of the commission shall notify the President of the South Carolina Bar of the judgeships to be filled and of the candidates for those judgeships no later than four weeks before the scheduled date for the public hearing. The chairman of the commission shall also request the South Carolina Bar to offer the commission an assessment of each candidate's qualifications for the judgeship sought, and the date by which the assessment must be returned to the commission. This assessment must specify the bar's finding as to whether each candidate is qualified or unqualified for the judgeship sought and the reasons for that finding. The commission may receive the bar's assessment in that form and at that time it desires but shall attach the assessments to its findings of fact in such form as the commission considers appropriate. Failure of the bar to return the assessment by the date requested is not a ground for delaying the applicable hearings or election.

(C) The commission shall forward the names of justices and judges who are at the midpoint in their terms to the committee in order for the committee to conduct midterm reviews utilizing the electronic ballot box

survey polling or other forms of electronic surveys as it deems appropriate. The results of the midterm reviews must be forwarded to the Chief Justice of the Supreme Court. Midterm reviews also must be provided to the commission at the next public screening of each judicial candidate.

Section 2-19-30. (A) Upon completion of the investigation, the Chairman of the <u>South Carolina</u> Judicial Merit Selection Commission shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the commission no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Judicial Merit Selection Commission<u>commission</u> for allowing the submitting individual's testimony after the deadline. The commission shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the commission, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

(B) During the course of the investigation, the commission may schedule an executive session at which each candidate, and other persons whom the commission wishes to interview, may be interviewed by the commission on matters pertinent to the candidate's qualification for the office to be filled.

(C) AAt a reasonable time thereafter the commission shall render its tentative findings as to whether the candidate is qualified for the office to be filled and its reasons therefor as to each candidate.

(D) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact must be transcribed and published or otherwise made available in a reasonable number of copies to the members of both houses prior to the date of the scheduled election, and a copy-thereof shall be furnished to each candidate and anyone else upon request. A charge for these copies may be made as authorized in the Freedom of Information Act.

(E) A candidate may withdraw at any-stage of the proceedings and in this event no further inquiry or consideration of his candidacy shall be made time prior to the public hearing or after the draft report is issued to members of the General Assembly. All materials concerning that candidate including his report, transcript, application, materials, and other information gathered during the commission's investigation must be kept confidential and destroyed as soon as possible after the

candidate's written notification to the commission of his withdrawal. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30. <u>However, all materials</u> <u>concerning the candidate must be retained and may not be destroyed by</u> <u>the commission</u>.

(F) All of the commission's public hearings shall be live streamed except for the portions of the hearings conducted in executive session.

Section 2-19-35. (A) The responsibility of the <u>South Carolina</u> Judicial Merit Selection Commission is to investigate and consider the qualifications of the candidates for judicial office in the administrative <u>law judge divisionAdministrative Law Court</u> or on the family court, circuit court, court of appeals, or Supreme Court. Investigations and consideration of the commission should include, but are not limited to, the following areas:

(1) constitutional qualifications;

- (2) ethical fitness;
- (3) professional and academic ability;
- (4) character;
- (5) reputation;
- (6) physical health;
- (7) mental stability;
- (8) experience; and
- (9) judicial temperament.

(B) In making nominations, race<u>Race</u>, gender, national origin, and other demographic factors <u>shouldshall</u> be considered by the commission to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

Section 2-19-40. Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held. Reserved.

Section 2-19-50. All records, information, and other material that the <u>South Carolina</u> Judicial Merit Selection Commission has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the commission has reported its findings of fact, all records, information, and material required to be kept

confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

Section 2-19-60. (A) The <u>South Carolina</u> Judicial Merit Selection Commission in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the candidate.

(B) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Judicial Merit Selection Commissioncommission on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

(C) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Judicial Merit Selection Commissioncommission may issue to this person an order requiring him to appear before the commission to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt-hereof. Subpoenas shall be issued in the name of the <u>South Carolina</u> Judicial Merit Selection Commission and shall be signed by the commission chairman. Subpoenas shall be issued to those persons as the commission may designate.

Section 2-19-70. (A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of one year after he either:

- (1) ceases to be a member of the General Assembly; or
- (2) fails to file for election to the General Assembly in accordance

with Section 7-11-15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate's application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) No candidate for judicial officeperson may seek directly or indirectly, the pledge of a member of the General Assembly's vote or, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge to any person until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than fortyeight hourstwelve days after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. Prior to the formal release of the report as to the qualifications of judicial candidates, a person may not request that a member of the General Assembly, nor may a member of the General Assembly offer to, act on behalf of a candidate in furtherance of the candidate's candidacy in any capacity including, but not limited to, acting as a vote counter for a candidate. The prohibitions of this section do not extend to an announcement of candidacy by the candidate a person and statements by the candidate detailing the candidate's qualifications.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates <u>now or</u> <u>in the future</u>, in exchange for another member's pledge to vote for a candidate for judicial office <u>or as an inducement for a candidate to</u> withdraw.

(E) Violations of this section may be considered by the merit selection

commission when it considers the candidate's qualifications <u>and until the</u> <u>time set for election of candidates.</u> Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22-3-545.

Section 2-19-80. (A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of the threenot more than six candidates whom it considers best qualified for the judicial office under consideration. If fewer than three six persons apply to fill a vacancy or if the commission concludes there are fewer than three six candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three six names.

(B) The nominations of the commission for any judgeship are binding on the-General Assembly, and it shall not elect a person not nominated by the commission. Nothing shall prevent the General Assembly from rejecting all persons nominated. In this event, the commission shall submit another group of names and qualifications for that position. Further nominationsprocedures in the manner required by this chapter must be made until the office is filled.

(C)(1) If the commission does not find the incumbent justice or judge qualified for the judicial office held and sought, his name shall not be submitted to the General Assembly for <u>re-election reelection</u> and upon expiration of his then current term of office, he shall cease serving in that judicial position.

(2) If the commission finds an incumbent judge not qualified for the office sought, or if an incumbent judge dies, withdraws, or becomes otherwise disqualified for the office sought between the time he makes application for the office and the date of the election therefor, the election for the office may not be held at that scheduled time, and the commission shall proceed in accordance with the provisions of this chapter to make

other nominations for the office as though a new vacancy without an incumbent exists in that office, including reopening the application process with all required notices. Nothing prevents the commission from including in its new nominations the names and qualifications of persons other than the incumbent judge it included in its previous nominations.

(D) The commission shall accompany its nominations to the General Assembly with reports or recommendations as to the qualifications of particular candidates and the particular reasons a candidate or candidates were not found qualified.

(E) A period of at least<u>two weeks</u> twenty-two days must elapse between the date of the commission's nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.

Section 2-19-90. The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the <u>South</u> <u>Carolina</u> Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly voting in joint session.

Section 2-19-100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the <u>South Carolina</u> Judicial Merit Selection Commission under procedures it shall establish to review retired judges' qualifications for continued judicial service and be found by the commission to be qualified to serve in these situations within four years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

Section 2-19-110. Upon a vacancy in the office of master-in-equity, candidates-therefor shall submit an application to the <u>South Carolina</u> Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on <u>all qualified</u> master-in-equity candidates to the appropriate county legislative delegations. The county legislative delegations shall <u>may</u> then submit the name of a candidate to the Governor for consideration for appointment. Nothing shall prevent the delegation from rejecting a candidate and directing the commission to reopen the process. NothingAnd, nothing shall prevent the Governor

from rejecting the person nominated by the delegation. In this event, the delegation shall submit another name for consideration. No person found not qualified by the commission may be appointed to the office of master-in-equity. For purposes of this section, a vacancy is created in the office of the master-in-equity when any of the following occurs: a term expires, a new judicial position is created, or a judge no longer can serve due to resignation, retirement, disciplinary action, disability, or death. The Judicial Merit Selection Commission may begin screening prior to the actual date of the vacancy in the case of an expiration of term, resignation, or retirement pursuant to written notice thereof.

Section 2-19-120. (A) The Chairman of the Judicial Merit Selection Commission, upon the advice of the commission, shall select members to serve on Citizens Committees on Judicial Qualifications for each geographic district set by the commission. These committees shall, under the rules adopted by the commission, advise the commission concerning judicial candidates. The committees shall report their findings to the commission in such form as prescribed by the commission.

(B) The members appointed to the Citizens Committees on Judicial Qualifications shall be compensated with an emolument of one hundred dollars per round of screening.

SECTION 2. This act takes effect on July 1, 2025.

Amend title to conform.

/s/Sen. Rankin	/s/Rep. W. Newton
/s/Sen. Malloy	/s/Rep. Caskey
/s/Sen. Massey	/s/Rep. Stavrinakis
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

## Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian,

McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION. APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY: BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10,

RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

Very respectfully,

Speaker of the House

Received as information.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT **SELECTION** COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO

PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY RELATING AMENDING SECTION 2-19-70, TO THE PROHIBITION AGAINST DUAL OFFICES. PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY: BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

Very respectfully,

Speaker of the House

Received as information.

#### H. 3728--FREE CONFERENCE POWERS FAILED

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE

TO GENERAL ASSEMBLY, PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL **INVOLVEMENT** IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

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

Senator HEMBREE spoke on the report.

# The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 25; Nays 13

	AYES	
Alexander	Bennett	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Gustafson	Hembree
Johnson, Michael	Kimbrell	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Talley	Turner	Verdin
Young		

#### Total--25

	NAYS	
Allen	Devine	Fanning
Harpootlian	Hutto	Jackson

Johnson, Kevin	Matthews	McElveen
McLeod	Sabb	Stephens
Tedder		_

# Total--13

Free Conference Powers Failed.

# H. 3865--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE.

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

Senator SABB spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens

Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

#### NAYS

# Total--0

The Committee of Conference Report was adopted as follows:

# H. 3865--Conference Report

The General Assembly, Columbia, S.C., June 25, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3865 -- Reps. Hiott, Carter, Collins, Rutherford and Robbins: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE.

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

That the same do pass with the following amendments:

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

SECTION 1. The effective date of Act No. 56 of 2023, which enacted the "Law Enforcement and Personal Privacy Protection Act" and the "Judicial Privacy Protection Act", is delayed from July 1, 2024, until July 1, 2025.

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

/s/Sen. M. Johnson	/s/Rep. W. Newton
/s/Sen. Sabb	/s/Rep. Hiott
/s/Sen. Adams	/s/Rep. Rutherford
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE. Very respectfully,

Speaker of the House

Received as information.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE. Very respectfully,

Speaker of the House

Received as information.

# H. 3988--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 3988 -- Reps. Davis, M.M. Smith, B.J. Cox, Pedalino, Forrest, Wheeler, Kirby and Guffey: A BILL TO AMEND THE SOUTH

CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTS THAT CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS, SO AS TO INCLUDE THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY **INTERNS** TO **ADMINISTER** CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST-ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES; AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE.

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

Senator HUTTO spoke on the report.

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

# The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

# NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

#### H. 3988--Conference Report

The General Assembly, Columbia, S.C., June 10, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: H. 3988 -- Reps. Davis, B.J. Cox, Pedalino, M.M. Smith, Forrest, Wheeler, Kirby and Guffey: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTIONS THAT CONSTITUTE THE PRACTICE OF PHARMACY AND TO DEFINE THE TERM "DIRECT SUPERVISION"; BY AMENDING SECTION 40-43-40, RELATING TO THE BOARD OF PHARMACY, SO AS TO REVISE THE COMPOSITION OF THE BOARD; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS,

SO AS TO REVISE SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS OR PRESCRIPTIONS, SO AS TO LOWER THE AUTHORIZED VACCINATION RECIPIENT AGE TO YEARS. TO PROVIDE INFORMED CONSENT SIXTEEN REQUIREMENTS, TO PROVIDE PHARMACY TECHNICIANS MAY ADMINISTER VACCINATIONS UNDER PHARMACIST SUPERVISION, TO REVISE REQUIREMENTS FOR PHARMACY INTERNS TO MAKE VACCINATIONS, AND TO MAKE RECORDKEEPING CONFORMING CHANGES TO REQUIREMENTS; AND BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST ADMINISTERED VACCINES COMMITTEE, SO AS TO REVISE QUALIFICATION **REQUIREMENTS FOR COMMITTEE MEMBERS.** 

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

That the same do pass with the following amendments:

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

SECTION 1. Section 40-43-30(73) of the S.C. Code is amended to read:

(73) "Practice of pharmacy" means the:

(a) interpretation, evaluation, and dispensing of prescription drug orders in the patient's best interest;

(b) participation in drug and device selection, drug administration, prospective drug reviews, and drug or drug-related research;

(c) provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care and drug therapy management; and

(d) responsibility for compounding and labeling of drugs and devices, (except labeling by a manufacturer, repackager, or distributor or nonprescription drugs and commercially packaged legend drugs and devices) proper and safe storage of drugs and devices and maintenance of proper records for them; <del>or</del>

(e) initiation, ordering, and administration of flu and COVID tests. Pharmacists may delegate the task of administering tests provided for in this subsection to a trained pharmacy technician or pharmacy intern, but the pharmacist must perform any interpretation of the results; (f) reporting of a person's flu or COVID test results and the

referral of that patient for follow-up care to the health care provider identified by the patient or if none is identified, to an appropriate health care provider; or

(g) the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, education, management, and control of pharmacy.

SECTION 2. Section 40-43-30 of the S.C. Code is amended by adding:

(93) "Direct supervision" means a pharmacist is readily and immediately available to the person who they are supervising during all professional activities.

SECTION 3. Section 40-43-40(A) and (B) of the S.C. Code is amended to read:

(A) There is created the State Board of Pharmacy to be composed of <u>nineten</u> members, appointed by the Governor with advice and consent of the Senate, one of whom must be a lay member from the State at large, one of whom must be a state-certified pharmacy technician from the <u>State at large</u>, one of whom must be a pharmacist from the State at large, and seven of whom must be pharmacists representing each of the seven congressional districts. However, if no hospital pharmacist is selected to represent any of the seven congressional districts, the Governor shall appoint a hospital pharmacist as the pharmacist at large.

(B) The pharmacist at large, the state-certified pharmacy technician, and the lay member shall serve coterminously with the appointing Governor and until their successors are appointed and qualify. The certified pharmacy technician must be actively engaged as a certified pharmacy technician. The board shall conduct an election to nominate three pharmacists from each congressional district to be submitted to the Governor for consideration for appointment. The Governor shall appoint one pharmacist to represent each congressional district from among the nominees submitted for that district. The election shall provide for participation by all pharmacists currently licensed and residing in the congressional district for which the nomination is being made. The pharmacists must be residents of the congressional district they represent, licensed, in good standing to practice pharmacy in this State, and actively engaged in the practice of pharmacy in this State. The members of the board representing the seven congressional districts shall serve terms of six years and until their successors are appointed and qualify. No member may serve more than two successive terms of office except that a member serving an unexpired term may be reelected and reappointed for two successive terms.

SECTION 4. Section 40-43-84(C) of the S.C. Code is amended to read:

(C) An intern/extern may engage in the practice of pharmacy if such activities are under the direct supervision of a licensed pharmacist. A pharmacist must be in continuous personal eye and voice contact with, and actually giving instructions to, the intern/extern during all professional activities throughout the entire period of the internship/externship. The pharmacist shall physically review the prescription drug order and the dispensed product before the product is delivered to the patient or the patient's agent. The pharmacist may not supervise more than one intern at any one time.

Pharmacy interns/externs shall not be left in sole charge of a prescription department or other approved site at any time. Violation of this may result in cancellation of any and all internship/externship hours toward licensure that may have been accrued by the intern/extern, and may, in the discretion of the board, cause the board after sufficient notice to the pharmacy intern/extern, to revoke or suspend the internship certificate as provided above. The supervising pharmacist or designated pharmacist may also be subject to disciplinary action by the board.

An applicant for licensure, who is guilty of compounding or dispensing a prescription of a practitioner or selling legend drugs or medicines while not under the supervision of a licensed pharmacist may be refused licensure.

SECTION 5. Section 40-43-190 of the S.C. Code is amended to read:

Section 40-43-190. (A)(1) Upon recommendation of the Joint Pharmacist Administered Vaccines Committee, the Board of Medical Examiners shall determine whether a specific vaccine is appropriate for administration by a pharmacist without a written order or prescription of a practitioner pursuant to this section. If a vaccine is approved, the Board of Medical Examiners shall issue a written protocol for the administration of vaccines by pharmacists without an order or prescription of a practitioner.

(2) The administration of vaccines as authorized in this section must not be to a person under the age of <u>eighteensixteen</u> years; provided, however, that:

(a) the influenza vaccine may be administered to a person twelve years of age or older pursuant to protocol issued by the Board of Medical Examiners;

(b) the influenza vaccine may be administered to a person under the age of twelve pursuant to protocol issued by the Board of Medical Examiners upon recommendation of the Joint Pharmacist Administered Vaccines Committee; and

(c) a pharmacist who has completed the training described in subsection (B)(1) may administer other vaccines approved by the Centers for Disease Control to a person of any age pursuant to a written order or prescription of a practitioner for a specific patient of that practitioner; and

(d) if the person receiving a vaccine is under the age of eighteen years, a pharmacist must inform the patient and their caregiver of the importance of mental health and routine well care visits with a pediatrician or other licensed primary care provider and refer patients as appropriate.

(e) a pharmacist shall only administer a vaccine to a person less than sixteen years of age if that person's caretaker (with written parental consent), parent, or legal guardian is present at the time the vaccine is administered.

(3) The written protocol must further authorize pharmacists to administer without an order or prescription of a practitioner those medications necessary in the treatment of adverse events. These medications must be used only in the treatment of adverse events and must be limited to those delineated within the written protocol.

(4) The Board of Medical Examiners must issue the written protocol upon its approval of the vaccine for administration pursuant to this section.

(5) A pharmacist who has completed the training described in subsection (B)(1) may administer a vaccine approved by the Centers for Disease Control pursuant to written order or prescription of a practitioner for a specific patient of that practitioner.

(B) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer a vaccine approved pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands-on training, and techniques for administering vaccines and must provide instruction and experiential training in the following content areas:

(a) mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;

(b) standards for adult vaccination practices;

(c) basic immunology and vaccine protection;

(d) vaccine-preventable diseases;

(e) recommended vaccination schedules;

(f) vaccine storage management;

(g) biohazard waste disposal and sterile techniques;

(h) informed consent;

(i) physiology and techniques for vaccine administration;

(j) prevaccine and postvaccine assessment and counseling;

(k) vaccination record management;

(1) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;

(m) understanding of vaccine coverage by federal, state, and local entities;

(n) needle-stick management.

(2) A pharmacist administering vaccinations without an order or prescription of a practitioner pursuant to this section shall:

(a) obtain the signed writteninformed consent of the person being vaccinated or that person's guardian;

(b) maintain a copy of the vaccine administration in that person's record and provide a copy to the person or the person's guardian;

(c) notify that person's designated physician or primary care provider of a vaccine administered;

(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Health and Environmental Control as the department may require; provided, however, that the phase-in schedule provided in Regulation 61-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

(e) maintain a current copy of the written protocol at each location at which a vaccination is administered pursuant to this section.

(3) A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician. For purposes of this section, "informed consent" means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

(a) an explanation of the vaccine or treatment that is written in language that is understandable to the average lay person;

(b) language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully and voluntarily accept or decline the vaccine or

treatment free from coercion; and

(c) if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the federal Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

(4) A pharmacy intern <u>or pharmacy technician</u> may administer vaccinations under the direct supervision, as defined in Section 40-43-84(C), of a pharmacist who has completed vaccination training as required by item (1) if the pharmacy intern<u>or pharmacy technician</u>:

(a) is certified through a basic life support or CPR provider-level course that is jointly approved by the Board of Medical Examiners and the Board of Pharmacy; Joint Pharmacy Access Committee and completes a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE) which includes, at a minimum, hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

(b) completes this course of training described in item (1).if a pharmacy technician, the pharmacy technician must be:

(i) state-certified; or

(ii) nonstate-certified but administered vaccinations and received training pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act prior to the effective date of this section and registers with the Board of Pharmacy as an authorized vaccination provider.

(5) A pharmacist <u>or pharmacy technician</u> administering vaccinations shall, as part of the current continuing education requirements <del>pursuant to Section 40-43-130</del>, complete no less than one hour of continuing education each license year regarding administration of vaccinations.

(C) Informed consent must be documented in accordance with the written protocol for vaccine administration issued pursuant to this section.

(D) All records required by this section must be maintained in the pharmacy for a period of at least ten years from the date of the last vaccination <u>or dispensing</u> for adults and at least thirteen years from the date of the last vaccination <u>or dispensing</u> for minors.

(E) All documentation, records, and copies required by this section may be stored electronically.

SECTION 6. Section 40-43-200 of the S.C. Code is amended to read:

Section 40-43-200. (A) There is created a Joint Pharmacist

Administered Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members-with experience regarding vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of Health and Environmental Control designated by the director of the department also shall serve on the committee. Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions.

(B) The committee shall meet at least once annually and at other times as may be necessary. Five members constitute a quorum for all meetings. At its initial meeting, and at the beginning of each year thereafter, the committee shall elect from its membership a chairperson to serve for a one-year term.

(C) The committee shall assist and advise the Board of Medical Examiners in determining whether a specific vaccine is appropriate for administration by a pharmacist without a written order or prescription of a practitioner pursuant to Section 40-43-190. For a specific vaccine recommended by the committee to the Board of Medical Examiners, the committee also must submit a proposed written protocol for the purpose of authorizing pharmacists to administer the vaccine<del>as authorized by Section 40-43-190. The committee must submit its initial recommendations to the board no later than four months after the passage of this act, and periodically thereafter as determined by the committee.</del>

SECTION 7. The Joint Pharmacist Administered Vaccines Committee must submit its initial recommendations to the board no later than four months after the passage of this act, and periodically thereafter as determined by the committee.

SECTION 8. This act takes effect upon approval by the Governor. Amend title to conform.

/s/Sen. Hutto	/s/Rep. Davis
/s/Sen. Cromer	/s/Rep. M.M. Smith
/s/Sen. Martin	/s/Rep. W. Jones
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 3988 -- Reps. Davis, M.M. Smith, B.J. Cox, Pedalino, Forrest, Wheeler, Kirby and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTS THAT CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT TO INCLUDE PRACTITIONER ORDERS, SO AS THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY **INTERNS** TO **ADMINISTER** CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST-ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES; AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE.

Very respectfully,

Speaker of the House

Received as information.
#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 3988 -- Reps. Davis, M.M. Smith, B.J. Cox, Pedalino, Forrest, Wheeler, Kirby and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT. SO AS TO PROVIDE ADDITIONAL ACTS THAT CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO **REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS;** BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS, SO AS TO INCLUDE THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY **INTERNS** TO **ADMINISTER** CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST-ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES: AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE. Very respectfully,

Speaker of the House

Received as information.

# H. 4087--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 4087 -- Reps. G.M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M.M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A OUALIFIED RECYCLING FACILITY AND TO INCLUDE **PRODUCTS** DEFINITION CERTAIN TO THE OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20; 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

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

Senator SETZLER spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

#### AYES

Alexander	Allen	Bennett
Cash	Climer	Corbin

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Davis	Devine
Gambrell	Garrett
Gustafson	Harpootlian
Hutto	Jackson
Johnson, Michael	Kimbrell
Martin	Massey
McElveen	McLeod
Rankin	Reichenbach
Sabb	Senn
Shealy	Stephens
Tedder	Turner
Williams	Young
	Gambrell Gustafson Hutto <i>Johnson, Michael</i> Martin McElveen Rankin Sabb Shealy Tedder

Total--42

NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

# H. 4087--Conference Report

The General Assembly, Columbia, S.C., June 04, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: H. 4087 -- Reps. G.M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M.M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460. RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A OUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20, 12-10-30, 12-10-40, 12-10-45, 12-10-50,

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12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES

WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 12-6-3410 of the S.C. Code is amended to read:

Section 12-6-3410. (A) A <u>corporation taxpayer or a business unit of a</u> <u>taxpayer</u> establishing a <u>corporate</u>-headquarters<u>facility</u> in this State, or expanding or adding to an existing <u>corporate</u>-headquarters<u>facility</u>, is allowed a credit against any tax due pursuant to <u>Section 12-6-510</u>, Section 12-6-530, Section 12-11-20, or Section 12-20-50 as set forth in this section or any combination thereof.

(B) In order to qualify for this credit, each of the following criteria must be satisfied:

(1) The qualifying real property costs of the corporate headquarters <u>facility</u> establishment, <u>or</u> expansion, or addition must be at least fifty thousand dollars. Qualifying real property costs are:

(a) costs incurred in the design, preparation, and development of establishing<del>, or</del> expanding<del>, or adding to</del> a corporate headquarters facility; and

(b)(i) direct construction costs; or

(ii) with respect to leased facilities, direct-lease costs during the first five years of operations for the corporate-headquarters facility.

(2) The headquarters establishment<u>or</u>, expansion, or addition must result in the creation of:

(a) at least forty new full-time jobs that are:

(a) performing headquarters-related functions and services; or research and development related functions and services. These jobs must be permanent, full-time positions located in this State; and

(b) at least twenty of the above referenced new jobs must be elassified as headquarters staff employees have gross wages equal to or greater than twice the per capita income of this State based on the most recent per capita income data available as of the end of the taxpayer's taxable year in which the jobs are filled and are subject to withholding

pursuant to Chapter 8 of this title; and

(c) are provided a benefits package, including health care.

(C) The amount of the credit is equal to the sum of:

<u>(1)</u> twenty percent of the qualifying real property costs listed in subsection (B)(1)-; and

(2) (D) A headquarters establishment, expansion, or addition which meets the criteria of subsection (B) of this section is entitled to an additional credit equal to twenty percent of <u>the</u> cost for tangible personal property if the following conditions are met:

(1)(a) the personal property is:

(a)(i) capitalized as personal property for income tax purposes under the Internal Revenue Code; and

(b)(ii) purchased for the establishment, or expansion, or addition of a corporate the taxpayer's or business unit's headquarters facility, or for the establishment, expansion, or addition of a research and development facility which is part of the same corporate project as the headquarters establishment, addition, or expansion; and

(c)(iii) used for corporate headquarters-related functions and services or research and development related functions and services in South Carolina.

(2) The establishment, expansion, or addition of a corporate headquarters or research and development facility must result in the creation of at least seventy-five new full-time jobs performing either:

(a) headquarters related functions and services; or

(b) research and development related functions and services.

The seventy-five required jobs must have an average cash compensation level of more than twice the per capita income of this State based on the most recent per capita income data available as of the end of the taxpayer's taxable year in which the jobs are filled.

(D) Reserved.

(E)(1)(a) For <u>headquarters</u> facilities which are constructed, the credit can only be claimed for the taxable year when the headquarters establishment, expansion, or addition, and the research and development facility establishment, expansion, or addition, in the case of corporations qualifying under subsection (D), facility is placed in service for federal income tax purposes. For construction projects facilities completed in phases and placed in service for federal income tax purposes in more than one taxable year, the corporation credit can be claimed the credit on the South Carolina income tax return for the taxable year in which property, which qualifies for the credit, that phase of the headquarters facility is placed in service for federal income tax purposes.

Credits cannot be obtained for costs incurred more than three taxable years after the taxable year in which the first property for which the credit is claimed is placed in service. Notwithstanding any other provisions of this subsection, if the entire project is not completed by the end of the three taxable years, the corporation may claim the credit may be claimed for all property placed in service within the time limitation set forth in the preceding sentence. The credit may not be claimed for personal property which is replacing personal property for which the credit can be claimed. The department may for good cause extend the time for incurring additional costs and for claiming the credit if the project is not completed within the time period allowed by this subsection. For purposes of this subsection the term "property" includes qualifying real property and, where the conditions of subsection (D) are met, qualifying personal property.

(b) for leased real property the credit must be claimed in the taxable year in which the first direct-lease costs are incurred.

(2) The corporation taxpayer must meet the staffing requirements of subsections subsection (B)(2) and, if applicable, (D)(2), by the end of the second taxable year following the last taxable year for which the credit is claimed. The corporation taxpayer must have documented plans to meet the initial staffing requirements at the time the credit is claimed. If the corporation taxpayer fails to meet the staffing requirements within the time required by this subsection, the corporation taxpayer must increase its tax liability for the current taxable year by an amount equal to the amount of credit, or any portion of the credit for which the corporation taxpayer would not qualify, which was used to reduce tax in the earlier years.

(F) The credit provided in this section is nonrefundable, but an unused credit may be carried forward for ten years. An unused credit may be carried forward fifteen years if the criteria set forth in subsection (D)(2) are met. In addition, a taxpayer may assign its rights to the unused credit to a succeeding taxpayer if the taxpayer transfers all or substantially all of the assets of the taxpayer or all or substantially all of the assets of a trade, business, or operating division of a taxpayer to the succeeding taxpayer, and the succeeding taxpayer. No credit may be claimed for a taxable year during which the taxpayer or succeeding taxpayer fails to meet the qualifying employment requirements provided in this section and the carry\_forward period is not extended for any year in which the credit may not be claimed for failure to meet the employment requirements. The credit may be claimed for a taxable year in the

unextended carry-forward period if the taxpayer or succeeding taxpayer requalifies for the credit by meeting the employment requirements during that taxable year.

(G) If a fee-in-lieu arrangement under Section 4-29-67 is entered into with respect to all or part of property involving a corporate headquarters, and the corporation-taxpayer claiming the credit provided under this section is treated as the owner of the property for federal income tax purposes, then the corporation-taxpayer must be treated as the owner of the property for purposes of the credit provided by this section.

(H) To the extent that this credit applies to the cost of certain property, the basis of the property for South Carolina income tax purposes must be reduced by the amount of the credit claimed with respect to the property. This basis reduction does not reduce the basis or limit or disallow any depreciation allowable under the law of this State for other than income tax purposes, even if the depreciation is based upon or otherwise relates to income tax depreciation including, without limitation, basis or depreciation which is allowable under this title for property tax purposes. If the corporation taxpayer fails to meet the staffing requirements of subsection (E)(B)(2), the corporation taxpayer may increase the basis of the property by the amount of the original basis reduction with regard to that property in the year in which the credit is recaptured.

(I) The amount of a credit allowed under this section must be reduced by the amount of any past-due debt owed this State by the taxpayer.

(J) As used in this section:

(1) "Corporate Headquarters" means the facility or portion of a facility where corporate headquarters staff employees are physically employed, and where the majority of the company's or company taxpayer's or the taxpayer's business unit's financial, personnel, legal, planning, information technology, or other headquarters-related functions are handled either on a regional, national, or global basis. A corporate headquarters must be a regional corporate headquarters as defined below; provided, however, for taxpayers which are subject to tax under Chapter 11 of Title 12, a corporate headquarters must be a regional corporate headquarters.

(a) National corporate headquarters must be the sole corporate headquarters in the nation office or location in the nation or the world for the taxpayer or a business unit of the taxpayer with multistate operations and <u>must</u> handle headquarters-related functions at least on a national or

<u>global</u> basis. A national headquarters is considered to handle headquarters related functions on a national basis from this State if the corporation has a facility in this State from which the corporation engages in interstate commerce by providing goods or services for customers outside of this State in return for compensation. The function and purpose of the national headquarters is to plan, direct, and control all aspects of the taxpayer or taxpayer's business unit's operations, and it has final authority over regional offices, operating facilities, or any other office of the taxpayer or business unit.

(b) Regional corporate headquarters must be the sole corporate headquarters office or location in the region for the taxpayer or a business unit of the taxpayer with multistate operations within the region and must handle headquarters-related functions on a regional basis. A regional headquarters performs a function that is separate from the management of operational facilities within the region. A regional headquarters performs functions similar to the national headquarters, but within a more limited area. For purposes of this section, "region" or "regional" means a geographic area comprised of either:

(i) at least five states, including this State; or

(ii) two or more states, including this State, if the entire business operations of the corporation taxpayer or business unit of the taxpayer are performed within fewer than five states; provided, however, that with respect to taxpayers which are subject to tax under Chapter 11 of Title 12, the requirement that "the entire business operations of the corporation are performed within fewer than five states", is replaced with "if all branches of the taxpayer, as defined below, are physically located in fewer than five states". For taxpayers which are subject to tax under Chapter 11 of Title 12, such taxpayer must have two or more branches, as that term is defined in Section 34-25-10(8), in each state within its region.

(c) A "<del>company</del> business unit" is an organizational unit of a <del>corporation or bank and <u>taxpayer that</u> is defined by the particular product or category of products it sells.</del>

(2) "New job" means a job created by an employer in this State at the time a new facility, <u>or</u> expansion, or addition is initially staffed, but does not include a job created when an employee is shifted from an existing location in this State to work in a new or expanded facility. An employee may be employed at a temporary location in this State pending completion of the new facility, <u>or</u> expansion, or addition.

(3) "Full-time Full time" means a job requiring a minimum of thirty-five hours of an employee's time a week for the entire normal year

of corporate operations or a job requiring a minimum of thirty-five hours of an employee's time for a week for a year in which the employee was initially hired for or transferred to the corporate headquarters or research and development facility in this State.

(4) "Headquarters-related functions and services" are those functions involving financial, personnel, administrative, legal, planning, information technology, or similar business functions.

(5) "Headquarters staff employees" means executive, administrative, or professional workers performing headquarters-related functions and services.

(a) An executive employee is a full-time employee in which at least eighty percent of his business functions involve the management of the enterprise and directing the work of at least two employees. An executive employee has the authority to hire and fire or has the authority to make recommendations related to hiring, firing, advancement, and promotion decisions, and an executive employee must customarily exercise discretionary powers.

(b) An administrative employee is a full-time employee who is not involved in manual work and whose work is directly related to management policies or general headquarters operations. An administrative employee must customarily exercise discretion and independent judgment.

(c) A professional employee is an employee whose primary duty is work requiring knowledge of an advanced type in a field of science or learning. This knowledge is characterized by a prolonged course of specialized study. The work must be original and creative in nature, and the work cannot be standardized over a specific period of time. The work must require consistent exercise of discretion and the employee must spend at least eighty percent of the time performing headquarters <u>–</u> related functions and services.

(6) "Research and development" means laboratory, scientific, or experimental testing and development related to new products, new uses for existing products, or improving existing products, but "research and development" does not include efficiency surveys, management studies, consumer surveys, economic surveys, advertising, promotion, banking, or research in connection with literary, historical, or similar projects Reserved.

(7) "Research and development facility" means the building or buildings or portion of a building where research and development functions and services are physically located <u>Reserved</u>.

(8) "Direct-lease costs" are cash lease payments. The term does not

include any accrued, but unpaid, costs.

(9) "Remote employee" is a full-time employee of the taxpayer, including an employee who works for a business unit of the taxpayer, who works for the taxpayer performing headquarters-related functions or services either completely or partially from a home office or other residence within the State.

SECTION 2. Section 12-6-3460(A)(3) and (4) of the S.C. Code is amended to read:

(3) "Qualified recycling facility" means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three one hundred fifty million dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

(4) "Postconsumer waste material" means any product generated by a business or consumer which has served its intended end use and which has been separated from the solid waste stream for the purpose of recycling and includes, but is not limited to, scrap metal and iron, and used plastics, paper, glass, <u>batteries</u>, <u>solar panels</u>, <u>turbines and related structures</u>, and rubber.

SECTION 3. Sections 12-10-20 through 12-10-80 of the S.C. Code are amended to read:

Section 12-10-20. The General Assembly finds:

(1) that the economic well-being of the citizens of the State is enhanced by the increased development and growth of industry within the State, and that it is in the best interests of the State to induce the location or expansion of manufacturing, processing, services, distribution, warehousing, research and development, corporate offices, technology intensive, and certain tourism projects within the State to promote the public purpose of creating new jobs within the State;

(2) that the inducement provided in this chapter will encourage the creation of jobs which would not otherwise exist and will create sources of tax revenues for the State and its political subdivisions;

(3) the powers to be granted to the Advisory Coordinating Council for Economic Development by this chapter and the purposes to be accomplished are proper governmental and public purposes and that the

inducement of the location or expansion of manufacturing, processing, services, distribution, warehousing, research and development, corporate offices, and certain tourism facilities within the State is of paramount importance.

(4) The state's per capita income has not reached the United States average and certain rural, less developed counties have not experienced capital investment, per capita income, and job growth at a level equal to the state's average. The economic well-being of these areas will not be sustained without significant incentive to induce capital investment and job creation.

Section 12-10-30. As used in this chapter:

(1) "Council" means the Coordinating Council for Economic Development.

(2) "Department" means the South Carolina Department of Revenue.

(3) "Employee" means an employee of the qualifying business who works full time at in this State for the benefit of the project, including a remote employee as defined in item (20).

(4) "Gross wages" means wages subject to withholding.

(5) "Job development credit" means the amount a qualifying business may claim as a credit against employee withholding pursuant to Sections 12-10-80 and 12-10-81 and a revitalization agreement.

(6) "New job" means a job created or reinstated as defined in Section 12-6-3360(M)(3).

(7) "Qualifying business" means a business that meets the requirements of Section 12-10-50 and other applicable requirements of this chapter.

(8) "Project" means an investment for one or more purposes pursuant to this chapter needed for a qualifying business to locate, remain, or expand in this State and otherwise fulfill the requirements of this chapter.

(9) "Preliminary revitalization agreement" means the application by the qualifying business for benefits pursuant to Section 12-10-80 or 12-10-81 if the council approves the application and agrees in writing at the time of approval to allow the approved application to serve as the preliminary revitalization agreement. The date of the preliminary revitalization agreement is the date of the council approval.

(10) "Revitalization agreement" means an executed agreement entered into between the council and a qualifying business that describes the project and the negotiated terms and conditions for a business to qualify for a job development credit pursuant to Section 12-10-80 or 12-10-81.

(11) "Qualifying expenditures" means those expenditures that meet the requirements of Section 12-10-80(C) or 12-10-81(D).

(12) "Withholding" means employee withholding pursuant to Chapter 8 of this title.

(13) "Technology employee" means an employee at a technologyintensive facility as defined in Section 12-6-3360(M)(14) who is directly engaged in technology- intensive activities at that facility.

(14) "Production employee" means an employee directly engaged in manufacturing or processing at a manufacturing or processing facility as defined in Section 12-6-3360(M).

(15) "Retraining agreement" means an agreement entered into between a business and the council in which a qualifying business is entitled to retraining credit pursuant to Section 12-10-95.

(16) "Retraining credit" means the amount that a business may claim as a credit against withholding pursuant to Section 12-10-95 and the retraining agreement.

(17) "Technology-intensive activities" means the design, development, and introduction of new products or innovative manufacturing processes, or both, through the systematic application of scientific and technical knowledge at a technology intensive facility as defined in Section 12-6-3360(M).

(18) "Significant business" means a qualifying business making a significant capital investment as defined in Section 12-44-30(7).

(19) "Related person" includes any entity or person that bears a relationship to a business as provided in Internal Revenue Code Section 267 or 707(b). The related person must be a "qualifying business" as defined in item (7), except that the related person does not have to meet the requirements of Section 12-10-50(A)(1) or, in case the qualifying business qualifies for the credit against withholding for retraining pursuant to Section 12-10-95 of this chapter, the related person does not have to meet the requirements of Section 12-10-50(B)(1).

(20) "Remote employee" is a full-time employee who is a resident of this State, North Carolina, or Georgia who is subject to withholding pursuant to Chapter 8 who is hired to fill a job for the project and who works either completely or partially from a home office or other residence within or without this State.

Section 12-10-40. The amount of benefits available to qualified businesses is determined by the county designation as defined in Section 12-6-3360(B), in which the business project is located. For purposes of determining the amount of job development credit that may be claimed for a job filled by a remote employee, the physical location of the project must be used and not the physical location where the remote employee provides services.

Section 12-10-45. A tire manufacturer that has over one billion dollars in capital investment in this State, and employs over five thousand workers in this State may, after certification by the council, designate up to two census tracts, but not to exceed four hundred acres per site, in any area of the State as an enterprise zone provided that a capital investment of at least one hundred million dollars be made over a five-year period at each site. The tire manufacturer's capital investment must be based upon the gross cost of assets in South Carolina as shown on the manufacturer's property tax and fee-in-lieu of property tax filings. The council will certify the manufacturer if it determines that the available incentives are appropriate for the new project, the total benefits of the new project exceed the costs to the public, and the qualifying business otherwise fulfills the requirements of this chapter.

Section 12-10-50. (A) To qualify for the benefits provided in this chapter, a business must be located within this State and must:

(1) be engaged primarily in a business of the type identified in Section 12-6-3360;

(2) provide a benefits package, including health care, to full-time employees at hired for the project;

(3) enter into a revitalization agreement that is approved by the council and that describes a minimum job requirement and minimum capital investment requirement for the project as provided in Section 12-10-90; and

(4) have negotiated incentives that <u>the</u> council has determined are appropriate for the project, and the council shall certify that:

(a) the total benefits of the project exceed the costs to the public; and

(b) the business otherwise fulfills the requirements of this chapter.

(B) To qualify for benefits pursuant to Section 12-10-95, a business must:

(1) be engaged in manufacturing or processing operations or technology <u>-</u> intensive activities at a manufacturing, processing, or technology <u>-</u> intensive facility as defined in Section 12-6-3360(M);

(2) provide a benefits package, including health care, to employees being retrained; and

(3) enter into a retraining agreement with the council.

Section 12-10-60. (A) The council may enter into a revitalization agreement with each qualifying business with respect to the project. The terms and provisions of each revitalization agreement must be determined by negotiations between the council and the qualifying

business. The decision to enter into a revitalization agreement with a qualifying business is solely within the discretion of the council based on the appropriateness of the negotiated incentives to the project and the determination that approval of the project is in the best interests of the State. The revitalization agreement must set a date by which the qualifying business shall have completed the project met the required investment and employment levels. Within three months of the completion dateAfter meeting the thresholds, the qualifying business shall document the actual costs of the project in a manner acceptable to the council. A business is allowed to count jobs filled by remote employees towards the minimum employment levels. While remote employees count towards a business's minimum employment levels, a business may claim job development credits on a remote employee only to the extent the remote employee was subject to withholdings pursuant to Chapter 8. A business which pays withholdings on a remote employee in South Carolina and some other state can only claim job development credits to the extent of the South Carolina withholdings.

(B) If a qualifying business that entered into a revitalization agreement before January 1, 1997, receives council approval to amend its revitalization agreement to increase its minimum job requirement, the law in effect on the date of the amendment determines the amount of job development credit a qualifying business may claim pursuant to Section 12-10-80 for additional jobs created after the date of the amendment. This subsection does not apply to a business whose application for job development fees or credits pursuant to Section 12-10-81 has been approved by council before the effective date of this act.

Section 12-10-80. (A) A business that qualifies pursuant to Section 12-10-50(A) and has certified to the council that the business has met the minimum job requirement and minimum capital investment provided for in the revitalization agreement may claim job development credits as determined by this section.

(1) A business may claim job development credits against its withholding on its quarterly state withholding tax return for the amount of job development credits allowable pursuant to this section.

(2) A business that is current with respect to its withholding tax and other tax due and owing the State and that has maintained its minimum employment and investment levels identified in the revitalization agreement may claim the credit on a quarterly basis beginning with the first quarter after the council's certification to the department that the minimum employment and capital investment levels were met for the entire quarter. If a qualifying business is not current as to all taxes due

and owing to the State as of the date of the return on which the credit would be claimed, without regard to extensions, the business may claim the credit only in an amount reduced by the amount of taxes due and owing to the State as of the date of the return on which the credit is claimed.

(3) A qualifying business may claim its initial job development credit only after the council has certified to the department that the qualifying business has met the required minimum employment and capital investment levels.

(4) To be eligible to apply to the council to claim a job development credit, a qualifying business shall create at least ten new, full-time jobs, as defined in Section 12-6-3360(M), at the project described in the revitalization agreement within five years of the effective date of the agreement.

(5) A qualifying business is eligible to claim a job development credit pursuant to the revitalization agreement for not more than fifteen years.

(6) A <u>company's qualifying business's</u> job development credits shall be suspended during any quarter in which the <u>company qualifying</u> <u>business</u> fails to maintain one hundred percent of the minimum job requirement set forth in the <u>company's qualifying business's</u> revitalization agreement. A company only may claim credits on jobs, including a range of jobs approved by the council, as set forth in the company's final revitalization agreement.

(7) Credits may be claimed beginning the quarter subsequent to the council's approval of the <u>company's qualifying business's</u> documentation that the minimum jobs and capital investment requirements have been met.

(8) To the extent any return of an overpayment of withholding that results from claiming job development credits is not used as permitted by subsection (C) or by Section 12-10-95, it must be treated as misappropriated employee withholding.

(9) Job development credits may not be claimed for purposes of this section with regard to an employee whose job was created in this State before the taxable year of the qualifying business in which it enters into a preliminary revitalization agreement.

(10) If a qualifying business claims job development credits pursuant to this section, it shall make its payroll books and records available for inspection by the council and the department at the times the council and the department request. Each qualifying business claiming job development credits pursuant to this section shall file with

the council and the department the information and documentation requested by the council or department respecting employee withholding, the job development credit, and the use of any overpayment of withholding resulting from the claiming of a job development credit according to the revitalization agreement.

(11) Each qualifying business claiming in excess of ten thousand dollars in a calendar year must furnish to the council and to the department a report that itemizes the sources and uses of the funds. The report must be filed with the council and the department no later than June thirtieth following the calendar year in which the job development credits are claimed, except when a qualifying business obtains the written approval by the council for an extension of that date. Extensions may be granted only for good cause shown. The department shall impose a penalty pursuant to Section 12-54-210 for all reports filed after June thirtieth or the approved extension date, whichever is later. The department shall audit each qualifying business with claims in excess of ten thousand dollars in a calendar year at least once every three years to verify proper sources and uses of the funds.

(12) Each qualifying business claiming ten thousand dollars or less in any calendar year must furnish a report prepared by the company that itemizes the sources and uses of the funds. This report must be filed with the council and the department no later than June thirtieth following the calendar year in which the job development credits are claimed, except when a qualifying business obtains the written approval by the council for an extension of that date. Extensions may be granted only for good cause shown. The department shall impose a penalty pursuant to Section 12-54-210 for all reports filed after June thirtieth or the approved extension date, whichever is later.

(13) An employer may not claim an amount that results in an employee's receiving a smaller amount of wages on either a weekly or on an annual basis than the employee would receive otherwise in the absence of this chapter.

(14)(a) For purposes of this chapter, a qualifying business may designate up to two related persons whose jobs and investments located at the project may be included to determine whether the qualifying business has met and maintained the minimum job requirement and minimum capital investment requirement. Qualified expenditures described in subsection (C) incurred by a related person may be treated as though such qualifying expenditures were incurred by the qualifying business for purposes of claiming the job development credit and each related person may claim the job development credit for the jobs created

by such related person and include any qualifying expenditures of the qualifying business or another related person for purposes of claiming the job development credit as if created and made by the related person.

(b) A single-member limited-liability company that is not regarded as an entity separate from its owner and a qualified subchapter "S" subsidiary as defined in Section 1361(b)(3)(B) of the Internal Revenue Code that is not regarded as a separate entity from the "S" corporation that owns its stock, is treated as the qualifying business for all purposes under this chapter, including for purposes of claiming the job development credit against withholding but it counts as a related person for purposes of the limit described in subitem (a).

(B)(1) The maximum job development credit a qualifying business may claim for new employees is limited to the lesser of withholding tax paid to the State on a quarterly basis or the sum of the following amounts:

(a) two percent of the gross wages of each new employee who earns \$8.74 or more an hour but less than \$11.64 an hour;

(b) three percent of the gross wages of each new employee who earns \$11.65 or more an hour but less than \$14.55 an hour;

(c) four percent of the gross wages of each new employee who earns \$14.56 or more an hour but less than \$21.84 an hour; and

(d) five percent of the gross wages of each new employee who earns \$21.85 or more an hour.

(2) The hourly gross wage figures in item (1) must be adjusted annually by an inflation factor determined by the Revenue and Fiscal Affairs Office.

(C) To claim a job development credit, the qualifying business must incur qualified expenditures at the project or for utility or transportation improvements that serve the project. To be qualified, the expenditures must be:

(1) incurred during the term of the revitalization agreement, including a preliminary revitalization agreement, or within sixty days before <u>the</u> council's receipt of an application for benefits pursuant to this section;

(2) authorized by the revitalization agreement; and

(3) used for any of the following purposes:

(a) training costs and facilities;

(b) acquiring and improving real property whether constructed or acquired by purchase, or in cases approved by the council, acquired by capital or operating lease with at least a five-year term or otherwise;

(c) improvements to both public and private utility systems including water, sewer, electricity, natural gas, and telecommunications;

(d) fixed transportation facilities including highway, rail, water, and air;

(e) construction or improvements of real property and fixtures constructed or improved primarily for the purpose of complying with local, state, or federal environmental laws or regulations;

(f) employee relocation expenses, but only for those employees to whom the company is paying gross wages at least two times the lower of the per capita income for either the state or the county in which the project is located;

(g) financing the costs of a purpose described in items (a) through (f);

(h) training for all relevant employees that enable a company to export or increase a company's ability to export its products, including training for logistics, regulatory, and administrative areas connected to the company's export process and other export process training that allows a qualified company to maintain or expand its business in this State;

(i) apprenticeship programs;

(j) quality improvement programs of the South Carolina Quality Forum.

(D)(1) The amount of job development credits a qualifying business may claim for its use for qualifying expenditures is limited according to the designation of the county as defined in Section 12-6-3360(B), as follows:

(a) one hundred percent of the maximum job development credits may be claimed by businesses located in counties designated as "Tier IV";

(b) eighty-five percent of the maximum job development credits may be claimed by businesses located in counties designated as "Tier III";

(c) seventy percent of the maximum job development credits may be claimed by businesses located in counties designated as "Tier II"; or

(d) fifty-five percent of the maximum job development credits may be claimed by businesses located in counties designated as "Tier I".

(2) The amount that may be claimed as a job development credit by a qualifying business is limited by this subsection and by the revitalization agreement. The council may approve a waiver of ninety-five percent of the limits provided in item (1) for:

(a) a significant business as defined in Section 12-10-30(18); and
(b) a related person to a significant business if the related person is located at the project site of the significant business and qualifies for

job development credits pursuant to this chapter.

For purposes of this item, a related person includes any entity or person that bears a relationship to a significant business as provided in Internal Revenue Code Section 267 and includes, without limitation, a limited liability company of which more than fifty percent of the capital interest or profits is owned directly or indirectly by a significant business or by a person or entity, or group of persons or entities which owns, more than fifty percent of the capital interest or profits in the significant business.

(3) The county-designation of the county in which the project is located on the date the application for job development credit incentives is received in the Office office of the Coordinating Council council remains in effect for the entire period of the revitalization agreement, except as to additional jobs created pursuant to an amendment to a revitalization agreement entered into before June 1, 1997, as provided in Section 12-10-60. In that case the county designation on the date of the amendment remains in effect for the remaining period of the revitalization agreement as to any additional jobs created after the effective date of the amendment.

(E) The council shall certify to the department the maximum job development credit for each qualifying business. After receiving certification, the department shall remit an amount equal to the difference between the maximum job development credit and the job development credit actually claimed to the State Rural Infrastructure Fund as defined and provided in Section 12-10-85.

(F) Any job development credit of a qualifying business permanently lapses upon expiration or termination of the revitalization agreement. If an employee is terminated, the qualifying business immediately must cease to claim job development credits as to that employee.

(G) For purposes of the job development credit allowed by this section, an employee is a person whose job was created in this State.

(H) Job development credits may not be claimed by a governmental employer who employs persons at a closed or realigned military installation as defined in Section 12-10-88(E).

(I) A taxpayer who qualifies for the job development credit pursuant to the provisions of this section and who is located in a multicounty business or industrial park jointly established pursuant to Section 13 of Article VIII of the Constitution of this State is allowed a job development credit equal to the amount allowed pursuant to subsection (D) for the designation of the county which has the lowest development status of the counties containing the park if:

(1) the park is developed and established on the geographical boundary of adjacent counties; and

(2) the written agreement, pursuant to Section 4-1-170, requires revenue from the park to be allocated to each county on an equal basis.

(J) Where the qualifying business that creates new jobs under this section is a qualifying service-related facility as defined in Section 12-6-3360(M)(13), the determination of the number of jobs created for <u>purposes of eligibility</u> must be based on the total number of new jobs created within five years of the effective date of the revitalization agreement, without regard to monthly or other averaging.

(K) For purposes of this section, the job and per capita income thresholds contained in the definition of "qualifying service-related facility" as set forth in Section 12-6-3360(M)(13)(b) must be modified to read as set forth in the item below:

(1) a business, other than a business engaged in legal, accounting, banking, or investment services (including a business identified under NAICS Section 55) or retail sales, which has a net increase of at least:

(a) one hundred twenty-five jobs at <u>on the payroll for a single</u> location;

(b) one hundred jobs at a single location comprised of a building or portion of a building that has been vacant for at least twelve consecutive months before the <u>taxpayer's business's</u> investment;

(c) seventy-five jobs <u>at on the payroll for</u> a single location and the jobs have an average cash compensation level of more than one and one-half times the lower of state per capita income or per capita income in the county where the jobs are located;

(d) fifty jobs at <u>on the payroll for</u> a single location and the jobs have an average cash compensation level of more than twice the lower of state per capita income or per capita income in the county where the jobs are located; or

(e) twenty-five jobs at <u>on the payroll for</u> a single location and the jobs have an average cash compensation level of more than two and one-half times the lower of state per capita income or per capita income in the county where the jobs are located.

(L) For purposes of this section and notwithstanding the provisions of Section 12-10-50(A)(1), subject to the discretion of the council, the definition of "qualifying service-related facility" as defined in Section 12-6-3360(M)(13), as modified by Section 12-10-80(K)(1), shall also include the following:

(1) a business engaged in legal, accounting, banking, or investment services operating at a single facility if the single facility would

otherwise qualify as a qualifying service-related facility as defined in Section 12-6-3360(M)(13)(b), as modified by subsections (J) and (K) above, if not for the exclusions contained in Section 12-6-3360(M)(13)(b);

(2) a business generally engaged in retail sales at a single facility if that single facility would otherwise qualify as a qualifying service-related facility as defined in Section 12-6-3360(M)(13)(b), as modified by subsections (J) and (K) above, if not for the exclusions contained in Section 12-6-3360(M)(13)(b) and provided that no retail sales are conducted at that single facility; and

(3) In making a determination with regard to Section 12-10-80(L)(1) or Section 12-10-80(L)(2), the council may consider the following:

(a) the percentage of such business's annual gross receipts from services or other income <u>-</u> producing activity derived from customers or clients located outside of South Carolina for the twelve months preceding the month in which such business applies to the council to claim a job development credit and such percentage may not be less than seventy-five percent;

(b) the nature of the new jobs to be created at the project;

(c) the wages of the new jobs to be created at the project;

(d) the capital investment of the project; and

(e) the potential for expansion or growth of the business or industry.

(M) If the council approves an operating lease as an eligible expenditure under Section 12-10-80(C) for a qualifying business that qualifies pursuant to subsections (K) or (L) and will create at least twenty-five jobs for a project and all of the jobs will have a cash compensation level of more than two and one-half times the per capita income in the county where the project is located, the qualifying business may be reimbursed on an annual basis for lease payments before the certification to the council that the qualifying business has met the minimum job requirement and minimum capital investment provided for in the revitalization agreement. The reimbursements may begin in the first year in which the business creates at least ten new jobs that meet such wage threshold and may continue for up to ten years. This subsection does not apply to build-to-suit lease payments.

SECTION 4. Section 12-10-95 of the S.C. Code is amended to read:

Section 12-10-95. (A)(1) Subject to the conditions in this section, a business engaged in manufacturing or processing operations or technology-intensive activities at a manufacturing, processing, or

technology\_intensive facility as defined in Section 12-6-3360(M), or warehousing and distribution, and that meets the requirements of Section 12-10-50(B)(2) may negotiate with a technical college, with approval from the State Board for Technical and Comprehensive Education, to may claim as a credit against withholding one thousand dollars a year for the retraining of a production or technology or warehousing and distribution first line employee or immediate supervisor who has been continuously employed by the business for a minimum of two years one year and is a full-time employee, so long as retraining is necessary for the qualifying business to remain competitive or to introduce new technologies. In addition to the yearly limits, the retraining credit claimed against withholding may not exceed five thousand dollars over five consecutive years for each retrained production or technology first line employee or immediate supervisor.

(2) Retraining programs that are eligible for the credit include, but are not limited to:

(a) retraining of current employees on newly installed equipment; and

(b) retraining of current employees on newly implemented technology, such as computer platforms, software implementation and upgrades, Total Quality Management, ISO 9000, and self-directed work teams-; and

(c) retraining of current employees for the purpose of upskilling, management development, or recertification in production-related competencies.

Executive training, management development training, career development, personal enrichment training, and cross-training of employees on equipment or technology that is not new to the company are not eligible for the credit.

(B) A qualifying business is eligible to claim as a retraining credit against withholding the lower amount of the following:

(1) the retraining credit for the applicable withholding period as determined by subsection (A); or

(2) withholding paid to the State for the applicable withholding period.

(C) All retraining must be approved by a technical college under the jurisdiction of the State Board for Technical and Comprehensive Education. A qualifying business must submit a retraining program for approval by the appropriate technical college. The approving technical college may provide the retraining itself, subject to the retraining program, or contract with other training entities to provide the required

retraining, or supervise the employer's approved internal training program.the State Board for Technical and Comprehensive Education.

(D) An employer may not receive the credit allowed by this section if the employer requires that the employee reimburse or pay the employer for the direct costs of retraining, or if the employee is required to reimburse or pay the employer indirectly through the forfeiture of leave time, vacation time, or other compensable time. Direct costs of retraining include instructor salaries, development of retraining programs, purchase or rental of materials and supplies, textbooks and manuals, instructional media, such as video tapes, presentations, equipment used for retraining only, not to include production equipment, and reasonable travel costs as limited by the state's travel expense reimbursement policy.

(E) The qualifying business must expend at least one dollar fifty cents on retraining eligible employees for every dollar claimed as a credit against withholding for retraining. All training costs, including costs in excess of the retraining credits and matching funds, are the responsibility of the business.

(F) A qualifying business may not claim retraining credit for training provided to the following production or technology first line employees or immediate supervisors:

(a) temporary or contract employees; and

(b) employees who are subject to a included in the minimum job requirement of an ongoing revitalization agreement, including a preliminary revitalization agreement and for which the company is eligible to claim job development credits. A qualifying business may claim retraining credits for employees who are not subject to the job development credit but who are included in the base employment of an ongoing revitalization agreement provided that such employees meet the requirements for retraining eligibility included in this section.

(G) Notwithstanding In addition to another provision of this section, the retraining credit allowed by this section is for:

(1) <u>training included in a registered</u> apprenticeship <u>programsprogram</u>; and

(2) retraining for all relevant employees that enable a company to export or increase its ability to export its products, including training for logistics, regulatory, and administrative areas connected to its export process and other export process training that allows a qualified company to maintain or expand its business in this State.

(H) There is hereby established an annual renewal fee of two hundred fifty dollars to be billed and collected by the department.

(I)(1) All approved programs and training must be reviewed annually by the State Board for Technical and Comprehensive Education.

(2) A qualifying business may contract with the State Board for Technical and Comprehensive Education or a subsidiary technical college to assist with additional program administration beyond what is required in a typical retraining agreement for a quarterly fee not to exceed twenty percent of the retraining credit amount claimed. Fees must be collected on a quarterly basis.

(2)(3) Every three years, the Department of Revenue must audit any business that claimed the job retraining credit pursuant to this section during that time period, solely for the purpose of verifying proper sources and uses of the credits.

(J) The State Board for Technical and Comprehensive Education shall establish policies and procedures to provide the oversight and review provisions of this section. By November fifteenth of each year, the State Board for Technical and Comprehensive Education shall submit a statewide aggregated report detailing the utilization of the retraining credit pursuant to this section, as well as the board's activities in regard to oversight, to the Governor, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Coordinating Council for Economic Development, and the Department of Revenue. Also, the board shall make the report available in a conspicuous place on the website maintained by the board.

SECTION 5. Section 12-6-1120 of the S.C. Code is amended by adding:

(11) For taxable years beginning on or after January 1, 2023, and prior to January 1, 2029, there shall be subtracted from taxable income any grant or subgrant pursuant to the Broadband Equity, Access, and Deployment Program established pursuant to 47 U.S.C. 1702, or the American Rescue Plan Act of 2021, Public Law 117-2, received for the purpose of making investments in broadband infrastructure but only to the extent that such grant or subgrant is included in the corporation's taxable income, as defined under the Internal Revenue Code of 1986.

SECTION 6. This act takes effect upon approval by the Governor and first applies to income tax years beginning after 2023, except that SECTION 3 first applies to income tax years beginning after 2020. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS

AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20, 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; BY AMENDING SECTION 12-10-95. RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO ADD WAREHOUSING AND AND TO PROVIDE FOR DISTRIBUTION APPROVAL REQUIREMENTS; AND BY AMENDING SECTION 12-6-1120, RELATING TO GROSS INCOME, SO AS TO PROVIDE FOR CERTAIN DEDUCTIONS TO TAXABLE INCOME.

/s/Sen. Davis	/s/Rep. West
/s/Sen. Setzler	/s/Rep. B. Newton
Sen. Massey	/s/Rep. Kirby
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4087 -- Reps. G.M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M.M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO

THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20, 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED. Very respectfully,

Speaker of the House

Received as information.

# H. 4087--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

H. 4087 -- Reps. G.M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M.M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20, 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE

ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

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

A message was sent to the House accordingly.

# H. 4116--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH PERSON, PARTNERSHIP, ANOTHER CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REOUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE

FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION RELATING 40-19-110. TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITHIN THIS JURISDICTION; BY AMENDING SECTION 40-19-200, **RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS** PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO **REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE** IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290. RELATING TO THE

FIDUCIARY RESPONSIBILITIES OF **FUNERAL** ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

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

Senator CLIMER spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Aves 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young
Total42		

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

# H. 4116--Conference Report

The General Assembly, Columbia, S.C., June 02, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4116 -- Reps. Sandifer, M.M. Smith and King: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION. OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING **SECTION** 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-305, RELATING TO DEFINITIONS IN THE SAFE CREMATION ACT, SO AS TO REVISE A DEFINITION; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO CREMATIONS. SO AS PERFORM TO REOUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS. SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES

INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A **REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO** OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION: BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD. SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110. RELATING ΤO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD. SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITHIN THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-230, RELATING TO OUALIFICATIONS FOR LICENSURE AS AN EMBALMER OR A FUNERAL DIRECTOR, SO AS TO REVISE DISQUALIFICATIONS FOR CRIMINAL CONVICTIONS; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE

COMPLETED IN PERSON; BY AMENDING SECTION 40-19-265, RELATING TO FUNERAL HOME, BRANCH FUNERAL HOME, AND CREMATORY PERMITTING REQUIREMENTS, SO AS TO REVISE MANAGER RESIDENCY **REOUIREMENTS**; BY AMENDING SECTION 40-19-290, RELATING TO THE **FIDUCIARY** RESPONSIBILITIES OF **FUNERAL** ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER; AND BY AMENDING SECTION 40-19-20. RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS, FUNERAL DIRECTORS, AND RELATED FACILITIES, SO AS TO REVISE CERTAIN **DEFINITIONS.** 

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

That the same do pass with the following amendments:

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

SECTION 1. Chapter 19, Title 40 of the S.C. Code is amended by adding:

Section 40-19-295. No licensee whose license has been suspended or revoked, or who has applied for a license but whose application has been denied, may participate in any manner in a business licensed by the board until that person has obtained a license or the person's license has been restored. No business licensed by the board may permit or allow a person whose license has been suspended or revoked, or any person who has applied for a license but whose application has been denied, to participate in any manner in the business licensed by the board.

SECTION 2. Section 32-7-100(A) of the S.C. Code is amended to read: (A) A person wilfully violating the provisions of this chapter is guilty of a:

(1) misdemeanor, if the value of money obtained or sought to be obtained is two ten thousand dollars or less and, upon conviction or plea, the person mustmay be fined not less than one five up to twenty-five thousand dollars, or imprisoned for not more than thirty days six months, or both;

(2) felony, if the value of money obtained or sought to be obtained is more than two thousand dollars but less than ten thousand dollars, and,

# upon conviction, the person must be fined in the discretion of the court, or imprisoned for not more than five years, or both;

(3) felony, if the value of money obtained or sought to be obtained is <u>more than</u> ten thousand dollars <del>or more</del>, and, upon conviction <u>or plea</u>, the person must be fined in the discretion of the court <u>in an amount not</u> <u>less than twenty-five thousand dollars</u>, or imprisoned for not more than ten years, or both;

- (4)(3) in addition, a person convicted of a misdemeanor or a felony pursuant to this section may be prohibited from entering into further preneed funeral contracts, if the department, in its discretion, finds that the offense is sufficiently grievous. <u>A person convicted of a felony</u> pursuant to this chapter is subject to the following additional penalties when the value of the money obtained or sought to be obtained is:

(a) twenty-five thousand dollars or less, upon conviction or plea, the person is subject to a two-year suspension from conducting preneed funeral contract sales, and restitution as may be ordered by the court;

(b) greater than twenty-five thousand dollars, but less than one hundred thousand dollars, upon conviction or plea, the person is subject to a five year suspension from conducting preneed funeral contract sales, and restitution as may be ordered by the court;

(c) greater than one hundred thousand dollars, upon conviction or plea, the person is subject to a ten year suspension from conducting preneed funeral contract sales, and restitution as may be ordered by the court.

SECTION 3. Section 32-7-110(B) of the S.C. Code is amended to read: (B)(1) Upon its own initiative or upon receipt of a <u>written</u> complaint, the department shall investigate a funeral home, funeral director, individual, or business the department has reason to believe is acting as a provider without a license. In order to conduct its investigation, the department shall review the books, records, and accounts of:

(1)(a) a funeral home or funeral director licensed by the State Board of Funeral Service even if the funeral home or funeral director is not licensed to sell preneed funeral contracts; or

(2)(b) an individual or business the department has reason to believe is acting as a provider without a license. If the department discovers that a violation of this chapter has occurred by a funeral home, funeral director, individual, or business that is not licensed to sell preneed funeral contracts, the department may initiate an action for a violation of this chapter in the Administrative Law Court for a cease and desist order or assess an administrative fine not to exceed ten thousand dollars, or both.

(2) A person aggrieved by an order of the department may request a contested case hearing before the Administrative Law Court.

SECTION 4. Section 32-8-305(9) of the S.C. Code is amended to read: (9) "Cremation" means the technical process using <u>either alkaline</u> <u>hydrolysis or heat and flame that reduces human remains to components</u> <u>of either liquid and bone, or bone fragments</u>, and which may include the pulverization of the bone fragments.

SECTION 5. Section 32-8-360(B) of the S.C. Code is amended to read: (B) A person who violates a provision of this chapter is subject to a civil fine-not to exceed five of up to twenty-five thousand dollars. <u>A</u> licensed funeral director or embalmer who violates a provision of this

chapter must be reported to the State Board of Funeral Service for immediate investigation and disciplinary proceedings.

SECTION 6. Section 32-8-385 of the S.C. Code is amended to read:

Section 32-8-385. (A) A crematory is required to have in its employ at least one individual who has been trained in performing cremations by the licensed crematory authority who is his employer, and also by the manufacturer of the equipment to be used to perform cremations, or by some other appropriate method as provided by regulation of the board. Upon meeting the above-requirements of this section, this individual is considered to be sufficiently trained for the purposes of this chapter. All cremations must be performed by a trained individual who has registered with the board.

(B) To be registered with the board, the individual must:

(1) complete an application in the format prescribed by the board;

(2) successfully complete a crematory operator training course approved by the board of not less than eight hours of instructional time;

(3) have not been convicted of or pled guilty to a crime that directly relates to the duties, responsibilities, or fitness of the occupation or profession; and

(4) pay a fee as established in regulation not to exceed fifty dollars. (C) Registrations under this section must be renewed every two years by submitting a renewal application and paying a renewal fee established in regulation not to exceed fifty dollars.

(D) Registered, trained individuals, are subject to applicable provisions of Sections 40-1-110, Chapter 19 of Title 40, Chapter 8 of Title 32, and board regulations.

SECTION 7. Section 40-19-20(11) and (21) of the S.C. Code is amended to read:

(11) "Funeral director" means a person licensed by the board to engage for hire, for direct or indirect compensation, or for profit in or

<u>benefit</u>, and in exchange for or related to the profession of arranging, directing, or supervising funerals.

(21) "Owner" means a sole proprietor, partnership, limited partnership, corporation, limited liability corporation, or any business entity possessing authority and or control over a funeral establishment or its employees, agents, or representatives.

SECTION 8. Section 40-19-30 of the S.C. Code is amended to read:

Section 40-19-30. (A) It is unlawful for a person to engage in the practice of funeral service unless the person is licensed in accordance with this chapter. A person who engages or participates actively in directing or in the management of a funeral establishment is considered to be in the practice of funeral service.

(B) No permit to operate a funeral home may be issued to a corporation, partnership, or individual when the name of <u>either</u> an unlicensed person <u>or a person whose license has been revoked or is</u> <u>suspended</u> appears in the name of the corporation, partnership, or individually owned business. This prohibition does not apply to established funeral homes existing prior to July 1, 1969.

SECTION 9. Section 40-19-70 of the S.C. Code is amended to read:

Section 40-19-70. In addition to the powers and duties provided for in this chapter, the board also has those powers and duties <u>as</u> set forth in Section 40-1-70. <u>A member of the board, or its committees or</u> <u>employees, may not be liable for acts performed in the course of their</u> <u>official duties, except when gross negligence is shown and proven in a</u> <u>court of competent jurisdiction in this State.</u>

SECTION 10. Section 40-19-80 of the S.C. Code is amended to read:

Section 40-19-80. The board shall employ an inspector at least two inspectors who must be a-licensed embalmer embalmers and funeral directorfuneral directors with not no fewer than five consecutive years' experience as a licensee under this chapter but who have not been disciplined during the time of their past or current licensure under this chapter.

SECTION 11. Section 40-19-110(9) of the S.C. Code is amended to read:

(9) refusing to properly release a dead human body to the custody of the person or entity who that has the legal right to effect affect a release.; The release must include payment for the actual services provided by the initial funeral home as transferor of the dead human body over to the receiving transferee. The receiving transferee funeral home is responsible for the payment to the transferring funeral home at the time of the transfer of the dead human body;

SECTION 12. Section 40-19-115 of the S.C. Code is amended to read:

Section 40-19-115. The board has jurisdiction over the actions of licensees, <u>unlicensed persons</u>, and former licensees as provided for in Section 40-1-115.

SECTION 13. Section 40-19-200 of the S.C. Code is amended to read:

Section 40-19-200. A person who practices or offers to practice funeral service or who aids and abets any unlicensed person or unlicensed entity to engage in the practice of funeral service in this State in violation of this chapter or who knowingly submits false information for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, <u>mustmay</u> be fined not less than five hundred ten thousand dollars or more than twenty five hundred twenty-five thousand up to twenty-five thousand dollars or imprisoned for not more than six months, or both.

SECTION 14. Section 40-19-230(A) and (B) of the S.C. Code is amended to read:

Section 40-19-230. (A) A person may be issued a license as an embalmer if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitudeor pled guilty to a crime that directly relates to the duties, responsibilities, or fitness of the occupation or profession;

(3) has a high school education or the equivalent of a high school education, the equivalence to be determined by the board;

(4) has completed successfully a regular course in an embalming college accredited by the American Board of Funeral Service Education and approved by the board;

(5) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an <u>embalmer</u> apprentice under the direct supervision of a licensed embalmer actively engaged in the practice of embalming in this State;

(6) has passed an examination prescribed by the board.

(B) A person may be issued a license as a funeral director if the person:(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitudeor pled guilty to a crime that directly relates to the duties, responsibilities, or fitness of the occupation or profession;

(3) has a high school education or the equivalent of a high school education and has a minimum of two years of successful attendance at
an accredited academic college or successful completion of a regular course of not less than one year, twelve scholastic months, in an accredited mortuary college;

(4) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice funeral director under the direct supervision of a licensed funeral director actively engaged in the practice of funeral directing in this State;

(5) has passed an examination prescribed by the board. SECTION 15. Section 40-19-250 of the S.C. Code is amended to read:

Section 40-19-250 of the bicl. Code is anichted to fedd. Section 40-19-250. The board shall develop in regulation a continuing education program and each licensee must attend a minimum of three four credit hours annually, of which one credit hour must be an ethics in funeral service course. This continuing education program must be offered, at a minimum, four times a year at locations easily accessible to participants. and three Three of the four required hours must be available through correspondence courses, with at least two of the four hours requiring the physical attendance of the licensee. This continuing education requirement does not apply to a person who is not the manager of record of a funeral home, funeral establishment, or mortuary if the person has been licensed for thirty or more years <del>or</del> and is sixty years old or older.

SECTION 16. Section 40-19-265 of the S.C. Code is amended to read:

Section 40-19-265. (A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty five<u>seventy-five</u> miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-fiveseventy-five miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

(C) A permit for a retail sales outlet may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) is in full compliance with Section 40-19-290.

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of <del>twenty five</del>seventy-five miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory-trained operator. (E) An application for a permit issued pursuant to this section must identify every person having the ability to direct the management or policies, or both, of the funeral establishment including, but not limited to, corporate officers employed, shareholders, partners, and other representatives of the corporation or business.

SECTION 17. Section 40-19-20(6) and (7) of the S.C. Code is amended to read:

(6) "Cremation" means the reduction of the dead body by intense heat to residue the technical process using either alkaline hydrolysis or heat and flame that reduces human remains to components of either liquid and bone, or bone fragments, and which may include the pulverization of the bone fragments.

(7) "Crematory" means an establishment in which the dead body is reduced to residue by intense heatcremation occurs.

SECTION 18. Section 40-19-290(E) of the S.C. Code is amended to read:

(E) Other than payments received for at-need funeral merchandise and funeral services, all payments received by any establishment licensed under this chapter for funeral merchandise being purchased must be placed in a trust account in a federally insured institution until the merchandise is delivered for its intended funeral services use as provided in the contract and in accordance with the sales agreement-or in the physical possession of the purchaser. Upon its own initiative or upon receipt of a complaint, the South Carolina Department of Consumer Affairs shall undertake investigations; review the books, records, and accounts of any establishment licensed under this chapter; subpoena witnesses; require audits and reports; and conduct hearings to determine if payments are being received in violation of the provisions of Chapter 7, Title 32.

SECTION 19. Section 40-19-20(12)(c) of the S.C. Code is amended to read:

(c) a room containing a displayed stock of at least six adult means of showing photographs or other representations of available caskets and other necessary funeral supplies;

SECTION 20. This act takes effect July 1, 2024.

Amend title to conform.

/s/Sen. Allen	/s/Rep. Sandifer
/s/Sen. Climer	/s/Rep. M.M. Smith
/s/Sen. Goldfinch	/s/Rep. King
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

# Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING

SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110. RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REOUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD: BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES CERTAIN TRAINED STAFF EMPLOY TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A **REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO** OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70. RELATING TO POWERS AND DUTIES OF THE BOARD. SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND

FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION CONDUCT 40-19-110. RELATING TO CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115. RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITHIN THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES. AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY SECTION RELATING AMENDING 40-19-290, TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Very respectfully,

Speaker of the House

Received as information.

# H. 4116--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH

ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100. RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS. SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL: BY AMENDING SECTION 32-8-360. RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES REQUIRE IMMEDIATE REPORTING AND OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A **REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO** OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD. SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION: BY AMENDING SECTION 40-19-80, RELATING

TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110. RELATING CONDUCT TO CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITHIN THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO **REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE** IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY SECTION 40-19-290, RELATING TO AMENDING THE FIDUCIARY RESPONSIBILITIES OF **FUNERAL** ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

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

A message was sent to the House accordingly.

# H. 4386--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 4386 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-5-400 SO AS TO ESTABLISH THE LIMITED COMMERCIAL BLUE CRAB LICENSE AND THE REOUIREMENTS FOR OBTAINING THE LICENSE; BY AMENDING SECTION 50-5-350, RELATING TO THE TRANSFERABILITY OF LICENSES, SO AS TO EXEMPT THE LIMITED COMMERCIAL BLUE CRAB LICENSE FROM THE GENERAL TRANSFER PROHIBITION; BY AMENDING SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES AND FEES, SO AS TO REVISE THE FEE STRUCTURE FOR THE COMMERCIAL TRAP LICENSE: BY AMENDING SECTION 50-5-360. RELATING TO LICENSES TO ENGAGE IN SHEDDING PEELER CRABS, SO AS TO REQUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS PREMISES BE CAPABLE OF PEELER SHEDDING OPERATIONS; BY AMENDING SECTION 50-5-545, RELATING TO TRAPS FOR TAKING BLUE CRAB, SO AS TO PROVIDE FOR THE MATERIAL, DIMENSIONS, AND ESCAPE-VENT REQUIREMENTS OF THE TRAPS; BY ADDING SECTION 50-5-1345 SO AS TO PROHIBIT THE USE OF CRAB TRAPS IN THE WATERS OF THIS STATE FROM JANUARY 16 THROUGH JANUARY 29 OF EACH YEAR; BY ADDING SECTION 50-5-1302 SO AS TO ESTABLISH A RECREATIONAL LIMIT OF ONE BUSHEL OF BLUE CRABS PER PERSON PER DAY NOT TO EXCEED TWO BUSHELS PER BOAT; BY AMENDING SECTION 50-5-330, RELATING TO RECREATIONAL EQUIPMENT LIMITS, SO AS TO INCREASE THE NUMBER OF TRAPS THAT MAY BE USED FOR RECREATIONAL PURPOSES FROM TWO TO TEN WITH A RECREATIONAL CRAB TRAP ENDORSEMENT; BY AMENDING SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES SO AS TO PROVIDE FOR THE COST OF THE RECREATIONAL CRAB TRAP ENDORSEMENT: AND BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

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

Senator McELVEEN spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

#### Total--42

# NAYS

# Total--0

The Committee of Conference Report was adopted as follows:

#### H. 4386--Conference Report

The General Assembly, Columbia, S.C., June 04, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: H. 4386 -- Rep. Forrest: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

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

That the same do pass with the following amendments:

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

SECTION 1. Article 3, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-400. (A) For the privilege of taking blue crabs by trap for a commercial purpose in the waters of this State, an individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps.

(B) The cost of a limited commercial blue crab license is one hundred dollars for residents and five hundred dollars for nonresidents.

(C) The following individuals are eligible to obtain a limited commercial blue crab license:

(1) an individual who possessed a valid commercial equipment license for traps during the 2023-2024 license year and who has verifiable documentation of at least five hundred pounds of commercial blue crab landings during the first six months of the 2023-2024 license year, the entirety of the 2022-2023 license year, or the entirety of the 2021-2022 license year;

(2) an individual who is selected via an applicant lottery pursuant to subsection (D); or

(3) an individual who receives a valid limited commercial blue crab license via transfer pursuant to subsection (E).

(D) If the total number of limited commercial blue crab licenses issued by the department in a license year is below one hundred, then the department may award additional licenses, not to exceed one hundred total limited commercial blue crab licenses, via an applicant lottery.

(E) A limited commercial blue crab license may be transferred by the licensee to another individual after providing information relating to the transfer as required by the department. An individual is limited to one commercial blue crab license and a licensee must not receive a transfer of another limited commercial blue crab license.

(F) The maximum number of traps used for taking blue crab, inclusive of peeler traps, that may be licensed to:

(1) an individual who obtains a limited commercial blue crab license under subsection (C)(1) is the greater of two hundred traps and the highest number of traps licensed by the individual in the three previous license years;

(2) an individual who receives a limited commercial blue crab license via transfer is the greater of two hundred traps and the average number of traps licensed by a holder of the transferred limited commercial blue crab license in the three previous license years; or

(3) an individual who is selected via lottery is two hundred traps.

(G) If the 2024-2025 license year or 2023-2024 license year is used to determine the highest number of traps that may be licensed under subsection (F), then only the first six months of the 2023-2024 license year must be used in the determination.

(H) A limited commercial blue crab license must be renewed annually. Prior to every fourth license year, a licensee must have verifiable documentation of at least four thousand pounds of commercial blue crab landings in at least one of the three previous license years. If a licensee does not meet the documented landings threshold, then the licensee's limited commercial blue crab license must not be renewed by the department.

SECTION 2. Section 50-5-350(B) of the S.C. Code is amended to read:

(B) Licenses and permits, other than a limited commercial blue crab license, are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

(1) channel nets; and

(2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a nonresident.

SECTION 3. Section 50-5-325(A) of the S.C. Code is amended to read: (A) Commercial equipment, excluding vessels, used in the salt waters of this State and in fisheries for anadromous and catadromous species in any waters of this State must be licensed by the department. The owner and operator are responsible for obtaining a license:

(1) to use a trawl or trawls, and the cost is one hundred twenty-five dollars for residents and three hundred dollars for nonresidents;

(2) to use traps, other than traps for taking blue crab, and the cost is twenty-five dollars <u>per\_for</u> fifty traps and one dollar for each trap thereafter for residents, and one hundred twenty-five dollars <u>per\_for</u> fifty traps and five dollars for each trap thereafter for nonresidents;

(3) to use traps for taking blue crab, and the cost is two dollars for each trap for residents and ten dollars for each trap for nonresidents;

(3)(4) to use a channel net for taking shrimp, and the cost is two hundred fifty dollars for each net;

(4)(5) to use a gill net for taking shad, herring, or sturgeon, and the cost is ten dollars per one hundred net yards or a fraction thereof for residents and fifty dollars per one hundred net yards or a fraction thereof for nonresidents, and to use any other gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for

nonresidents;

(5)(6) to use hand-held equipment to take shellfish, including tongs, rakes, and forks, at no cost;

(6)(7) to use a drag dredge, and the cost is seventy-five dollars for residents and three hundred seventy-five dollars for nonresidents;

(7)(8) to use other mechanically operated or boat - assisted equipment, other than equipment used to set or retrieve licensed equipment, and the cost is one hundred twenty-five dollars for residents and six hundred twenty-five dollars for nonresidents;

(8)(9) to use trotlines with baits or hooks, and the cost is ten dollars for residents and fifty dollars for nonresidents for each line having not more than fifty baits or hooks per line;

(9)(10) to use any other commercial equipment, and the cost is ten dollars for each type for residents and fifty dollars per type for nonresidents.

SECTION 4. Section 50-5-360(B) of the S.C. Code is amended to read:

(B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer, and must be licensed for peeler crabs, and the person's or entity's business premises must be capable of peeler shedding operations. The fee for a resident peeler crab license is an additional seventy-five dollars, and the fee for a nonresident license is an additional three hundred seventy-five dollars. Persons holding this license and engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size. The department may inspect the business premises of a person or entity applying for a peeler crab license and of a peeler crab licensee to ensure the applicant's or licensee's business premises are capable of peeler shedding operations.

SECTION 5. Section 50-5-545 of the S.C. Code is amended to read:

Section 50-5-545. (A) Except as provided in this section, from June 1 through March 14, a trap used for taking blue crab used for commercial purposes from June 1 through March 14, or for recreational purposes year round, must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

(B) A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.

(C) A trap used for taking blue crab, other than peeler traps, must be constructed of wire with a minimum mesh size of one and one-half inches, have throats or entrances located only on a vertical surface, and have a maximum dimension of twenty-four inches by twenty-four inches by twenty-four inches or a volume of eight cubic feet.

SECTION 6. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1345. (A) The department must promulgate regulations establishing criteria for the designation of closed seasons and closed or partially closed areas for the taking of blue crabs by trap. In accordance with the established criteria, the department may designate closed seasons and closed or partially closed areas for the taking of blue crabs by trap upon at least forty-five days' public notice.

(B) A trap that is in the waters of this State during a closed season or in a closed or partially closed area may be confiscated by the department or by an agent of the department.

(C) It is unlawful to take or attempt to take blue crabs by trap during a closed season or in a closed or partially closed area. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars.

(D) Nothing in this section limits the authority of the department under Section 50-5-32.

SECTION 7. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1302. (A) For the purposes of this section, "day" means sunrise on one day to sunrise on the following day.

(B) It is unlawful for a person to take or possess for recreational purposes more than one bushel of blue crabs in any one day, not to exceed two bushels in any one day on any boat.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars and not more than five hundred dollars.

SECTION 8. Section 50-5-330(A) of the S.C. Code is amended to read: (A) A person may fish or use the following in the salt waters of this State solely for recreational purposes without being commercially licensed:

(1) shrimp seines;

(2) hand-operated tongs, rakes except bull rakes, and forks except seed forks, used to harvest shellfish;

(3) hook and line or rod and reel;

(4) minnow traps, drop nets, and dip nets;

(5) cast nets; however, the use must comply with all other provisions of law;

(6) no more than two crab traps without a recreational crab trap endorsement;

(7) no more than five crab traps with a recreational crab trap endorsement;

(7)(8) no more than two trotlines with a cumulative total of not more than fifty hooks or baits;

(8)(9) no more than ten bush or pole lines with single hooks or baits. SECTION 9. Section 50-9-540 of the S.C. Code is amended by adding:

(E) For the privilege of fishing more than two and up to five crab traps recreationally, a recreational saltwater license holder must purchase an annual enhanced recreational crab trap endorsement at a cost of five dollars.

SECTION 10. Section 50-5-555 of the S.C. Code is amended by adding:

(G) The department may impose a civil penalty of up to one hundred dollars for each trap in violation of this section for a first offense, up to three hundred dollars for a second offense, and up to five hundred dollars for a third or subsequent offense.

SECTION 11. Article 6, Chapter 13, Title 50 of the S.C. Code is amended by adding:

Section 50-13-647. It is unlawful to take, harm, or kill robust redhorse (moxostoma robustum) from public waters. Any robust redhorse taken must be returned immediately to the water from which it was taken. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for a first offense and not more than one thousand dollars for each subsequent offense.

SECTION 12. Upon approval of this act by the Governor, a moratorium on the issuance of new commercial equipment licenses to use traps for the taking of blue crab takes effect, at which time the department must not issue any new commercial equipment licenses to use traps for the taking of blue crab. This moratorium expires on June 15, 2025. Commercial equipment licenses to use traps for the taking of blue crab in effect for the 2023-2024 license year are extended and do not expire until June 30, 2025.

SECTION 13. Sections 4, 6, 11, and 12 of this act take effect upon approval by the Governor. All other sections take effect on July 1, 2025. Amend title to conform.

Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-5-400 SO AS TO ESTABLISH THE LIMITED COMMERCIAL BLUE CRAB LICENSE AND THE REOUIREMENTS FOR OBTAINING THE LICENSE; BY RELATING AMENDING SECTION 50-5-350, TO THE TRANSFERABILITY OF LICENSES. SO AS TO EXEMPT THE LIMITED COMMERCIAL BLUE CRAB LICENSE FROM THE GENERAL TRANSFER PROHIBITION; BY AMENDING SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES AND FEES, SO AS TO REVISE THE FEE STRUCTURE FOR THE COMMERCIAL TRAP LICENSE; BY AMENDING SECTION 50-5-360, RELATING TO LICENSES TO ENGAGE IN SHEDDING PEELER CRABS. SO AS TO REOUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS PREMISES BE CAPABLE OF PEELER SHEDDING OPERATIONS; BY AMENDING SECTION 50-5-545, RELATING TO TRAPS FOR TAKING BLUE CRAB, SO AS TO PROVIDE FOR THE MATERIAL, DIMENSIONS, AND ESCAPE-VENT REQUIREMENTS OF THE TRAPS; BY ADDING SECTION 50-5-1345 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE CERTAIN REGULATIONS RELATING TO THE TAKING OF BLUE CRABS BY TRAP; BY ADDING SECTION 50-5-1302 SO AS TO ESTABLISH A RECREATIONAL LIMIT OF ONE BUSHEL OF BLUE CRABS PER PERSON PER DAY NOT TO EXCEED TWO BUSHELS PER BOAT; BY AMENDING SECTION 50-5-330, RELATING TO RECREATIONAL EQUIPMENT LIMITS, SO AS TO INCREASE THE NUMBER OF CRAB TRAPS THAT MAY BE USED FOR RECREATIONAL PURPOSES FROM TWO TO FIVE WITH A RECREATIONAL CRAB TRAP ENDORSEMENT; BY AMENDING SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES, SO AS TO PROVIDE FOR THE COST OF THE RECREATIONAL CRAB TRAP ENDORSEMENT; BY AMENDING SECTION 50-5-555, RELATING TO TRAP PLACEMENT AND ATTENTION REQUIREMENTS, SO AS TO IMPOSE A CIVIL PENALTY FOR CERTAIN VIOLATIONS RELATING TO TRAP PLACEMENT: AND BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

/s/Sen. Campsen /s/Sen. Goldfinch /s/Sen. McElveen /s/Rep. Hixon /s/Rep. Forrest Rep. McDaniel

On part of the Senate.

On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4386 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

Very respectfully,

Speaker of the House

Received as information.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4386 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-5-400 SO AS TO ESTABLISH THE LIMITED COMMERCIAL BLUE CRAB LICENSE AND THE REQUIREMENTS FOR OBTAINING THE LICENSE; BY AMENDING SECTION 50-5-350, RELATING TO THE TRANSFERABILITY OF LICENSES, SO AS TO EXEMPT THE LIMITED COMMERCIAL BLUE CRAB LICENSE FROM THE GENERAL TRANSFER PROHIBITION; BY AMENDING SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES AND FEES, SO AS TO REVISE THE FEE STRUCTURE FOR THE COMMERCIAL TRAP LICENSE; BY AMENDING SECTION 50-5-360, RELATING TO LICENSES TO ENGAGE IN SHEDDING PEELER CRABS, SO AS TO REQUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS PREMISES BE CAPABLE OF PEELER

SHEDDING OPERATIONS; BY AMENDING SECTION 50-5-545, RELATING TO TRAPS FOR TAKING BLUE CRAB, SO AS TO PROVIDE FOR THE MATERIAL, DIMENSIONS, AND ESCAPE-VENT REQUIREMENTS OF THE TRAPS; BY ADDING SECTION 50-5-1345 SO AS TO PROHIBIT THE USE OF CRAB TRAPS IN THE WATERS OF THIS STATE FROM JANUARY 16 THROUGH JANUARY 29 OF EACH YEAR; BY ADDING SECTION 50-5-1302 SO AS TO ESTABLISH A RECREATIONAL LIMIT OF ONE BUSHEL OF BLUE CRABS PER PERSON PER DAY NOT TO EXCEED TWO BUSHELS PER BOAT; BY AMENDING SECTION 50-5-330, RELATING TO RECREATIONAL EQUIPMENT LIMITS, SO AS TO INCREASE THE NUMBER OF TRAPS THAT MAY BE USED FOR RECREATIONAL PURPOSES FROM TWO TO TEN WITH A RECREATIONAL CRAB TRAP ENDORSEMENT: BY AMENDING SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES SO AS TO PROVIDE FOR THE COST OF THE RECREATIONAL CRAB TRAP ENDORSEMENT; AND BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE. Very respectfully,

Speaker of the House

Received as information.

# H. 4820--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 4820 -- Reps. Forrest, Hixon, Hayes, Chumley, Burns, Haddon, Magnuson, Chapman, McDaniel and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION.

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

Senator McELVEEN spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

#### Total--42

# NAYS

# Total--0

The Committee of Conference Report was adopted as follows:

#### H. 4820--Conference Report

The General Assembly, Columbia, S.C., June 04, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: H. 4820 -- Reps. Forrest, Burns, Chapman, Chumley, Haddon, Hayes, Hixon, Magnuson, McDaniel and Gibson: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE

# HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION.

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

That the same do pass with the following amendments:

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

SECTION 1. Section 50-11-580 of the S.C. Code is amended to read:

Section 50-11-580. (A) The season for <u>the hunting</u> and taking <u>a of</u> legal male wild <del>turkey</del>turkeys is April 3 through May 3:

(1) in Game Zones 1 and 2, April 1 through May 10; and

(2) in Game Zones 3 and 4, March 22 through April 30.

(B) The season bag limit for <u>legal</u> male wild turkeys is <u>threetwo</u> statewide for residents and two statewide for nonresidents. The daily bag limit is one, provided that:

(1) only one <u>legal</u> male wild turkey may be taken from April 1 throughprior to April 10 from within Game Zones 1 and 2; and

(2) only one male wild turkey may be taken from March 22 through March 31 from within Game Zones 3 and 4.

(C) It is unlawful for a person to take a female wild turkey unless authorized by the department pursuant to Section 50-11-500(3).

(D) The department shall provide an annual report on wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee, to include an itemized list of expenditures from the revenues generated from the sale of resident and nonresident wild turkey tags.

SECTION 2. Section 50-11-500 of the S.C. Code is amended by adding:

(10) It is unlawful for a person to hunt, kill, or possess a male wild turkey with a beard less than six inches long and a tail fan that is not fully developed.

SECTION 3. Section 50-11-500 of the S.C. Code is amended by adding:

(11) It is unlawful for a person to stalk a wild turkey while behind a decoy or tail fan. Tail fans include those made of real or synthetic feathers or an image or likeness of a tail fan applied to any material. SECTION 4. Section 50-11-590 of the S.C. Code is amended to read:

Section 50-11-590. (A) The Saturday and Sunday preceding <u>April 3</u> the start of a game zone turkey seasonand the Saturday and Sunday following May 3 is declared to be <u>a</u> "Youth Turkey Hunting Weekend"

within the game zone for youth turkey hunters under eighteen years of age.

(B) A license or tag requirement is waived for a youth turkey hunter during <u>a</u> Youth Turkey Hunting Weekend.

(C) The <u>total</u> bag limit during Youth Turkey Hunting Weekend<u>for the</u> <u>two Youth Turkey Hunting Weekends combined</u> is one <u>legal</u> male wild turkey for the weekend that shall count toward the season bag limit. <u>A</u> youth turkey hunter who has reached the season bag limit on or prior to May 3 must not harvest or attempt to harvest a turkey during the Youth Turkey Hunting Weekend following May 3 but is permitted to call turkeys for another youth turkey hunter. A turkey harvest must be reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546.

(D) Youth turkey hunters who have not completed the hunter education program pursuant to Section 50-9-310, and who hunt during a Youth Turkey Hunting Weekend, must be accompanied by an adult who is at least twenty-one years of age. An adult <u>may-must</u> not harvest or attempt to harvest <u>turkeys a turkey</u> during a Youth Turkey Hunting Weekend but is permitted to call turkeys for a youth turkey hunter. SECTION 5. Section 50-9-640 of the S.C. Code is amended to read:

Section 50-9-640. (A) For the privilege of hunting wild turkey, in addition to the required hunting license and big game permit, a person must possess a wild turkey tag issued in the person's name. The fee for a:

(1) resident is five twenty-five dollars for three two tags, one dollar of which may be retained by the license sales vendor; and

(2) nonresident is one hundred <u>twenty-five</u> dollars for two tags, one dollar of which may be retained by the license sales vendor.

(B) There is no cost for wild turkey tags for persons under the age of sixteen, lifetime licensees, and gratis licensees upon request to the department.

SECTION 6. The amendments contained in SECTIONS 1 and 4 of this act are repealed on May 11, 2028, and the text of these SECTIONS shall revert back to the language contained in the South Carolina Code of Laws as of January 1, 2024.

SECTION 7. SECTION 5 of Act 91 of 2021 is repealed.

SECTION 8. This act takes effect upon approval by the Governor. Amend title to read:

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG

LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING SEASON AND LIMIT FOR TAKING MALE WILD TURKEYS; BY AMENDING SECTION 50-11-500, RELATING TO PROVISIONS APPLICABLE TO WILD TURKEY, SO AS TO PROHIBIT HUNTING, KILLING, OR POSSESSING A MALE WILD TURKEY WITH A BEARD LESS THAN SIX INCHES LONG AND A TAIL FAN THAT IS NOT FULLY DEVELOPED, AND STALKING A WILD TURKEY BEHIND A DECOY OR TAILFAN; BY AMENDING SECTION TO YOUTH TURKEY HUNTING 50-11-590, RELATING WEEKEND, SO AS TO ADJUST THE DATES AND TO PROVIDE FOR THE ALLOWED TOTAL BAG LIMIT; BY AMENDING SECTION 50-9-640, RELATING TO WILD TURKEY TAG FEES, SO AS TO INCREASE TAG FEES: TO PROVIDE A SUNSET CLAUSE: AND BY REPEALING SECTION 5 OF ACT 91 OF 2021.

/s/Sen. Campsen	/s/Rep. Hixon
/s/Sen.McElveen	/s/Rep. Forrest
/s/Sen. Goldfinch	/s/Rep. Bauer
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4820 -- Reps. Forrest, Hixon, Hayes, Chumley, Burns, Haddon, Magnuson, Chapman, McDaniel and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION. Very respectfully, Speaker of the House

Received as information.

# H. 4820--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

H. 4820 -- Reps. Forrest, Hixon, Hayes, Chumley, Burns, Haddon, Magnuson, Chapman, McDaniel and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION.

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

A message was sent to the House accordingly.

# H. 4843--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL.

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

Senator McELVEEN spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine

<sup>237</sup> 

Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

#### Total--42

# NAYS

#### Total--0

The Committee of Conference Report was adopted as follows:

#### H. 4843--Conference Report

The General Assembly, Columbia, S.C., June 05, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL.

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

That the same do pass with the following amendments:

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

SECTION 1. Chapter 39, Title 48 of the S.C. Code is amended by adding:

Section 48-39-148. Notwithstanding any statutory or regulatory provision of law to the contrary, including any provision of or authorized by this chapter, a business that contains a grandfathered or permitted

commercial deck or marina that is located in a critical area may utilize such structure for purposes of providing food and beverage services for consumption by patrons of the business.

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

/s/Sen. Goldfinch	/s/Rep. Bailey
/s/Sen. Campsen	/s/Rep. Hardee
/s/Sen. McElveen	/s/Rep. Anderson
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL. Very respectfully,

Speaker of the House

Received as information.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF

LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL.

Very respectfully,

Speaker of the House

Received as information.

# H. 5100--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

Senator PEELER spoke on the report.

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

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AVEO

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod

Peeler Sabb Shealy Tedder Williams Reichenbach Senn Stephens Turner Young

Setzler Talley Verdin

Rice

# Total--41

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

#### H. 5100--Conference Report

The General Assembly, Columbia, S.C., June 12, 2024

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

That the same do pass with the following amendments:

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

Amend title to conform.

/s/Sen. Peeler	/s/Rep. Bannister
/s/Sen. Setzler	/s/Rep. Lowe
/s/Sen. Bennett	/s/Rep. Stavrinakis
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

#### **Message from the House**

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

# H. 5100--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

A message was sent to the House accordingly.

# H. 5101--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 5101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

Senator PEELER spoke on the report.

# The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--41

#### NAYS

#### Total-0

The Committee of Conference Report was adopted as follows:

# H. 5101--Conference Report

The General Assembly, Columbia, S.C., June 26, 2024

The COMMITTEE OF CONFERENCE, to whom was referred: H. 5101 -- WAYS AND MEANS COMMITTEE: TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO

# SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

That the same do pass with the following amendments:

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

SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the S.C. Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2023-2024 the following amounts:

(1) H630 - Department of Education

(1) 11050 - Department of Education	
(a) School Facilities Safety Upgrades	\$20,000,000
(b) School Safety Mapping	\$5,000,000
(2) H670 - Educational Television Commission	
Microwave and Transmitter Upgrades - Phase I	\$5,000,000
(3) H640 - Governor's School for Arts and Huma	
Residence Hall Renovation and	
Upgrades - Phase II	\$5,000,000
(4) H090 - Citadel	
(a) Duckett Hall Renovation	\$2,000,000
(b) Engineering Building Replacement	\$4,000,000
(c) Renovation of Workforce Housing	\$1,000,000
(5) H120 - Clemson University	
College of Veterinary Medicine	\$47,000,000
(6) H150 - University of Charleston	
Campus Expansion	\$7,000,000
(7) H170 - Coastal Carolina	
Pedestrian Walkway	\$5,000,000
(8) H180 - Francis Marion	
(a) Leatherman Science Facility/McNair	
Science Building Renovation	\$5,000,000
(b) Applied Behavioral Analysis	
(ABA) Clinic	\$1,000,000
(9) H210 - Lander	
Maintenance, Renovation, and	
Replacement	\$5,000,000
(10) H240 - South Carolina State University	
Replacement of the Whittaker Library	\$5,000,000
(11) H270 - USC - Columbia	

Health Sciences Campus	\$47,000,000
(12) H290 - USC - Aiken	
(a) Maintenance, Renovation, and	¢1 500 000
Replacement	\$1,500,000
(b) Athletic Facilities Relocation	\$2,500,000
(13) H340 - USC - Upstate	
(a) Maintenance, Renovation, and	\$2,000,000
Replacement (b) School of Numing Duilding	\$2,000,000 \$5,000,000
<ul><li>(b) School of Nursing Building</li><li>(14) H360 - USC - Beaufort</li></ul>	\$3,000,000
New Convocation Center	\$11.500.000
	\$11,500,000
(15) H370 - USC - Lancaster	
Maintenance, Renovation, and	\$1,100,000
Replacement	\$1,100,000
(16) H380 - USC - Salkehatchie	
Maintenance, Renovation, and Replacement	\$412,000
	\$412,000
(17) H390 - USC - Sumter	
(a) Maintenance, Renovation, and	\$2,000,000
Replacement (b) Excilition Management Conten	\$3,000,000
(b) Facilities Management Center	\$2,850,000
(18) H400 - USC - Union Maintenance Renaution and	
Maintenance, Renovation, and	\$412.000
Replacement	\$413,000
(19) H470 - Winthrop	
Maintenance, Renovation, and	\$5,000,000
Replacement	\$5,000,000
(20) H510 - Medical University of South Carolina	¢22 000 000
College of Medicine Academic Building	\$22,000,000
(21) H590 - Board for Technical and	
Comprehensive Education	
(a) Aiken Technical College	
Maintenance, Renovation, and	\$1.500.000
Replacement (b) Control Coroling Technical College	\$1,500,000
(b) Central Carolina Technical College	\$1
Maintenance, Renovation, and Replacement (c) Florence-Darlington Technical College	φ1
(i) Industrial Trades Training	
Facility	\$2,200,000
(ii) Darlington County Campus	\$2,200,000
(d) Greenville Technical College	Ψ2,200,000
(a) Oreenvine reeninear Conege	

Maintenance, Renovation, and Replacement (e) Horry-Georgetown Technical College	\$4,500,000
Health Professions Training Complex (f) Northeastern Technical College	\$5,000,000
Maintenance, Renovation, and Replacement (g) Orangeburg-Calhoun Technical College	\$750,000
Maintenance, Renovation, and Replacement (h) Piedmont Technical College	\$2,361,096
Maintenance, Renovation, and Replacement (i) Spartanburg Community College	\$2,300,000
Maintenance, Renovation, and Replacement (j) Technical College of the Lowcountry	\$1,800,000
Maintenance, Renovation, and Replacement (k) Tri-County Technical College	\$1,300,000
Maintenance, Renovation, and Replacement (1) Trident Technical College	\$500,000
Maintenance, Renovation, and Replacement (m) Williamsburg Technical College	\$4,500,000
Maintenance, Renovation, and Replacement (n) York Technical College	\$513,902
Maintenance, Renovation, and Replacement (22) H790 - Department of Archives and History	\$2,300,000
Exhibit Hall and Meeting Space Expansion (23) J120 - Department of Mental Health	\$1,000,000
Stone VA Nursing Home (24) P210 - SC State University Public Service Activities Construction of the South Carolina Limnology Research Center	\$5,000,000 \$2,000,000
Linnology Research Center	φ2,000,000

(25) P240 - Department of Natural Resources Waterfowl Impoundments Infrastructure	
Maintenance	\$1,200,000
(26) P320 - Department of Commerce	
SC Nexus	\$5,000,000
(27) P400 - Conservation Bank	
(a) Conservation Grant Funding	\$6,000,000
(b) Working Ag Lands	
Grant Funding	\$1,000,000
(28) N040 - Department of Corrections	
(a) Cell Phone Interdiction	\$7,058,000
(b) Security and Maintenance Funds	\$4,500,000
(29) R400 - Department of Motor Vehicles	
SCDMV IT System Modernization	\$2,528,884
(30) Y140 - State Ports Authority	
North Charleston Economic Development	
Land Acquisition	\$55,000,000
(31) A170 - Legislative Services Agency	
Network Infrastructure	\$753,766
(32) D300 - Office of Resilience	
Disaster Relief and Resilience	
Reserve Fund	\$4,000,000
(33) D500 - Department of Administration	
Healthcare Campus Relocation	\$14,511,113
(34) E240 - Adjutant General	
(a) SCEMD - State EOC Expansion	\$1
(b) Armory Revitalization	\$3,300,000
(35) E260 - Department of Veterans' Affairs	
(a) Veteran Homes - Capital	
Improvements	\$20,000,000
(b) MJ "Dolly" Cooper State	
Veterans' Cemetery - Committal	
Shelter II	\$1,280,000
(c) Military Enhancement Fund	\$2,000,000
(d) Veteran Trust Fund	\$1,000,000
SECTION 2. The Comptroller General shall post	the appropriati

SECTION 2. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the S.C. Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 3. This joint resolution takes effect thirty days after the

completion of the 2023-2024 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the S.C. Code.

Amend title to conform.

/s/Sen. Peeler	/s/Rep. Bannister
/s/Sen. Setzler	/s/Rep. Lowe
/s/Sen. Bennett	/s/Rep. Stavrinakis
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

#### Message from the House

Columbia, S.C., June 26, 2024

Mr. President and Senators:

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

H. 5101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

# H. 5101--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

H. 5101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

A message was sent to the House accordingly.

#### **EXECUTIVE SESSION**

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

# STATEWIDE APPOINTMENTS Confirmations

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

<u>Reappointment, Advisory Panel for Massage/Bodywork Therapy,</u> with the term to commence June 30, 2021, and to expire June 30, 2025 <u>Massage/Bodywork Therapist:</u>

Janet Shaw, 802 Pinedale Road, West Columbia, SC 29170-2638

On motion of Senator DAVIS, the question was confirmation of Janet Shaw.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

NAYS

# Total--0

The appointment of Janet Shaw was confirmed.

Initial Appointment, Advisory Panel for Massage/Bodywork Therapy, with the term to commence June 30, 2023, and to expire June 30, 2027

Massage/Bodywork Therapist:

Alicia Roberts, 202 Cedar Lane, Conway, SC 29527-6031 VICE Denise Van Nostran

On motion of Senator DAVIS, the question was confirmation of Alicia Roberts.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

# Total--42

# NAYS

# Total--0

The appointment of Alicia Roberts was confirmed.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2022, and to expire March 20, 2026

Cosmetologist:

Adrienne MacLeod, 3142 Cannon Road, Greer, SC 29651-5328 VICE Eddie L. Jones

On motion of Senator DAVIS, the question was confirmation of Adrienne MacLeod.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

# Total--42

# NAYS

#### Total--0

The appointment of Adrienne MacLeod was confirmed.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2023, and to expire March 20, 2027 <u>Cosmetologist:</u> LaQuita W. Horton, 1210 Cheraw Rd., Cassatt, SC 29032
On motion of Senator DAVIS, the question was confirmation of LaQuita W. Horton.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

### Total--42

## NAYS

### Total--0

The appointment of LaQuita W. Horton was confirmed.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2022, and to expire June 30, 2026 Barber: Renee H. Patton, 5535 Highway 9, Suite C, Inman, SC 29349

On motion of Senator DAVIS, the question was confirmation of Renee H. Patton.

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0; Abstain 1

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	Johnson, Kevin
Johnson, Michael	Kimbrell	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

## Total--41

## NAYS

## Total--0

### ABSTAIN

Hutto

#### Total--1

The appointment of Renee H. Patton was confirmed.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2021, and to expire May 31, 2024 Licensed or Certified Appraiser:

Hezekiah E. Thompson, 200 Edward Street, Murrells Inlet, SC 29576-6003 VICE Michael B. Dodds

On motion of Senator DAVIS, the question was confirmation of Hezekiah E. Thompson.

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

## Total--42

## NAYS

#### Total--0

The appointment of Hezekiah E. Thompson was confirmed.

<u>Reappointment, South Carolina Board of Real Estate Appraisers, with</u> the term to commence May 31, 2024, and to expire May 31, 2027

Licensed or Certified Appraiser:

Hezekiah E. Thompson, 200 Edward Street, Murrells Inlet, SC 29576-6003

On motion of Senator DAVIS, the question was confirmation of Hezekiah E. Thompson.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

#### AYES

Alexander Allen Bennett

Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

## NAYS

Total--0

The appointment of Hezekiah E. Thompson was confirmed.

Initial appointment, South Carolina Board of Real Estate Appraisers, with the term to commence April 30, 2021, and to expire April 30, 2024

Appraisal Management Company:

Mark Chapman, 197 Green Valley Road, Greenville, SC 29617-7014 On motion of Senator DAVIS, the question was confirmation of Mark Chapman.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey

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

#### Total--42

## NAYS

### Total--0

The appointment of Mark Chapman was confirmed.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence April 30, 2024, and to expire April 30, 2027 Appraisal Management Company: Mark Chapman, 197 Green Valley Road, Greenville, SC 29617-7014

On motion of Senator DAVIS, the question was confirmation of Mark Chapman.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

### Total--42

## NAYS

## Total--0

The appointment of Mark Chapman was confirmed.

Reappointment, Advisory Panel for Massage/Bodywork Therapy, with the term to commence June 30, 2021, and to expire June 30, 2025

Massage/Bodywork Therapist:

Gloria Lee Smith, 201 Corley Woods Drive, Lexington, SC 29072-3845

On motion of Senator DAVIS, the question was confirmation of Gloria Lee Smith.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Gloria Lee Smith was confirmed.

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2023, and to expire November 27, 2028

Master Social Worker:

Alicia Nix, 312 Winding Way, Columbia , SC 29212-1347 VICE Catherine M. Buchanan

On motion of Senator DAVIS, the question was confirmation of Alicia Nix.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

## NAYS

#### Total--0

The appointment of Alicia Nix was confirmed.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2022, and to expire June 30, 2026 <u>Master Hair Care Specialist:</u> Paul E. Robinson, Jr., 4441 Deerfield Dr., Orangeburg, SC 29118

On motion of Senator DAVIS, the question was confirmation of Paul E. Robinson, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0; Abstain 1

AYES			
Alexander	Allen	Bennett	
Cash	Climer	Corbin	
Cromer	Davis	Devine	
Fanning	Gambrell	Garrett	
Grooms	Gustafson	Harpootlian	
Hembree	Jackson	Johnson, Kevin	
Johnson, Michael	Kimbrell	Malloy	
Martin	Massey	Matthews	
McElveen	McLeod	Peeler	
Rankin	Reichenbach	Rice	
Sabb	Senn	Setzler	
Shealy	Stephens	Talley	
Tedder	Turner	Verdin	
Williams	Young		
	Total41		
	NAYS		
	Total0		
<b>II</b>	ABSTAIN		
Hutto			
	Total1		

The appointment of Paul E. Robinson, Jr. was confirmed.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2023, and to expire May 31, 2026

Licensed or Certified Appraiser:

Pledger Bishop III, Valbridge Property Advisors, 1250 Fairmont Ave., Mt. Pleasant, SC 29464 *VICE* Christopher Donato

On motion of Senator DAVIS, the question was confirmation of Pledger Bishop III.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

#### NAYS

#### Total--0

The appointment of Pledger Bishop III was confirmed.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2023, and to expire June 30, 2027 <u>3rd Congressional District:</u> Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

On motion of Senator DAVIS, the question was confirmation of Timothy W. Roberts.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

### Total--42

## NAYS

### Total--0

The appointment of Timothy W. Roberts was confirmed.

<u>Reappointment, South Carolina State Athletic Commission, with the</u> term to commence June 30, 2023, and to expire June 30, 2027

<u>At-Large, Physician:</u> Jon F. Lucas, 12 Paddock Run Lane, Simpsonville, SC 29681-5368

On motion of Senator DAVIS, the question was confirmation of Jon F. Lucas.

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

## Total--42

## NAYS

#### Total--0

The appointment of Jon F. Lucas was confirmed.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2022, and to expire June 30, 2026 <u>3rd Congressional District:</u> Andrew Osborne, 304 Greenville Church Road, Donalds, SC 29638-

9306 VICE William J. D'Andrea

On motion of Senator DAVIS, the question was confirmation of Andrew Osborne.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

#### AYES

Alexander Allen Bennett

Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

## NAYS

#### Total--0

The appointment of Andrew Osborne was confirmed.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2023, and to expire March 20, 2027

Esthetician:

Elizabeth Anne Postilis, Browning Studio, LLC, 1941 D Woodruff Road, Greenville, SC 29607-5938 VICE Marcia R. Delaney

On motion of Senator DAVIS, the question was confirmation of Elizabeth Anne Postilis.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian

Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

#### Total--42

#### NAYS

#### Total--0

The appointment of Elizabeth Anne Postilis was confirmed.

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Reappointment, South Carolina Residential Builders Commission,
with the term to commence June 30, 2022, and to expire June 30, 2026
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7th Congressional District:

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

On motion of Senator DAVIS, the question was confirmation of Bryan H. Dowd.

## The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach

Rice Setzler Talley Verdin Sabb Shealy Tedder Williams

Senn Stephens Turner Young

Total--42

NAYS

Total--0

The appointment of Bryan H. Dowd was confirmed.

Initial Appointment, South Carolina Board of Real Estate Appraisers,
with the term to commence May 31, 2022, and to expire May 31, 2025
Licensed Real Estate Broker:
Domion V Dumia Broken in Change Executive Beelty Crown 700

Damian V. Burris, Broker in Charge, Executive Realty Group, 700 Huger Street, Columbia, SC 29201-3663 VICE Ann R. King

On motion of Senator DAVIS, the question was confirmation of Damian V. Burris.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

### Total--42

## NAYS

## Total--0

The appointment of Damian V. Burris was confirmed.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2023, and to expire June 30, 2027 <u>5th Congressional District:</u> Christy B. Rhyne, 726 Poston Drive, Rock Hill, SC 29732-7838

On motion of Senator DAVIS, the question was confirmation of Christy B. Rhyne.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Christy B. Rhyne was confirmed.

Initial Appointment, South Carolina State Board of Barber Examiners, with the term to commence March 30, 2023, and to expire March 30, 2027

Barber:

Tony Holloman, 1003 Watson Drive, Elgin, SC 29045-8915 VICE Christopher Javis

On motion of Senator DAVIS, the question was confirmation of Tony Holloman.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0; Abstain 1

AYES			
Alexander	Allen	Bennett	
Cash	Climer	Corbin	
Cromer	Davis	Devine	
Fanning	Gambrell	Garrett	
Grooms	Gustafson	Harpootlian	
Hembree	Jackson	Johnson, Kevin	
Johnson, Michael	Kimbrell	Malloy	
Martin	Massey	Matthews	
McElveen	McLeod	Peeler	
Rankin	Reichenbach	Rice	
Sabb	Senn	Setzler	
Shealy	Stephens	Talley	
Tedder	Turner	Verdin	
Williams	Young		
	Total41		
	NAYS		
	Total0		
<b>TT</b>	ABSTAIN		
Hutto	Total1		

The appointment of Tony Holloman was confirmed.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2024, and to expire May 31, 2027 Licensed or Certified Appraiser:

Carlton Segars, Jr., 1713 Bradley Dr., Columbia, SC 29201 VICE Christopher Barczak

On motion of Senator DAVIS, the question was confirmation of Carlton Segars, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

#### Total--42

## NAYS

## Total--0

The appointment of Carlton Segars, Jr. was confirmed.

Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2023, and to expire November 27, 2027 General Public:

Dean S. Stephens, 102 Golf View Lane, Greenville, SC 29609-6911

On motion of Senator DAVIS, the question was confirmation of Dean S. Stephens.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--42

#### NAYS

## Total--0

The appointment of Dean S. Stephens was confirmed.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 31, 2024, and to expire March 31, 2028

Cosmetologist:

Tiffiny Q. Jones, 400 Oak Ridge Place, Easley, SC 29642-9088 VICE Patricia Walters

On motion of Senator DAVIS, the question was confirmation of Tiffiny Q. Jones.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 42; Nays 0

	AYES	
Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

## Total--42

#### NAYS

#### Total--0

The appointment of Tiffiny Q. Jones was confirmed.

## LOCAL APPOINTMENTS Confirmations

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

Initial Appointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Timothy Thorton, 1828 Bolin Road, North Augusta, SC 29841 VICE Sheridan Lynn

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Stacy Mark Blair, 2526 Getsinger Road, Anderson, SC 29625-3241 VICE Jeremey Pickens

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carla B. Deering, 221 Clemson Street, Williston, SC 29853-6505 VICE Judge Stapleton

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Paige Adams, 6 Twin Oaks Lane, Isle of Palms, SC 29451-2718 VICE Thomas E. Lynn

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Thomas O. Sanders, 23 Lord Calvert Drive, Charleston, SC 29407-6963 *VICE* Tiffany Spann-Wilder

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patrick M. Smith, 211 Rutledge Court, McClellanville, SC 29458-9703 VICE Frances Lee Cain-Lofton

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026 John A. Davis, 206 Chapman Street, Chesterfield, SC 29709-1102

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026 John K. Melton, 104 Clyde Ave., Cheraw, SC 29520-3026

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026 Vivian L. Patrick, 519 Sandpiper Circle, Cheraw, SC 29520-6891

Initial Appointment, Darlington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Valerie Gardner, 205 Loring Drive, Hartsville, SC 29550-5167

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Johnathan Guiles, 32 Genesis Dr., Georgetown, SC 29440-9398

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Gwendolyn R. McNeil, P.O. Box 694, Andrews, SC 29510-0694

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary C. Vanderhost, 2520 Folly Grove Road, Hemingway, SC 29554-4078 VICE Isaac Pyatt

Initial Appointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Larkin Lynch, 280 Haley Brooke Drive, Conway, SC 29526-6399 VICE Gerald Whitley

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Carrie Tanner, 29 Ascot Drive, Camden, SC 29020-7313

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kyliene Lee Keesley, 1501 Alpine Dr., West Columbia, SC 29169-6005 VICE Albert J. Dooley III

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Larry Saunders, Jr., 100 Cherokee Isle Court, Lexington, SC 29072-7137 VICE Scott Whittle

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kimberly Roache, 1371 Tolly Ganly Circle, Orangeburg, SC 29118-3136 VICE Stephanie McKune-Grant

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

Charles Edward James, 103 Oak Circle, Easley, SC 29640-2220 VICE Michael Gillespie

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Billy Odom, 115 Paula Court, Cowpens, SC 29330-9183 VICE Olin D. Ledford, Jr.

<u>Reappointment, Spartanburg County Magistrate, with the term to</u> <u>commence April 30, 2023, and to expire April 30, 2027</u>

Edward Gene Addington, P. O. Box 1301, Cowpens, SC 29330-1301

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James E. Crook, 622 Mosswood Lane, Spartanburg, SC 29301-5352 VICE Issac Dickson

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Erin Dobbins, 523 Kennet Court, Spartanburg, SC 29301-5377 VICE Paul D. Abbott, Jr.

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Theokli Clair Psilinakis Bourland, 309 Dunkineely Way, Moore, SC 29369-9499 VICE Tina McMillan

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027 Matthew Skinner, 1600 Roddy Road, Campobello, SC 29322-8515

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christopher Paul Thompson, 518 Jonas Circle, Chesnee, SC 29323-9415 VICE Karry Guillory

## **Motion Adopted**

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

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend George Phillip Windley, Sr. of Manning, S.C. Rev. Windley earned his Bachelor of Divinity degree from Morris College and continued his studies at Colgate Rochester Crozer Divinity School. He served in the United States Navy during the Vietnam War. Rev. Windley was the founder and former president of the Clarendon County Ministerial Alliance, was a member of the Baptist E&M Convention, National Baptist Convention, instructor of the S.C. Baptist Congress of Christian Education, served as an instructor for the Morris College School of Religion and was the first African American Senior Chaplain with the South Carolina Department of Corrections to mention a few. Rev. Windley became pastor of Ebenezer Missionary Baptist Church where he served for forty-three years. Rev. Windley was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael "Mike" A. Marino of Myrtle Beach, S.C. Mike worked in real estate and was a long-time member of Dunes Golf and Beach Club. He enjoyed traveling with his family and playing golf. Mike was a member of St. Andrews Catholic Church for nearly forty years. Mike was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harry Smoak Bryant of Orangeburg, S.C. Harry graduated from Wofford College where he was a member of the Glee Club and served as president of his sophomore class. He earned his law degree from the University of South Carolina Law School. Harry was a captain in the First Infantry Division in South Vietnam. After leaving the Army, he practiced law with Bryant Fanning and Shuler, LLP in Orangeburg for forty years. Harry also was an adjunct professor at S.C. State University and Orangeburg-Calhoun Technical College. He was a life-long member of First Baptist Church of Orangeburg where he served as a Sunday School teacher, adult choir member and deacon. He served as member and chairman of the Connie Maxwell Children's Home Board of Trustees, president of the Wofford College National Alumni Board of Directors, was a former member of Orangeburg City Council, Board of Directors of the South Carolina Municipal Association and Rotary Club to mention a few. Harry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Victor Edward Terrana of Newberry, S.C. Vic was a gifted and talented professor in mathematics and computer science at Newberry College. He earned his doctorate in Mathematics at Illinois Institute of Technology. Vic was involved in many community programs including the Newberry Rotary Club, Newberry Historical Society, Newberry Republican Party, Pistol Club and he was on the Newberry County Planning and Commission Board. He enjoyed traveling and problem solving and was a genuine, kind and charismatic person. Vic was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

On motion of Senator CLIMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Aiden Zachary Anderko of Rock Hill, S.C. Aiden was an honor student at York Preparatory Academy. He was a gifted artist, talented musician and mechanically inclined. Aiden enjoyed reading, skateboarding, bush crafting, hiking, fishing and volunteering at Camp Joy every summer. Aiden was loving son and brother who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator DEVINE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Julian Keel of Columbia, S.C. Julian was a three-sport athlete who attended Keenan High School where he enjoyed track, wrestling and football. Julian was a happy person who always looked out for and cared about his teammates. Julian was a loving son and friend who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Thomas Perrin Jones of Sumter, S.C. Thomas graduated from the University of South Carolina and earned his Doctor of Dental Medicine at The Medical University of South Carolina. He was involved in Bible study at First Baptist Church and coached baseball and basketball in the Pinewood community. Thomas was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Jennifer L. Newkirk of Bishopville, S.C. Jennifer found great joy in supporting and taking care of her children. She loved cooking, the holidays and country music. Jennifer served at First Lady church as a youth advisor, member of the kitchen committee and a vacation Bible school teacher. Jennifer was a loving wife and devoted mother who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Barbara F. King of St. Matthews, S.C. Barbara was a loving mother and grandmother who will be dearly missed.

and

#### **MOTION ADOPTED**

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Leroy Burgess, Sr. of Kingstree, S.C. Leroy was a graduate of South Carolina State University. He was an agriculture educator in Williamsburg County for twenty-two years before becoming an assistant principal at Battery Park High School until he retired. Leroy also served as a magistrate for twenty-eight years. He was a member of Phi Beta Sigma fraternity for over sixty years and was a Future Farmers of America advisor for over thirty years as well as a United States Army veteran. He was a founding member of Wilson Chapel Missionary First Baptist Church where he served as a deacon. Leroy was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of the honorable Kenneth Arthur "K.C." Campbell of Walterboro, S.C. K.C. had a long career practicing law and was a Colleton County magistrate. He graduated from Ohio State University and was a member of the Elks Lodge and served on the Board at Colleton Preparatory Academy for fifteen years. K.C. enjoyed cooking, playing golf, snake hunting, fishing, shopping and traveling with his family. K.C. was a loving fiancé, devoted father and doting grandfather who will be dearly missed.

and

### **MOTION ADOPTED**

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Agnes Elizabeth Debois Bright of Colleton County, S.C. Agnes graduated from Claflin University and taught elementary school in Colleton County. She was a member of Alpha Kappa Alpha Sorority, Gamma Nu chapter and was a charter member of the Xi Omega Omega Graduate chapter in Walterboro. Agnes was a member of Isaiah United Methodist Church where she served as past president of the United Methodist Women, past PPRC Chairperson, treasurer and member of the choir. Agnes was a loving wife, devoted mother and doting grandmother who will be dearly missed.

#### **ADJOURNMENT**

At 6:08 P.M., on motion of Senator CORBIN, the Senate adjourned under the provisions of the *Sine Die* Resolution, S. 1192.

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