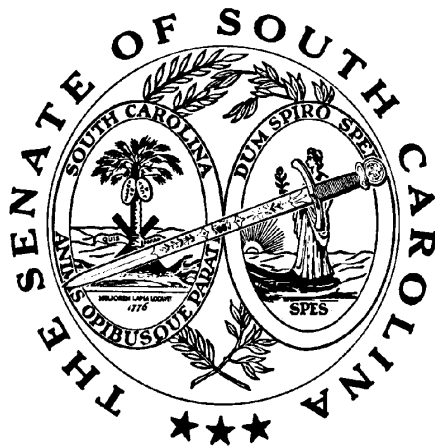


NO. 73

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:

Alexander	Allen	Bennett
Cash	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	Matthews	McElveen

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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* Jeremy 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

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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, Post Office 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

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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.

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

WEDNESDAY, JUNE 26, 2024

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

Leave of Absence

On motion of Senator CROMER, at 12:10 P.M., Senators CAMPSSEN 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.

WEDNESDAY, JUNE 26, 2024

Remarks by Senator SETZLER

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

Remarks to be Printed

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

Remarks by Senator SHEALY

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

Remarks to be Printed

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

Remarks by Senator HARPOOTLIAN

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

Remarks to be Printed

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator HARPOOTLIAN, when reduced to writing and made available to the Desk, would be 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 to be Printed

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

WEDNESDAY, JUNE 26, 2024

Remarks by Senator SENN

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

Remarks to be Printed

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SENN, when reduced to writing and made available to the Desk, would be 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.

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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.

sr-0765km-vc24.docx

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.

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.

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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.

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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

Massage/Bodywork Therapist:

Janet Shaw, 802 Pinedale Road, West Columbia, SC 29170-2638

Received as information.

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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

Received as information.

Reappointment, South Carolina Residential Builders Commission, 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

3rd Congressional District:

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.

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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:

Tiffany 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

Cosmetologist:

Adrienne MacLeod, 3142 Cannon Road, Greer, SC 29651-5328 *VICE*
Eddie L. Jones

Received as information.

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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, 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

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Received as information.

Reappointment, South Carolina Residential Builders Commission, 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.

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

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) -- Reprs. 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

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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

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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.

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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	Harpoottlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	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.

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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	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
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

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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.

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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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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.

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

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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-

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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

(l) 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 to ~~incidental or related to,~~ trafficking. For purposes of this subsection,

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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.

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(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.

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(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, or 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, or 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, or 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

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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~~ A person who 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.~~

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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 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

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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/Senator Gustafson
/s/Senator Adams
On part of the Senate.

/s/Rep. Bernstein
/s/Rep. Guest
/s/Rep. Connell
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

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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.

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

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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.

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

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TO PROVIDE SIMILAR PROVISIONS FOR MINOR TRAFFICKING VICTIMS AND TO REQUIRE 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, HARASSMENT, AND OTHER SEXUAL OFFENSES; 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

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AMENDING SECTION 1-11-55, 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 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

AYES

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

WEDNESDAY, JUNE 26, 2024

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 A 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:

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- (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 funding for financing 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) All institutions of higher learning shall submit permanent 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 ~~sort~~ sort which implement the project ~~in any way may be undertaken and no expenditure~~ of any funds for any services or for any other project purpose contracted

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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 authority 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, a with regard to all institutions of higher learning, permanent improvement or a permanent improvement project is any improvement meeting the definition of a capital improvement under generally accepted accounting principles, including without limitation defined as:

(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

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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 any 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;

~~(7)(6) 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:

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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

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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 improvement plan 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 gifts-in-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;~~

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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 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

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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, 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 AMENDING SECTION 1-11-55, RELATING TO LEASE

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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 AT CERTAIN INSTITUTIONS.

/s/Sen. Peeler

/s/Rep. Ballentine

/s/Senator Talley

/s/Rep. Cobb-Hunter

/s/Senator Setzler

/s/Rep. Taylor

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. 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 AMENDING SECTION 1-11-55, RELATING TO LEASE AGREEMENTS, SO AS TO INCREASE THE LIMIT OF LEASE AGREEMENTS FOR CERTAIN INSTITUTIONS; AND BY

WEDNESDAY, JUNE 26, 2024

REPEALING SECTION 59-103-110 RELATING TO THE APPROVAL OF NEW CONSTRUCTION AT CERTAIN 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 AMENDING SECTION 1-11-55, 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

WEDNESDAY, JUNE 26, 2024

APPROVAL OF NEW CONSTRUCTION AT CERTAIN 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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner

WEDNESDAY, JUNE 26, 2024

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~~ a percentage equal to the maximum individual tax rate 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~~ a percentage equal to the maximum individual tax rate 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

WEDNESDAY, JUNE 26, 2024

income to a nonresident beneficiary must withhold ~~seven percent~~ a percentage equal to the maximum individual tax rate 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 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 same rate of seven percent as the maximum individual income tax rate 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

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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 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.

(B) An applicant, prospective employee, employee, subcontractor, 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/Senator Alexander

/s/Senator Setzler

On part of the Senate.

/s/Rep. Whitmire

/s/Rep. Hayes

/s/Rep. Willis

On part of the House.

WEDNESDAY, JUNE 26, 2024

, 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

WEDNESDAY, JUNE 26, 2024

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

WEDNESDAY, JUNE 26, 2024

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

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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 ~~two-year~~ 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

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CERTAIN DEFINITIONS.

/s/Sen. Shealy	/s/Rep. Erickson
/s/Senator Young	/s/Rep. Hartnett
/s/Senator 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

WEDNESDAY, JUNE 26, 2024

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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner

WEDNESDAY, JUNE 26, 2024

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 ~~eight-sixteen~~ eighteen 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 ~~eight-sixteen~~ eighteen 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

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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; and
- (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)~~(4)~~ There is allowed an income tax credit for each clinical rotation a physician serves as the preceptor for a medical school-required clinical

WEDNESDAY, JUNE 26, 2024

rotation, advanced practice nursing program-required clinical rotation, and physician assistant program-required clinical rotation.

~~— (2) If at least fifty percent of~~ If the physician's practice consists of a combined total of ~~includes~~ Medicaid insured, or Medicare insured, and self-pay patients, then 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.

~~— (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)(4) 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 assistant-required 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 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 disallowed.~~

~~— (5) The credits allowed by this subsection are not cumulative and~~

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~~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 ~~2025~~2029. Section 12-6-3800 and Section ~~12-6-1140(-)~~12-6-1140(14) are repealed January 1, ~~2026~~2030.

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 coupons may be exempt from the tax imposed pursuant to this section at the election 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

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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/Senator Turner	/s/Rep. B. Newton
/s/Senator 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

WEDNESDAY, JUNE 26, 2024

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

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

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 Laundering~~Uniform Money Services Act

Article 1

WEDNESDAY, JUNE 26, 2024

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)~~ “(2) “Applicant” means a person that files an application for a license pursuant to this act.

~~(2)(3)~~ “(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 franchisees 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)~~ “(7) “Commissioner” means the South Carolina Attorney General.

~~(5)(8)(a)~~ “(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

WEDNESDAY, JUNE 26, 2024

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

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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

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(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

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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 franchisees 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 venture, stock 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

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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 a ~~contractor on behalf an agent~~ of the United States Postal Service;

(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~~

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such a person a 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 pursuant to the Bank Service Corporation 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 States~~ thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality ~~of a state~~ thereof;

(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

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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.

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(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 ~~chapter or approved to engage in money transmission pursuant to Section 35-11-210~~ article;

(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 35-11-210~~ exempted under Section 35-11-110.

(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 in a form and in a medium prescribed by the commissioner~~ Commissioner. 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

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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 paid~~ applicant 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 legal 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 this State and 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

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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 unaudited 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 application~~certified 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~~ Commissioner 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 fifty~~ one 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~~

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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,~~

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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~~

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~~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. A 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~~ Commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The ~~commissioner~~ Commissioner may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant

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must pay. The ~~commissioner~~ Commissioner shall issue a license to an applicant pursuant to this article if the ~~commissioner~~ Commissioner 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 ~~commissioner~~ Commissioner promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the ~~commissioner~~ Commissioner 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~~ Commissioner 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~~ Commissioner 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 ~~appeal~~ request 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

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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 ~~commissioner~~ Commissioner. 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 ~~commissioner~~ Commissioner on a required report;~~

~~— (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~~

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~~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 Commissioner 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:

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(1) licensed pursuant to this ~~chapter~~ article;

(2) licensed for money transmission pursuant to Article 2, ~~or 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 ~~commissioner~~ Commissioner. 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 ~~commissioner~~ Commissioner reasonably requires with respect to the applicant, but not more than the ~~commissioner~~ Commissioner may require pursuant to Article 2.

(B) A nonrefundable application fee of one thousand five hundred dollars and a license fee of ~~seven hundred fifty~~ one 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~~ Commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The ~~commissioner~~ Commissioner may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The ~~commissioner~~ Commissioner shall issue a license to an applicant pursuant to this article if the ~~commissioner~~ Commissioner finds that all of the following

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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 ~~commissioner~~ Commissioner promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the ~~commissioner~~ Commissioner 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~~ Commissioner 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~~ Commissioner 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 ~~appeal~~ request 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. All 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 ~~commissioner~~ Commissioner. The renewal report must state or contain a:

(1) description of each material change in information submitted by

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the licensee in its original license application which has not been reported to the ~~commissioner~~ Commissioner 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~~

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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

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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 ~~commissioner~~ Commissioner may conduct an ~~annual~~ examination or investigation of a licensee or of any of the licensee's authorized delegates ~~on a forty-five day notice in a record to the licensee~~ or 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

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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 commissioner~~ Commissioner concludes that an ~~on-site~~ 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

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(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 ~~commissioner~~ Commissioner within fifteen business days any material changes in information provided in a licensee's application as prescribed by the ~~commissioner~~ Commissioner.

~~(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~~

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with respect to the authorized delegate.

(C) A licensee shall file a report with the ~~commissioner~~ Commissioner within ~~three-one~~ business days 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

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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~~

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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 or 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). Any 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

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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.

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(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

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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~~ outstanding money transmission obligation sold;

(2) a general ledger posted at least monthly containing all asset,

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liability, capital, income, and expense accounts;

(3) bank statements and bank reconciliation records;

(4) records of outstanding ~~payment instruments and stored value~~ money transmission obligations;

(5) records of each ~~payment instrument and stored value~~ money transmission 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 ~~commissioner~~ Commissioner 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 ~~commissioner~~ Commissioner 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~~ Commissioner 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, record keeping, 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~~ Commissioner notifies the licensee that reports of this type are not being regularly and comprehensively transmitted by the federal agency to the ~~commissioner~~ Commissioner.

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.~~

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~~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~~

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~~_____ (iii) endanger the life or physical safety of law enforcement personnel;~~

~~_____ (e) 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.The 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~~

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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.

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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.

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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 licensee~~ money transmission obligation.

(B) Except for permissible investments enumerated in Section 35-11-605(A), ~~The commissioner~~ the Commissioner, with respect to a

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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 value money transmission obligations in the event of bankruptcy 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

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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 quality 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 depository 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 Bank~~certificates 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~~an 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

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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

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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~~

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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) Unless permitted by the Commissioner by regulation or order to 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 receivables that are 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 of 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

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~~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 commissioner~~—Commissioner 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

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an order issued pursuant to this ~~act~~chapter;

(2) the licensee does not cooperate with an examination or investigation by the ~~commissioner~~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 regulation 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 person~~key 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 ~~commissioner~~Commissioner may consider the size and condition of the licensee's money transmission, the magnitude of the loss, the gravity of the violation of this ~~act~~chapter or a regulation or order issued pursuant to this chapter, 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 ~~commissioner~~Commissioner may issue

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an order suspending or revoking the designation of an authorized delegate, if the ~~commissioner~~Commissioner finds that the:

(1) authorized delegate violated this chapter or a ~~rule~~adopted regulation or an order issued pursuant to this chapter;

(2) authorized delegate did not cooperate with an examination or investigation by the ~~commissioner~~Commissioner;

(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 ~~commissioner~~Commissioner 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 ~~rule adopted~~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

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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 fees.

(E) If a petition for judicial review of a final order is not filed in

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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~~ Commissioner may enter into a consent order at any time with a person to resolve a matter arising pursuant to this chapter or a ~~rule adopted~~ 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 ~~rule adopted~~ regulation 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

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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 ~~commissioner~~Commissioner that a licensee is in an unsafe or unsound condition, the ~~commissioner~~Commissioner may apply to the Richland County ~~Circuit~~Court of Common Pleas or to the circuit court

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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;

or

(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

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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;

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(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;

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(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 commissioner~~The 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 pursuant to Section 35-11-710. 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~~ Commissioner who may employ such additional assistants as he deems

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necessary. The ~~commissioner~~ Commissioner 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

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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/Senator Gambrell
/s/Senator Garrett
On part of the Senate.

/s/Rep. Blackwell
Rep. Gatch
/s/Rep. Jefferson
On part of the House.

, and a message was sent to the House accordingly.

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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 PROTECTED IN AN ENVIRONMENT THAT SUPPORTS 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 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.

Very respectfully,

Speaker of the House

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Received as information.

RECESS

At 4:59 P.M., on motion of Senator HUTTO, the Senate recessed 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 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

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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	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach

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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

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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.

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

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(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

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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, ~~a the~~the ~~South Carolina~~ South Carolina Judicial Merit Selection Commission, composed of ~~ten~~twelve members, shall be appointed, ~~in the manner prescribed by this section, to~~ consider the qualifications of the candidates. The ~~Judicial Merit Selection Commission~~commission 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;

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(5) contacting incumbent judges regarding their desire to seek ~~re-election~~reelection;

(6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission; and

(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 South Carolina

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Judicial Merit Selection Commission to determine when judicial vacancies are to occur in the ~~administrative law judge division~~ Administrative Law Court 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 ~~nomination~~ the position. For purposes of this chapter, a vacancy is created in the ~~administrative law judge division~~ Administrative Law 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-election~~ reelection, 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. 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 Commission~~ commission 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 ~~nomination~~ a 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 ~~Judicial Merit Selection Commission~~ commission. 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

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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 South Carolina 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~~ commission 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

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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) ~~At~~ At 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. However, all materials concerning the candidate must be retained and may not be destroyed by the commission.~~

(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 South Carolina Judicial Merit Selection Commission is to investigate and consider the qualifications of the candidates for judicial office in ~~the administrative law judge division~~ Administrative Law Court 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;

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- (5) reputation;
- (6) physical health;
- (7) mental stability;
- (8) experience; and
- (9) judicial temperament.

(B) ~~In making nominations, race~~Race, gender, national origin, and other demographic factors ~~should~~shall 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 South Carolina 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 South Carolina 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 Commission~~commission 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

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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 Commission~~ commission 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 South Carolina 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 office~~ person 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

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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 ~~forty-eight hours~~ twelve 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 now or in the future, in exchange for another member's pledge to vote for a candidate for judicial office or as an inducement for a candidate to withdraw.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate's qualifications and until the time set for election of candidates. 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 three~~ not 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

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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 ~~nominations~~ procedures 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 ~~re-election~~ reelection 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 ~~two weeks~~ 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 South Carolina Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's

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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 South Carolina 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 South Carolina Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on all qualified master-in-equity candidates to the appropriate county legislative delegations. The county legislative delegations ~~shall~~ may 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. ~~Nothing~~ And, 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~~ 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~~

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~~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/Senator Malloy

/s/Rep. Caskey

/s/Senator 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

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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

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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 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

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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 -- Reprs. 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 GENERAL ASSEMBLY, TO 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.

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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
<i>Johnson, Michael</i>	Kimbrell	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Devine	Fanning
Harpoottian	Hutto	Jackson
<i>Johnson, Kevin</i>	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

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

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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/Senator Sabb

/s/Senator Adams

On part of the Senate.

/s/Rep. W. Newton

/s/Rep. Hiott

/s/Rep. Rutherford

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

WEDNESDAY, JUNE 26, 2024

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

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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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

WEDNESDAY, JUNE 26, 2024

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 SIXTEEN YEARS, TO PROVIDE INFORMED CONSENT REQUIREMENTS, TO PROVIDE PHARMACY TECHNICIANS MAY ADMINISTER VACCINATIONS UNDER PHARMACIST SUPERVISION, TO REVISE REQUIREMENTS FOR PHARMACY INTERNS TO MAKE VACCINATIONS, AND TO MAKE CONFORMING CHANGES TO RECORDKEEPING 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:

WEDNESDAY, JUNE 26, 2024

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; ~~or~~

_____ (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 ~~nineteen~~ 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 State at large, 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

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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 is responsible for the work of the intern/extern. A 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

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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 ~~eighteen~~sixteen 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

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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;

(l) 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 written~~ informed 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

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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 or pharmacy technician 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 or pharmacy technician:

(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

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(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 or pharmacy technician administering vaccinations shall, as part of the current continuing education requirements ~~pursuant to Section 40-43-130~~, 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 or dispensing for adults and at least thirteen years from the date of the last vaccination or dispensing 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

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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 vaccines ~~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.~~

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/Senator Cromer
/s/Senator Martin
On part of the Senate.

/s/Rep. Davis
/s/Rep. M.M. Smith
/s/Rep. W. Jones
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 -- Reprs. 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

WEDNESDAY, JUNE 26, 2024

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 -- Reprs. 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

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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 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

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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
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

WEDNESDAY, JUNE 26, 2024

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 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.

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 ~~corporation-taxpayer or a business unit of a taxpayer~~ establishing a ~~corporate-headquarters facility~~ in this State, or expanding or adding to an existing ~~corporate-headquarters facility~~, is allowed a credit against any tax due pursuant to Section 12-6-510, 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~~

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~~facility establishment, or 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, ~~or expanding, or adding to 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 ~~or, 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 classified 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:~~

~~(1) 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 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~~

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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 headquarters 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 claim 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),~~ 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

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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 maintains the ~~corporate~~ headquarters ~~facility of the 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

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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~~, or a national corporate headquarters, or ~~global 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 taxpayer or taxpayer's business unit doing business solely within South Carolina does not meet the definition of a 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 must handle headquarters-related functions at least on a national or global 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,~~

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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 “~~company business unit~~” is an organizational unit of a ~~corporation or bank and taxpayer that~~ is defined by the particular product or category of products it sells.

(2) “New job” means a job created by an employer in this State at the time a new facility, or 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, or 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.

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(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 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~~
Reserved.

(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

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recycling and includes, but is not limited to, scrap metal and iron, and used plastics, paper, glass, batteries, solar panels, turbines and related structures, 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

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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 technology intensive 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

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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

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12-10-90; and

(4) have negotiated incentives that 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 intensive activities at a manufacturing, processing, or technology 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 date. After 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~~

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~~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 ~~company's~~ qualifying business's job development credits shall be suspended during any quarter in which the ~~company-qualifying business~~ fails to maintain one hundred percent of the minimum job requirement set forth in the ~~company's-qualifying business's~~ revitalization agreement. A company only may claim credits on jobs,

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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 ~~company's~~ qualifying business's 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

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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.

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(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 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

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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

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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 purposes of eligibility 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-on the payroll for a single~~ 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 ~~taxpayer's~~ business's investment;

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(c) seventy-five jobs ~~at~~ on the payroll for 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~~ on the payroll for 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~~ on the payroll for 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 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

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(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

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(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

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(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) training included in a registered apprenticeship program; 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

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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 DISTRIBUTION AND TO PROVIDE FOR 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

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/s/Senator Setzler
Senator Massey
On part of the Senate.

/s/Rep. B. Newton
/s/Rep. Kirby
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.

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**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 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

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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 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

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HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING 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 WITH 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.

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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. 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

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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 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

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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 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 WITH 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 QUALIFICATIONS 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 REQUIREMENTS; 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,

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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 ~~must~~may 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 more than ten thousand dollars ~~or more~~, and, upon conviction or plea, the person must be fined in the discretion of the court in an amount not less than twenty-five thousand dollars, ~~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. A person convicted of a felony pursuant to this chapter is subject to the following additional penalties when the value of the money obtained or sought to be obtained is:

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(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 written 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 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.

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. A 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.

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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 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 benefit 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.

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(B) No permit to operate a funeral home may be issued to a corporation, partnership, or individual when the name of either an unlicensed person or a person whose license has been revoked or is suspended 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 set forth in Section 40-1-70. A member of the board, or its committees or employees, may not be liable for acts performed in the course of their official duties, except when gross negligence is shown and proven in a court of competent jurisdiction in this State.

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 directors ~~funeral directors~~ with ~~not no~~ 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, unlicensed persons, 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, ~~must~~ may be fined ~~not less than five hundred ten thousand dollars or more than twenty five hundred twenty five thousand~~

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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 turpitude~~ or 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 ~~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 turpitude~~ or 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. 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

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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 ~~or~~ 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~~ 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.

(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-five~~ 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 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:

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- (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~~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 heat~~cremation 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.

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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/Senator Climer

/s/Rep. M.M. Smith

/s/Senator 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 -- Reprs. 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 REQUIRE IMMEDIATE REPORTING OF

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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 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 WITH 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

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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.

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

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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 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 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 WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES

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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.

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 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

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

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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:

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

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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:

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(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 ~~per~~ for fifty traps and one dollar for each trap thereafter for residents, and one hundred twenty-five dollars ~~per~~ for 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

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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

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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

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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.

/s/Sen. Campsen

/s/Senator Goldfinch

/s/Senator McElveen

On part of the Senate.

/s/Rep. Hixon

/s/Rep. Forrest

Rep. McDaniel

On part of the House.

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 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

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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 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.

, 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,

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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 BUSHEL 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

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod

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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 the hunting and taking ~~a~~-of legal male wild turkey 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 legal male wild turkeys is ~~three~~two statewide for residents and two statewide for nonresidents. The daily bag limit is one, provided that:

— (1) only one legal male wild turkey may be taken ~~from April 1 through~~ prior to April 10 ~~from within Game Zones 1 and 2; and~~

— (2) only one male wild turkey may be taken from March 22 through

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~~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 April 3 ~~the start of a game zone turkey season~~ and the Saturday and Sunday following May 3 is declared to be a “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 a Youth Turkey Hunting Weekend.

(C) ~~The total bag limit during Youth Turkey Hunting Weekends combined~~ is one legal male wild turkey for the weekend that shall count toward the season bag limit. A 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 ~~may~~ must not harvest or attempt to harvest ~~turkeys~~ a turkey during a Youth Turkey Hunting

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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 twenty-five 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 50-11-590, RELATING TO YOUTH TURKEY HUNTING 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.

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/s/Sen. Campsen	/s/Rep. Hixon
/s/Senator McElveen	/s/Rep. Forrest
/s/Senator 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 -- Reprs. 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 -- Reprs. 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.

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**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
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

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/Senator Campsen

/s/Senator McElveen

On part of the Senate.

/s/Rep. Bailey

/s/Rep. Hardee

/s/Rep. Anderson

On part of the House.

, and a message was sent to the House accordingly.

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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

WEDNESDAY, JUNE 26, 2024

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

AYES

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

WEDNESDAY, JUNE 26, 2024

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. Harvey Smith Peeler Jr.	/s/Rep. Bruce Wyche Bannister
/s/Sen. Nikki Giles Setzler	/s/Rep. Phillip Dean Lowe
/s/Sen. Sean M. Bennett	/s/Rep. Leonidas E. "Leon" 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

WEDNESDAY, JUNE 26, 2024

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

WEDNESDAY, JUNE 26, 2024

<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
 - (a) School Facilities Safety Upgrades \$20,000,000
 - (b) School Safety Mapping \$5,000,000
- (2) H670 - Educational Television Commission

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	Microwave and Transmitter Upgrades - Phase I	\$5,000,000
(3)	H640 - Governor's School for Arts and Humanities 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 Replacement	\$1,500,000
	(b) Athletic Facilities Relocation	\$2,500,000
(13)	H340 - USC - Upstate	
	(a) Maintenance, Renovation, and Replacement	\$2,000,000
	(b) School of Nursing Building	\$5,000,000
(14)	H360 - USC - Beaufort New Convocation Center	\$11,500,000
(15)	H370 - USC - Lancaster Maintenance, Renovation, and Replacement	\$1,100,000
(16)	H380 - USC - Salkehatchie Maintenance, Renovation, and	

WEDNESDAY, JUNE 26, 2024

Replacement	\$412,000
(17) H390 - USC - Sumter	
(a) Maintenance, Renovation, and Replacement	\$3,000,000
(b) Facilities Management Center	\$2,850,000
(18) H400 - USC - Union	
Maintenance, Renovation, and Replacement	\$413,000
(19) H470 - Winthrop	
Maintenance, Renovation, and Replacement	\$5,000,000
(20) H510 - Medical University of South Carolina College of Medicine Academic Building	\$22,000,000
(21) H590 - Board for Technical and Comprehensive Education	
(a) Aiken Technical College Maintenance, Renovation, and Replacement	\$1,500,000
(b) Central Carolina Technical College Maintenance, Renovation, and Replacement	\$1
(c) Florence-Darlington Technical College	
(i) Industrial Trades Training Facility	\$2,200,000
(ii) Darlington County Campus	\$2,200,000
(d) Greenville Technical College Maintenance, Renovation, and Replacement	\$4,500,000
(e) Horry-Georgetown Technical College Health Professions Training Complex	\$5,000,000
(f) Northeastern Technical College Maintenance, Renovation, and Replacement	\$750,000
(g) Orangeburg-Calhoun Technical College Maintenance, Renovation, and Replacement	\$2,361,096
(h) Piedmont Technical College Maintenance, Renovation, and Replacement	\$2,300,000
(i) Spartanburg Community College Maintenance, Renovation, and	

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Replacement	\$1,800,000
(j) Technical College of the Lowcountry Maintenance, Renovation, and Replacement	\$1,300,000
(k) Tri-County Technical College Maintenance, Renovation, and Replacement	\$500,000
(l) Trident Technical College Maintenance, Renovation, and Replacement	\$4,500,000
(m) Williamsburg Technical College Maintenance, Renovation, and Replacement	\$513,902
(n) York Technical College Maintenance, Renovation, and Replacement	\$2,300,000
(22) H790 - Department of Archives and History Exhibit Hall and Meeting Space Expansion	\$1,000,000
(23) J120 - Department of Mental Health Stone VA Nursing Home	\$5,000,000
(24) P210 - SC State University Public Service Activities Construction of the South Carolina Limnology Research Center	\$2,000,000
(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 (b) Working Ag Lands Grant Funding	\$6,000,000 \$1,000,000
(28) N040 - Department of Corrections (a) Cell Phone Interdiction (b) Security and Maintenance Funds	\$7,058,000 \$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	

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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 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/Senator Setzler

/s/Senator Bennett

On part of the Senate.

/s/Rep. Bannister

/s/Rep. Lowe

/s/Rep. Stavrinakis

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:

WEDNESDAY, JUNE 26, 2024

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.

**STATEWIDE APPOINTMENTS
Confirmations**

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

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

Massage/Bodywork Therapist:

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

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AYES

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod

WEDNESDAY, JUNE 26, 2024

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

Cosmetologist:

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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

WEDNESDAY, JUNE 26, 2024

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	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

The appointment of Hezekiah E. Thompson was confirmed.

Reappointment, 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:

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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.

Reappointment, 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

WEDNESDAY, JUNE 26, 2024

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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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.

WEDNESDAY, JUNE 26, 2024

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
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WEDNESDAY, JUNE 26, 2024

Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
Master Hair Care Specialist:
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	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

WEDNESDAY, JUNE 26, 2024

Tedder Turner Verdin
Williams Young

Total--41

NAYS

Total--0

ABSTAIN

Hutto

Total--1

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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner

WEDNESDAY, JUNE 26, 2024

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
3rd Congressional District:

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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

WEDNESDAY, JUNE 26, 2024

Total--0

The appointment of Timothy W. Roberts was confirmed.

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

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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.

WEDNESDAY, JUNE 26, 2024

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

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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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.

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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, 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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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 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:

Damian V. Burris, Broker in Charge, Executive Realty Group, 700
Huger Street, Columbia, SC 29201-3663 *VICE* Ann R. King

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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	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
5th Congressional District:

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

On motion of Senator DAVIS, the question was confirmation of Christy B. Rhyne.

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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 Jarvis

On motion of Senator DAVIS, the question was confirmation of Tony Holloman.

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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	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	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 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.

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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
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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
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Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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:

Tiffany Q. Jones, 400 Oak Ridge Place, Easley, SC 29642-9088 *VICE*
Patricia Walters

On motion of Senator DAVIS, the question was confirmation of Tiffany 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

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	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 Tiffany 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* Jeremy 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

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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, Post Office 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

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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.

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

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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

REMARKS

ADDENDUM TO THE JOURNAL

The following remarks by Senator RANKIN were ordered printed in the Journal of March 21, 2024:

Remarks by Senator RANKIN

Thank you, Mr. PRESIDENT. Ladies and gentlemen, I know we're trying to get out of here, but I wanted to get your attention for something. I apologize for doing it now versus earlier at the appropriate time. As Senator MALLOY just announced, this is the sixth meeting or whatever the number is, on the topic of insurance reform in South Carolina -- the liquor liability issue that we're all hearing about; the joint and several issues that we're all hearing about; obviously anybody with property along the coast is experiencing incredible insurance premium increases. The point of my taking a moment to speak to you is to call attention to a letter that I sent to the Director of the Department of Insurance, Michael

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Wise, on February 26th, acknowledging his work with all of us as we are trying to determine whether or not South Carolina is an outlier on all things insurance. I'm not going to read it in full, but I thank him for his participation, as he's testified numerous times before our various subcommittees. I know that the Chairman of Banking and Insurance has scheduled Director Wise to come before the full Banking and Insurance Committee, at the Senator from Lexington's request, either next week or the following week.

But we need answers to our questions and the questions have been asked repeatedly. We've heard testimony both in our Body, and he has testified to an ad hoc committee on the House side. But I specifically asked six questions and asked because these questions have been asked over and over. I will say that the Department of Insurance's responses have been at best confusing. I'm not trying to put the black cat on anybody, on any side of this issue, but if we are truly trying to address an insurance access problem, or a premium increase problem, or a situation where South Carolina is losing industry because of our unusually high rate, I respectfully submit to you that we deserve answers not generally testified to but in black and white. So, I've asked for written responses, again. It is now twelve months that this subcommittee's been working on this.

I'm taking the well to ask Mr. Wise, Governor McMaster, whomever -- you, Governor, have wisely appointed Mr. Wise as the director. We've screened him; we've chosen him. But we need to know the answers on these issues -- these questions.

One, on the liquor liability issue, how many insurance providers offer liquor liability coverage in South Carolina? **Two**, how many insurance providers offer liquor liability coverage in other states? **Three**, how many liquor liability claims were filed in 2020, 2021 and 2022? **Four**, how many policyholders had claims? **Five**, how many of those policies holders had multiple claims? And finally, **six**, the report that you all got in January, which was called the Status Report on Commercial Liability Insurance -- that was generated at our request, at the subcommittee level, at the very first hearing. In the report, they cite a data call of four states that extended only to 2017. My question was, why were only four states chosen for that data call, and then why was the data call only extended to 2017 and not further back? The next thing that I asked for, was about the ISO scores. Director Wise offered to the House Ad Hoc Committee that he would go to the various carriers to determine how much they rely on those scores in their rate making process. So, my request to him was that he do that and provide those responses to us.

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My only reason in taking the well is that it is now March 21. We've passed in the hall -- our staff has passed his staff in the hall. They say, "We're working on it. We're going to get those responses to you." He has testified that he's going to get these to us. Folks, it is time! I'm not saying put up or shut up, but it is time to give us what you have got if you can get it. Don't make us address this issue in the dark. And so, Director Wise, if you are listening, please put it in writing and explain the answers however you want to. But help everyone in this State, proponent or opponent, know the facts that we're dealing with. The true facts, in South Carolina, to help us determine whether we truly are an outlier, or whether we're suffering the same national insurance carrier access problems and rate shocks. Respectfully, Director Wise, we would like some written responses.

ADDENDUM TO THE JOURNAL

The following remarks by Senator DEVINE were ordered printed in the Journal of April 23, 2024:

Remarks by Senator DEVINE

Thank you, Mr. PRESIDENT. Ladies and gentlemen of the Senate, I understand what this amendment says. I have small children myself. My youngest is seven years old and I do understand a parent having the ability to look at what their children have access to. But my problem is with a couple of things on this Bill or this amendment. Number one, this amendment is very vague. It talks about how a library must certify to the State Library. But as the Senator who is the proponent of this amendment says, there is no process for that. I'm not sure how many of you talk to your library director, but I have and while we've been here, I have been texting my library director asking how do children have access to certain books? We have a nationally recognized library system here in Richland County. People come from all over the country to look at the Richland County Library. They are doing everything right. But sometimes children have access, as the Senator mentioned -- parents drop their children off. You can't always decide what the children get into. If you have a system that you can "certify that you are not providing these materials" -- materials in the library. Who is to say someone puts a book down and a child picks another book up that is not in the children's section? Are we going to hold these libraries accountable and hold up their state money because of this process? If they certify that there is a process and then someone complains, are they going to be penalized saying well you certified to the process but a child still had access.

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In addition to that, here in Richland County, and I know that other counties may be different, but children have access -- their library card is their school I.D., so they can go online and have access to books, or they can order them and the books come in. Who is to say -- a Senator asked me earlier when we were talking about this -- what if a seventeen year old comes in and brings a thirteen year old? How are we going to hold a library accountable for those things? I have lots of folks who are babysitters and they go in and they take children to the library. They are not the parent. If the parent is not there, can a babysitter certify to check out a book? If that's not the case, then what if the parent has to send their child in with another parent that might be the noncustodial parent -- there is just too much ambiguity in this.

The other problem I have is when we talk about children under the age of seventeen -- well as many probably have very talented children, my children are all very talented. My daughter, when she was in high school, was taking college credit courses. She graduated high school as did I at the age of seventeen. So are you saying I have an advanced child doing an essay -- asked to do an essay on a book you believe has prurient interest but educational qualities -- that I can't have access to do my report for a college course. So there is just so much in this amendment. If this is something this Body wants to do, you need to do it through a Bill. Putting it in a proviso and holding up money to a government agency -- another government agency, nonprofit like a library, public library, especially world-renowned public libraries like Richland County, I have a problem with it. And so I'm just asking you all, if this is something you want to do, can do it through the regular process? I'm asking that we not pass this Bill to hold up any of these funds to our libraries -- that are well-deserved, that need these funds to continue to do excellent programming within our communities as they do -- just because there is a process of certifying that someone may not like or may not believe is amenable. So, I'm asking we not pass this Bill and let's do this through another way if you so desire.

ADDENDUM TO THE JOURNAL

The following remarks by Senator CASH were ordered printed in the Journal of May 2, 2024:

Remarks by Senator CASH

Thank you, Mr. PRESIDENT. Prophet Isaiah said, "the grass withers, the flower fades, when the breath of the Lord blows upon it." Surely the people are grass. The grass withers, the flower fades, but the word of our

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God stands forever. In the first chapter of Genesis, "So God created mankind in his own image, in the image of God he created him; male and female he created them." Yesterday, actually this morning, it was completed on the south steps a reading of the Bible, -- a marathon reading that went from Genesis chapter one to the end -- took about ninety hours, and it concluded today, which is the National Day of Prayer. I understand and I realize that most all of what we deal with down here is simply political in nature. Bills that change various laws and regulations and so forth. Occasionally, we deal with things that are more constitutional in nature -- good example that is Bills that we have on the second amendment. We argue over what the Constitution means on that point. And of course you bring your political arguments into it, but at least we're arguing about what the Constitution says. It rises to our higher level of debate. And then there are those very few issues that kind of get to moral issues. Issues at which whatever your compass is on issues of morality -- whatever your guiding stars are -- those come into play. Because they're inescapable, and we're talking about the rightness or wrongness of taking an innocent life in the womb, and issues such as can you actually separate basic human biology, where cells of your body are either male or female, can we separate that from gender? You just can't get away from the moral dimensions of the debate.

We are going to pass or not pass something here in the next few days, the course for rule favorably or unfavorably, in a brief period of time all of us in this Chamber will no longer be here. I'm simply here to say that there are some things in the nature of creation and male and female is one of them that go beyond what you believe or what I believe is rooted in the creation. It is rooted in the Creator, and those who oppose that are in some sense opposing the nature of creation itself. Thank you, Mr. PRESIDENT.

ADDENDUM TO THE JOURNAL

The following remarks by Senator McLEOD were ordered printed in the Journal of May 9, 2024:

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. Wow, this day is finally here. Before I speak briefly, I have to recognize my family who has traveled from far and near to be here today. I also want to thank my colleagues for all of their well wishes, and all of their words -- every sentiment that was expressed today -- thank you. I want to thank the first sister Senator who I was elated to see, Senator Maggie Glover. Thank you for being with us

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today. You are family. I'm not going to cry today. I am not a crybaby. I could not do what I do without my babies. I still call them my babies, my sons, BJ and Cam. Cam couldn't be here for this, but he will be home today for Mother's Day. I'm super excited about that -- my sisters Tracey and Erica, my sister cousin. See, I didn't just come up with sister Senators, I came up with sister cousins, too! My sister cousin, Susan Coaster, who like Senator TEDDER, is also from Durham, North Carolina -- drove here this morning to be with us -- my Uncle Gary, as all of you know -- my parents are no longer here. My dad's brother, Gary, is here with us. Uncle Gary, I'm so glad that you could be here. My other sister, my line sister Amelia, former Richland Two school board member and best friend, is also here. I'm glad I'm standing down here because I get to see all of my other family members, who didn't make it down here in time, but are here, and that means everything. Thank you, guys, for being here. I know some of you had to travel as well. Ms. Mary and Ms. Valerie drove from Conway, South Carolina. I don't know where Senator RANKIN is right in this moment but thank you for being here. Thank you for the love, the prayers and the support from all of you.

They say...well-behaved women rarely make history. I guess that's why I'm a historymaker, many times over. Some have actually referred to me as a troublemaker. An angry black woman, unruly and a few other names I probably shouldn't repeat from the well. The adjective unruly is defined as disruptive. Not amenable to discipline or control. That would be me. The late Congressman John Lewis characterized the unruliness of status quo disruptors like me as, *good trouble*. I love that. Anne Helen Peterson said to be an unruly woman today is to oscillate between the postures of fearlessness and self-doubt. Between listening to the voices that tell us we're too much, and our own voices whispering and yelling, "I'm already enough, and always have been".

While serving in this Chamber over the last eight years, I've listened much more than I've talked. I've observed some things that have uplifted and inspired me and other things that quite frankly, I wish I could unsee. I've called out hypocrisy on both sides of the aisle. Shared some truths about my own journey that I never imagined I would share publicly. It was while serving in this Chamber that I disclosed that in 2015 after the Mother Emanuel massacre, and losing my granddaddy, I suffered a stroke. I believed that the stress of serving in the House at the time was likely to blame. So, after six years of service I was planning to not run for reelection. But my sister Tracey often reminds me that if I want to make GOD laugh, tell him my plans. So, when the Senate seat came open, I was months into physical therapy and frequent doctors' visits.

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Yes, I knew the people needed my voice, but I didn't feel physically strong enough to run for the Senate. So, I prayed. I asked God to show me, and as always, he did. I was elected to the Senate in the 2016.

Coming into this calm, deliberative body, was very different from the environment that I was accustomed to in the House. Senator TEDDER and I were just talking about that yesterday. I used to joke that I basically had to unlearn everything I had learned over there. The rules were different. The people were different. The process and the politics were different. Yet the challenges facing the people of House District 79, and Senate District 22 both originally swing districts were the same. Senator SABB, Senator KEVIN JOHNSON and Senator TOM CORBIN were all members of my freshman class in the House, and they seem to have adjusted pretty well over here in the Senate. So, I thought okay, I can do this. Little did I realize, I would meet new friends, and sisters for life in this Body. Although I was part of a great freshman class here in the Senate, that includes Senator FANNING -- all of you know I affectionately refer to as my BFF here in the Senate, because he is. I'm truly going to miss you. You will not make me cry at this well today. Another very special member of my freshman class is my sister Senator, Senator SENN, who I had heard was feisty, just like me, and I actually took it as a compliment. I think it was meant, considering the person who told me, to be a compliment. Now I see that all five of us are feisty. Well now, all six of us are feisty.

I was somewhat familiar with Senator SHEALY from my years in the House where I served on the Joint Children's Committee, and worked with her on issues that impact children and families that both of us are extremely passionate about like domestic violence and teen dating violence. I didn't know my other sister Senator, Senator BRIGHT MATTHEWS at all back then. So that changed when I got sworn in. I had a swearing in ceremony that November before session began in January. I was looking back at my swearing-in program and reminiscing yesterday. That was the day that a beautiful spirit drove all the way from the lowcountry just to meet me and welcome me into this Body. So, what you may not know is that I actually have two BFFs in this Body. My other Senate BFF is Senator MARGIE BRIGHT MATTHEWS. Since that day we have truly been sisters, almost inseparable. No matter what, I know that the two of you will always have my back.

In 2018, when an outpatient knee surgery left me with blood clots in my leg and traveled to my lungs, my Uncle Gary, who is standing in the back of the room today, looked at me in my hospital bed and gently said, "This is it, right? We're not running any more, right?" I said, "Yes", but

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again, God had other plans. What I learned from that near-death experience was that obedience is far, far greater than sacrifice. So, I ran for the Senate again in 2020 and two years later for Governor. And if a DVT and a pulmonary embolism didn't kill me, there are no politics or politicians that could. I realized that if God was for me, then who could be against me?

Then in 2020 Senator PENRY GUSTUFSON was elected. I think I was still on crutches then because I had been for about a year and a half. I was feeling better and stronger than ever. It didn't take the five of us sisters long to get to know one another, because of all the time we've spent talking, laughing and venting, often in our own sister Senator chambers, aka the ladies' room, shopping and eating and even traveling some together, and not necessarily in that order. The five of us have come to know, understand and support each other because as different as we are personality wise and politically, our fights as women and for women is the glue that binds us.

After winning the JFK Profile in Courage Award® last year, a global honor for the five of us that only sixty people in the world have received -- I can't even begin to describe how it feels to be recognized for political courage with the same award and distinction, that US Senator John McCain, Congressman John Lewis, President Barack Obama, Congresswomen Liz Cheney and Gabby Giffords and my mentor and friend, former South Carolina Governor, David Beasley received. So yes, today is bittersweet. Because I'll miss all of you, on both sides of the aisle. I know you might not believe that Senator MASSEY, but you too, right? Senator CORBIN, I had to listen intentionally yesterday to remember that you -- your real name in this Body Senator CORBIN and not Lieutenant, and that's our private joke. We don't -- let's just say, you know, we don't agree on much. Okay, okay, we don't agree on anything politically. What I love, love about you, Senator CORBIN, is that a few years ago you stood up for me on the floor, on this Senate floor. And it may not have meant as much to you, but it meant the world to me. I will never forget it. What I also appreciate about you Senator CORBIN, is that when you give your word, you keep it -- that matters.

Mr. PRESIDENT, Senator ALEXANDER, it occurred to me a few weeks ago during our Joint Assembly to elect judges that your job has gotten a lot harder lately. I would dare say it is probably because of Richland County. What I love about you, Mr. PRESIDENT, is that you try to be fair. You're consistently kind and respectful and you're not afraid to lead.

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Senator PEELER, Chairman PEELER -- I don't serve on Senate Finance, but your door has always been open to me, and even after I announced that I wasn't running for reelection you kept my budget request in the budget. I so appreciate that. I appreciate you. I'm going to miss you. Senator HUTTO, our Minority Leader -- you came to me on the day I announced I was leaving the Democratic Party and invited me to continue to caucus with the Senate Democratic Caucus and I have. Thank you. I will miss you and members of our caucus a lot. Senator JACKSON, in 2020, you did something I haven't seen anyone else in our caucus do in the eight years I've been here. You were the ranking Democratic member of our Medical Affairs Committee, and gave up your seniority and your seat, so that I could serve on the committee and have an even bigger voice on the issues that I care so deeply about. I give you a hard time, and you deserve it, but I thank you from the bottom of my heart. Senator VERDIN, he went out of his way just few weeks ago to be supportive and helpful to me. He made sure that my Senate Resolution was immediately adopted and ready to read when my guests arrived here in the Senate gallery. I appreciate that. Senator RANKIN, my Chairman of the Judiciary Committee -- I'm definitely going to miss serving on the Judiciary Committee and you always say or do something to make me laugh. No matter how tough my day has been.

Senator GROOMS, I recently made my way back to your committee, the Transportation Committee. Just this week you made sure that my Gamecock Women's Basketball License Tag Bill was adopted here in the Senate, twice, I think. Which allowed me to be the primary sponsor of all three National Championship License Tag Bills that are no -- that have now become -- South Carolina law and adopted by both Chambers in 2017, 2022 and 2024. Thank you.

I have enjoyed serving on Senate Medical Affairs, Judiciary, Transportation, Corrections and Penology and Family and Veterans' Services for a while. Rules, although I would like to change some of the rules -- that's another story for another day, Senator MASSEY. I appreciate all your leadership and your service. Senator DAVIS, thank you for just your ability to explain things in such great detail -- for always being prepared, always going the extra mile to prove your case, here in this Chamber, I've learned so much from you. I appreciate the support and your friendship over the years,

That's not everybody. I can't get to everybody today but before I take my seat, I want to thank Jeff Gossett, our Clerk, Ken Moffitt, Assistant Clerk and all of our Senate Clerk's staff -- all of our committee staff, all of our Senate staff.

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Amanda, Amanda, Amanda, we've been together a long time -- longer than this Senate but I love you and I will miss you terribly. Melanie, Kalisha, Nia and Moses thank you for always, always having our backs and giving us the support we need to do what we need to do. Thank you. Richard asked me earlier when I got here, he said, "You're going to say good things about me when you do your farewell? You're going to play it up a few notches, right?" I said, "Of course." Chuck, Richard, Ronnie, Wayne and Chip I probably have bugged you all the most. I love all of our Sergeant at Arms team, especially you guys. I've never asked anything of you that you hesitated to do. I just appreciate you all so much for everything. Thank you. It doesn't mean I don't love Jackson, Lawrence, Aaron, Ryan, Jose, Sheldon, Justin, Kelly and Michael. I hope I didn't leave anybody out -- oh, Turquoise and Jessi. We see you and we're glad you're here.

Shari, Shari is my assistant, who I love. I can't thank you enough for all you do to take good care of my suitemate, Senator REICHENBACH and me and our constituents. I love and appreciate you for answering my call and having the faith and courage to say "yes" to a totally new position and a totally different and sometimes crazy environment than the one you were accustomed to at DNR. I hope you don't regret it.

Mr. Reading Clerk, I could not take my seat because I remember the day you took the stairs. I was sitting in the gallery because of Covid, and you took three flights of stairs during the height of the pandemic just to let me know that although my opponent's TV ads used a clip of you calling the roll and they pointed to my empty chair and used my name as an acronym to say I was missing in action -- you wanted me to know that you saw me here in this Body everyday. I may have been late, but I was here and I thank you. You have no idea what that meant to me -- what it meant to me that you cared enough to do that. I'll never forget you or your kindness and compassion to me in that moment.

I'm not sure if Chaplain St. John is still here, but I want to thank him for always taking the time to engage in conversations with me, for his kind and thoughtful notes of encouragement and for bringing God's word to life every Tuesday, Wednesday and Thursday to remind all of us of why we're here and how we should treat one another inside and outside of this Chamber.

It was at this well that I shared publicly for the first time, that I know the pain and the trauma of being sexually assaulted. At a time when there were forty-one men in this Chamber and only five of us. Some male colleagues meant well, but they wondered why I felt the need to share my pain publicly -- knowing that not one heart, not one vote would

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change. In that moment, I wasn't even sure myself why God led me to share it. But before I could even leave this Chamber, God showed me why. It was to liberate others as well as myself. Not just others who are outside of this State House. That day, I became acutely aware that there are many among us, female and male, who know my story all too well because it's their story too.

When I think about the legacy I want to leave, several words come immediately to mind. Among them, courage, principles, leadership and service. Why courage first? Because it takes courage to lead. It takes courage to stand on our principles and speak truth to power. It takes courage to put the interests of others above our own. Truth is -- courage, hope -- always costs us something. My prayer for all of us in this room and under the sound of my voice is that we will always be willing to pay the price -- always choose courage. To my sister Senators, you are stuck with me for life. I'm sorry, there's nothing you can do. We are bonded for life. I love each and every one of you. That won't change. To my brother Senators, I love y'all, too. I appreciate the opportunity to serve and lead from this Body and I hope and pray that in the future, we will all choose courage -- always. Always choose courage. I love you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator McELVEEN were ordered printed in the Journal of June 5, 2024:

Remarks by Senator McELVEEN

Mr. PRESIDENT, brothers and sisters in the Senate, our world-class Senate staff, so many good friends from the South Carolina House of Representatives, and our visitors today, who also include my family members, and some very close friends. Wow. I can't believe this day has arrived and I didn't think this would be hard until I got up here. Usually it's not hard to come to this well, Senator HUTTO, but when you did what you did right before I walked up here, it's made it tough.

First of all, I've got a feeling that this is going to be a more difficult speech than the very first one I gave from this well back on January 8, 2013. But it wasn't easy back then either -- as the youngest State Senator and as a first-time public office holder at the time, I suddenly found myself among giants whose careers in the Senate I'd read about and followed for years. Some of those giants are still here -- Senator PEELER, Senator JACKSON, Senator HUTTO and Chairman RANKIN, to name just a few. And I'm certainly honored and humbled to be leaving this Chamber with one of the tallest giants of them all --

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one of the greatest gentlemen and statesmen that South Carolina has ever known. That's Senator NIKKI SETZLER -- the longest serving State Senator in South Carolina history and the longest currently serving State Senator in these United States. I will never forget the friend and the mentor you have been to me since before I ever set foot in this Chamber for the first time. You are and always will be a South Carolina legend.

Because of the relationships that have been built in this Chamber and on these capitol building grounds since I started here on that second Tuesday in January back in 2013, and because of the work that I've enjoyed doing with all of you for a dozen years, I have known for a while that saying "goodbye" would be much, much harder than it was to say "hello." And now I look around this room and I see so many people I care about so much. My parents are here; my almost-perfect children. my sister, Kate Price, and her husband, Nick Price; and my only niece in the world, Martha Kate, who is a year old. I see my uncles, I see an aunt, and maybe a cousin's here, too, that I've missed. Not you, Senator MARTIN -- a different cousin. Some of my closest friends, and you, the people that I have been blessed to work with in the General Assembly. Even my friend, my brother and my suitemate for eight years, the former Senator from Charleston, Senator MARLON KIMPSON is here. And it is my great pleasure to inform each and every one of you, just in case you were wondering, he just got back from the White House. He really did. I've seen the pictures. I've seen a lot of pictures. So I was telling the Senator for the children, Chairwoman SHEALY, just last week that she better not make eye contact with me this morning, because I really want to get through these farewell remarks in one piece. That rule goes for a lot a lot of you, because there are so many people who are so special to me in this room, and so many people who I'm really going to miss. So please bear with me as I'm going to do something that I don't do a whole lot. I'm going to read a lot of this speech -- even though we're not supposed to read from the podium, so I guess I'll break one more rule, Mr. PRESIDENT. My final remarks from the well of the Senate are going to be centered around the two words in the English language that are not used nearly enough on a daily basis. The two words that we should all use way more in our daily interactions. At least I know I should. And those two words are "Thank you." Thank you. And as I glance back, not only at my twelve years in the South Carolina State Senate, but also at the forty-six years that I've spent on this earth so far, the truth is that I have so much to be thankful for. We all do. The truth is that I've been blessed beyond my wildest imagination and dreams.

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So first of all I want to say “thank you” to my parents, Joe and Kathy McElveen, who are here today. And they were here the first day that I came into this Chamber. They’ve been there for everything. I have been so fortunate to have so many positive influences in my life growing up and even as an adult -- men and women -- and it starts with my family. My grandfathers, Burke Watson and J.T. McElveen, were purple heart World War II veterans who came back and did as much for our community as they did serving their country. My grandmothers, Jeanne Watson and Elizabeth McElveen, were amazing in their own right -- their work ethic and their philanthropic and service-minded pursuits were only exceeded by their love for their God and their love for their families. My own parents have set a pristine example of what a marriage should look like, what parenting should look like and now -- maybe in the roles in which I enjoy them most -- of what grandparenting ought to look like, for their four grandchildren. Mom and Dad, I love you and you will never, ever know how much I really appreciate you. Thank you. And I’ll stop with that, right there. My three wonderful children are here. Adelaide, who you’ve met before, is a ten-year old who’s a rising fifth grader. She’s a straight A student and always has been, and excels at sports, especially softball. Joe is six and is headed to first grade -- just graduated kindergarten. He’s a lefty like me and shares my love of the outdoors. And Buck, that strapping young toddler you see over there, turns three next month. This is his first time coming to the Senate; I’m not sure how that happened, but I’d like to welcome him, also. The three of them haven’t known anything beside my service in the Senate since they’ve been alive, but I want to come back and talk about them in just a little bit. I have made them promise not to say anything derogatory about Clemson today, Chairman PEELER. I have tried to explain to them that the ink is still far from dry on our budget process. And on daddy’s budget projects, Representative WEEKS. Senator MARTIN, Uncle Mike is here, and I thought he brought Cousin Hunter, but maybe he didn’t make it today -- and so are Uncle Burke and Aunt Robin. I’m so glad y’all were able to make it, and for the endless support y’all have always given me since day one. I know I’m your favorite nephew, but you don’t have to tell anybody else. As you all know, unless you are independently wealthy, retired or self-employed, it makes it almost impossible to serve here in the Legislature. I can promise you I am neither of the first two things, but I am self-employed -- and if I didn’t have law partners and some of the best legal staff in the State who were doubling down to make things happen at the Bryan Law Firm these last twelve years while I was in session and doing the things that we all have

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to do, I don't know where I'd be. No one has given more effort and sacrificed more time with family and doing things that he enjoys doing than my partner John Moorman, who's here today. John has been one of my best friends for the past twenty-five years and my law partner for about seventeen years. We have had an amazing run at our firm, and I can't wait to get back to spending more time at the only place where I've ever practiced law -- at the Bryan Law Firm in Downtown Sumter -- to continue expanding and building upon the great successes that John and I have had for our clients these last seventeen years as partners in our statewide practice. I've always been proud to be a trial lawyer, and I always will be. Moorman, again -- thank you.

I want to say "thank you" to my amazing predecessor who served thirty-two years in the Senate. Talk about a giant. In addition to his years of service and the combat missions that he flew as a fighter pilot in defense of our country, and that's Senator Phil Leventis, who's here today. Senator Leventis has been beyond gracious to me from the very start to the very end. He and his wife, EV, and their family are truly wonderful people, and I am thankful for them. Senator, thank you. I want to say "thank you" to my cousin -- not you, not yet, Senator MARTIN, but my other cousin, the great former Senator from Williamsburg, Senator Yancey McGill, and to Marie Waller, for originally welcoming me into Suite 508 in the Gressette Building and for breaking me in as a brand new Senator. I don't know that I could've landed in a better spot after you left that office, Senator RANKIN, and that's where I've stayed ever since. I had the great fortune to spend time with Senator McGill and the former Senator from Fairfield, Senator Creighton Coleman, in our office suite before an eight-year run with Senator Kimpson that I wouldn't trade for anything. And this year I've been so thankful to share space with the new Senator from Charleston who is the youngest State Senator among us. There he is back there. Senator TEDDER, Senator, you are already a savvy and veteran lawmaker with such a bright future ahead of you in this Body. I don't want to sound like a Taylor Swift song, but I'm thankful we got this year together, and I want to tell you that you did not run me off from that office. You did not run me off from this Senate. It's not your fault. It's me; it's not you. But we are never ever getting back together, okay? Ever. And to Carole Collins, our do everything and more office manager -- this is hard. You originally came to our office after retiring from an illustrious career with DNR where you ended your service as a deputy director of the agency. When you had to leave our office on a temporary basis because they needed you back at the department several years ago, you came back to our office and you've

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been there ever since. I know I'm a handful, I'm all over the place, I'm often disorganized and probably not the easiest to work with. John will tell you that. Sometimes I didn't know why you were so willing to continue with us for as long as you have, because it certainly wasn't for the pay, and it wasn't because you had to. But I do know now why you stayed. It's because you have always believed in the work we were doing. And of all of your many gifts and talents, I think your greatest is your ability and your natural inclination and desire to take care of other people. Constituent service is one of my favorite things about holding public office -- helping people to navigate government and to at least try to connect them with the services or information they need is our highest calling as public officials. And our office has been very good at constituent service -- and that's not because of me; it's because of you. You made it look easy even as you tried to keep our breakneck schedules straight whether it was job related or in our personal lives. You are a treasure, and you are a treasured friend and confidante. You are family. Thank you.

To the very large Senate Class of 2012, the Freshman Class of 2012 -- there were ten of us -- we literally turned the Senate over in one fell swoop when we arrived. Not only did we immediately account for over a fifth of the membership of the Senate -- we had a woman among our ranks who was the only woman serving at that time with forty-five men in the Senate. The crazy thing is nine of us in that freshman class are still serving today, a dozen years later. That number will definitely go down to eight after this year, and I sure am sorry for that, but I would point out that the two of us who have left the Senate -- myself and my former desk mate, the former Senator from Charleston, Senator Paul Thurmond -- did so voluntarily and on our own terms. To my remaining brothers and sister from that Class of 2012 -- Senator ALLEN, Senator BENNETT, Senator CORBIN, Senator HEMBREE, Senator K. JOHNSON, Senator SHEALY, Senator TURNER and Senator YOUNG -- I can't imagine a better group to have arrived here with. It seems like just yesterday that Senator HEMBREE, who ended up being the President of our Freshman Class, was getting us organized and on the same page before that freshman orientation where Jeff Gossett taught us how to be Senators. I've enjoyed working with you and have enjoyed spending time with each and every one of you over the years. Of course we don't always agree on everything, as it is with politics, but what I do know is that each and every one of you are entirely representative of your home communities and your districts, and that you do an outstanding job of representing the values of your home communities and your districts

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here in Columbia. For those of you who have opposition this month or this fall, in my humble opinion, your constituents would do very well to send you back here again in 2025. While I'm sorry there will only be eight left when y'all come back in January, and I know that you will, I thank you for your service these past twelve years and for the leadership roles you will take on and the work you will continue to do in the future. Thank you. I only got to serve on a local delegation with one person from our Freshman Class -- and that's Senator K. JOHNSON. Senator, I'll never forget at the 2012 Sumter County Democratic Party Convention when your predecessor, Senator John Land, pulled us together and told us both that we'd be sitting next to each other in the South Carolina Senate the following year. I didn't believe him; maybe you did. But he was right. At the time, I could not have imagined how wonderful you would be to work with, or what a true friend and brother you would become. THANK YOU. Thank you for what you have done for my home county of Sumter, and the other counties of your district. You have never once wavered when we've asked you for help -- not once, ever. We have been fortunate in Sumter to have you as an instrumental part of our team, and we are going to need you even more in the future. THANK YOU to you and your family, again, for your enduring friendship. And while I'm on the subject of local delegations - - and I see some of mine here today -- I see some of the people who I've served with locally in Sumter County, Kershaw County, Lee County and even Richland County, Representative Bernstein is here today. I was very fortunate right from the start to begin serving with a great group of veteran lawmakers who were already in place from this area. And looking back, most of the time that made life a whole lot easier for me. In my home community of Sumter, for example, people like now Speaker of the House Murrell Smith and Representative David Weeks had already been in the Legislature for a dozen years. These are gentlemen who I've known for a very long time, and I am so proud of the work we have done together over these past three terms to bring so much more to our home community. The members of the Kershaw Delegation over the years -- both old and new -- certainly helped me to adjust and to feel right at home in Kershaw County. It's a place I'm really going to miss serving, Representative Mitchell. And of course Senator MALLOY from Darlington and I have been serving together on the Lee County Delegation now for twelve years, where there has always only been the two of us plus either former Representative Grady Brown or current Representative Will Wheeler, another long-time friend with whom I got to serve on THREE legislative delegations. And Senator

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MALLOY, THANK YOU for the wisdom that you bring to this Body and for your untouchable ability to navigate our rules. Of course, next year you will take on perhaps your most prestigious legislative role to date -- you will become a member of the Sumter County Delegation. Congratulations -- which takes me back to the Sumter County Delegation for a minute. Y'all know how proud I am to be from Sumter. Just like every single one of you, I love my home. And the ways that I have seen my home community change for the better over these past twelve years has been nothing short of miraculous. I won't get into all the details because I could go all day and I don't want to be accused of filibustering a Supreme Court election, especially not while Senator Leventis is here, but we've made things happen in Sumter because we've worked together. Plenty of politicians say things like "we have to work together" or "let's focus on bipartisanship." That's nothing new and it's not always sincere. But we walk the walk in Sumter County -- "Team Sumter" has been a real concept for a long time, where almost every horse pulls in the same direction for the greater good of our community: from the city council to the county council, through the private and philanthropic sectors of our community, to our legislative delegation. And that's because the goal for most has never been to be the biggest Democrat or Republican; it's been to improve things like median incomes, unemployment rates, education and access to recreation and better quality of life -- by working together. When you're a smaller county, you better work together as a cohesive unit, because if you don't, you'll end up with very little or nothing. Of course, lately it certainly hasn't hurt that one of the Republicans on our delegation has been Chairman of Ways and Means and now Speaker of the House -- Representative Murrell Smith, and that we've had an outsized representation on the Senate Finance Committee, Senator K. JOHNSON, and the House Ways and Means Committee, Representative Weeks, for a number of years now. But I want y'all to know that our Sumter County Delegation has either been six Democrats and one Republican or four Democrats and two Republicans ever since I've been in office. And those things haven't mattered one bit when we are back at home; in fact, at one point the six Democrats elected the lone Republican to be our delegation chairman. We've ridden around together on election days to thank poll workers. We've shown a united front at home. We communicate, we've stayed on the same page, and we have delivered real results. How many other county legislative delegations have you seen collaborating like that? My home county is too small for us not to work together. Our State is too small a place for us not to work together. Our late former Chairman of

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the Senate Finance Committee, Senator Leatherman, once told us from this very well that we are neither Democrats nor Republicans; we are Senators for the State of South Carolina. THANK YOU to the members of this Body, on most days, for holding fast to that idea. THANK YOU to those of you who will continue here, for your efforts to maintain that attitude, which flies in the face of everything we see coming out of Washington, D.C. and other state capitols. We've been at our best, ladies and gentlemen, when we've come together -- whether that was in the impossibly trying weeks that followed the murder of one of the very best among us, or when we came together to pass legislation that would save the infrastructure of a rapidly growing State, or when we delivered, Senator PEELER, perhaps the largest tax cut in our state's history -- which included exempting our veterans' military retirement from our state's income tax. That last one was an initiative that our Sumter Delegation had worked together on for well over a decade, and what a day that was when Governor McMaster came to Sumter to celebrate the passage of that initiative to help not only our very deserving veterans, but also the development of our work force. Those are just a few examples; and there are so many more -- but it's a beautiful thing when the South Carolina Senate comes together around compromise and consensus after the robust and spirited debate and deliberation which are the historic hallmarks of this Body. THANK YOU for not throwing that away; THANK YOU for preventing this place from becoming the legislative racetrack that it was never meant to be.

Ladies and gentlemen, I believe that in some ways one of the biggest positives, but in other ways maybe the greatest threat and challenge to our State both today and in the days ahead, is growth; the growth that's already here and the growth that's on the way, Senator CAMPSSEN. THANK YOU, for some of the things we've done to prepare for that growth -- like a better education system with the support we've given to initiatives like four-year-old kindergarten and an emphasis on taking care of our technical colleges, along with more recent steps to mitigate and to freeze the unsustainable rising costs of higher education which make it out of reach for a lot of South Carolina families. There's still much work to be done, and it should start with a long-term, sustainable and dedicated funding stream for counties in this State that need help and will never be able to take care of their crumbling public schools by themselves. Now that I'm leaving, please consider the Education Infrastructure Bank Bill that I've filed for two or three straight sessions now along with my longtime friend, Senator SABB. I know a lot of y'all like the idea, along with the past two Superintendents of Education. Representative Neil

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Collins here -- I think you'd probably like it too if you read it. It's not perfect, but it's a fiscally responsible and sustainable concept that would be a great start to addressing a major challenge that's only going to get drastically worse for a lot of counties and communities in this State over the next ten to twenty years. THANK YOU for the overwhelming emphasis on providing funding and a plan that we now have to get our roads and our bridges up to 21st century standards as the population of our State balloons. We were playing from way behind when we passed that Bill in 2017, but we had to start somewhere, and the progress toward decongesting our highways and making our roads and bridges safer is real, and it's palpable -- but it can't be completed overnight after being neglected for so many decades. THANK YOU for making conservation an issue that has become less and less partisan, whether it's the land we've protected due in part to the Conservation Bank, or the wild species -- even including native snakes and turtles -- that we've protected by being diligent and deliberate with our fish and game laws. THANK YOU, to conservation leaders like Senator CHIP CAMPSSEN and Senator STEPHEN GOLDFINCH. Chairman CAMPSSEN, there is nothing here that I've taken more personal satisfaction from than serving with you on your Fish, Game and Forestry Committee. I've said it before and I'll say it again -- there is no person here who is more suited to chair a committee based upon his or her personal experiences and knowledge, given the subject matter, than you. A lot of people have no idea how fortunate we are to have you at the helm of a committee that takes up issues that are so important to so many South Carolinians. Having my friend, the Senator from Georgetown, Senator STEPHEN GOLDFINCH, at your right hand on that committee is an added benefit for the sportsmen of South Carolina. THANK YOU for being the conscience of the Senate when it comes to protecting and conserving God's creation in South Carolina.

While we are on the subject of conservation -- and Senator SEAN BENNETT, you knew I was going to say it at some point in time -- let's not forget our waterways, our swamps, our lakes, our streams and our ponds -- and even the very water we drink -- that we have managed to keep relatively clean and pure by maintaining careful watch over places like the Pinewood Landfill that is situated in my Senate district near the shores of Lake Marion. THANK YOU, to Chairman HARVEY PEELER and Chairman DANNY VERDIN, who several years ago allowed us the resources to take a deep dive on the Pinewood Site, which resulted in capital improvements to keep a dangerous place a little bit safer, and created increased awareness of the threat that this hazardous waste dump

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poses among a newer generation of Legislators. I know this is something I've talked about a whole lot over the years -- my predecessor was the same way, he fought it to the very end -- but I'm not Chicken Little and this is not a problem that's ever going to go away on its own. That landfill is a ticking time bomb that this Legislature is going to have to stay on top of and prevent it from causing harm to citizens in my part of the State, downstream from the Santee Lakes, and likely in your parts of the State as well. THANK YOU for remaining diligent and deliberate when it comes to environmental challenges such as the Pinewood hazardous waste site. Economic investments come and go, jobs come and go and development will be ever-present in this State -- but we only get one crack at protecting the things that make South Carolina the unique paradise that it is -- things we take for granted like clean air, clean water and a million different beautiful places and opportunities for recreation in our State. Once we allow these treasures to be damaged, the harm can and will be irreparable. As our State continues to grow, THANK YOU for the steps we have taken and that you will continue to take to protect our unique and abundant natural heritage -- it's our moral responsibility and our duty to future generations of South Carolinians to remain vigilant in this pursuit.

I'm also particularly proud of the decade of work we have done to improve conditions at the Department of Social Services, which has led to better outcomes for our state's most precious resource of all -- our children. THANK YOU to Senator KATRINA SHEALY and to Senator TOM YOUNG, and to former Senator Joel Lourie, for your committed, meticulous and resilient work on the DSS Oversight Committee. It has been a pleasure and an honor working with you on that subcommittee for all of these years, and the work we have done has not only improved lives, Senator YOUNG, it's saved lives. THANK YOU. And while we are talking about oversight, I want to say THANK YOU to this Body for taking that oversight role very seriously. It's not the sexiest work; it's not the easiest work; but it's some of the most important work that this General Assembly is supposed to do. Senator from Berkeley, Chairman LARRY GROOMS, you have led our Constitutional Subcommittee of the Finance Committee both deliberately and fearlessly, especially over these past eighteen months. The members of our subcommittee -- you, Senator YOUNG, Senator BRIGHT MATTHEWS, Senator GOLDFINCH, Senator FANNING and yours truly -- have managed to uncover so much over the past year and a half, thanks in large part to the tireless, brilliant and never-ceasing work of our staff. THANK YOU, Senator GROOMS, for your commitment to ensuring that questions

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about our state's finances WILL be answered, that our State's dollars WILL be managed appropriately, and for safeguarding things like our state's pristine credit rating, of which we are rightfully proud. Chairman PEELER, THANK YOU for giving this subcommittee the necessary resources and a very long leash to perform this work which is so vital to our state's long-term financial stability. You all WILL not only get to the bottom of it, you'll lead the way in making the necessary changes that will fix these problems and WILL prevent these irregularities from ever happening again. THANK YOU. And just for the record, this retiring Legislator has no interest in being appointed Comptroller General, or Treasurer, or dog catcher, or anything else right now, so please don't even ask!

Chairman PEELER, I also want to say THANK YOU again for the many opportunities you've allowed me on the Finance Committee over just a few short years. I can't tell you how much I've enjoyed the work I was able to do with Senator JACKSON'S Transportation Subcommittee, more recently with Senator GROOMS' Constitutional Subcommittee, and even more recently with the Senator CROMER'S Higher Education Subcommittee. I wish I could have spent more than one year. THANK YOU for taking steps to restore our state government's historic support of and investment in our state colleges and universities. Serving on the Finance Committee has been one of the most awesome responsibilities and some of the most enjoyable work that I've done here, and I'm really, really going to miss it.

The Family and Veteran Services Committee is another place that has been extraordinarily special to me. A big reason for that is because it's chaired by one of the most extraordinary and special people among us, and that's Chairwoman SHEALY. And let me stop there to say that I have been beyond inspired and grateful for the work that Senator SHEALY and our other sister Senators, Senator BRIGHT MATTHEWS, Senator McLEOD, Senator SENN, Senator GUSTAFSON and now Senator DEVINE were doing way before they ever won that prestigious Profile in Courage Award® last summer. Your collaborative efforts and willingness to ignore silly things like party lines are not only a great example for our State -- they are a great example for a country that really needs to get away from divisiveness that's brought on by divisive people. Your service and your mere presence in this Senate continue to make the South Carolina Senate a much better place. But Senator SHEALY, you were the first to make sure that this Senate regained the much-needed voice of a woman, and Senator SHEALY'S voice has been mighty, especially when it comes to the welfare of children and vulnerable adults

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who have been in need of a voice. Candidly, Senator SHEALY has taught me one of the most valuable lessons that I've learned in politics - and that's never to judge a book by its cover. When we first came to the Senate, quite frankly I didn't want to like Senator SHEALY. I imagine a lot of you felt the same way when Senator HARPOOTLIAN got here. I really didn't want much to do with Senator SHEALY at that time, at all. All I really knew -- or thought that I knew -- at the time was that our politics didn't exactly match up and that she was pretty tight with our former Governor, and that was a Governor who had come into my backyard, Representative Weeks, in Sumter and personally attacked me on multiple occasions during that first campaign in 2012. Uncle Mike, she should have known better. Perhaps like many of you, I did not know Senator SHEALY's heart back then, but I'm confident that all of us know it now. She is one of the most extraordinary people I've ever met, and her friendship is one that I will always cherish immensely. And Senator SHEALY, you gave me the opportunity to Chair the Veterans Affairs Subcommittee, which is one of many things for which I'll always be indebted to you. That might not seem like a big deal to a lot of people up here at the State House, but it's been a big deal to me and to my home community, which is also home to Shaw Air Force base -- right down the road from McEntire and Fort Jackson, and which boasts a robust veteran population. You certainly didn't have to share that position with a member of the minority caucus, but you did, and working with you and Mason Thomas to pass so many great, if underappreciated, pieces of military and veteran friendly Legislation has been a true highlight of my career here. THANK YOU. Going forward, I'm going to miss the work that we do here. But I am going to miss the people and the wonderful relationships up here so much more. As I said, if you can get past politics and personalities -- WHICH EVERYONE SHOULD -- you can find a friend in what you might have thought was an unlikely place. A friend who might help you pass a piece of Legislation or a friend who might buy you lunch, Senator HARPOOTLIAN. While I won't get much of a retirement out of this place, I have gained many friends and I have even gotten a new cousin out of my service up here, Senator MARTIN. And ladies and gentlemen, it's no secret that this past year has been a tough one for me, but it has made me so immensely thankful for so many of you in this room. Senator KIMBRELL, you simply coming by and asking, "How are you?" on so many occasions over the past few months has been a true blessing to me, whether you knew it or not. There are so many of you who have gone out of your way just to check in, and that goes beyond just the members of the Body. Mr. Reading Clerk, John

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Wienges, I appreciate you. I don't think I've ever been more happy or felt more fortunate to be a part of this Senate family as I have this past year, which is my last. THANK YOU. So while I won't be up here three days a week, six months out of the year anymore, I do hope there will be more days ahead of shooting quail and going to Guns N' Roses concerts with you, Senator HUTTO. Senator HARPOOTLIAN, I'll have much more availability for lunch -- especially when you're buying. Senator YOUNG, I hope we get to drink a beer at the beach together this summer. Or if you feel more comfortable, you can watch me drink beer at the beach this summer. Senator SABB, my knees hurt too bad to play basketball, and you and I are not allowed to hit the town together anymore since that one night in 2019 that we won't talk about here, but we will figure something out. Senator JACKSON, I will also still look forward to your annual yet unrealistic optimism about the Los Angeles Lakers. I hate to break it to you, but J.J. Reddick isn't gonna be able to save them, either. I could go on -- Senator BENNETT, I'm still waiting on that invitation to a Braves game -- I could go on, I could go on and on and on, but the point I'm trying to make is that I'm so thankful for the experiences that I've shared with each and every one of you, and with our former colleagues who have gone on from the Senate. I even saw Coach Floyd Nicholson, Senator Nicholson, here somewhere. It's great to see you, Coach. My life has been truly enriched by those experiences, and I'll treasure them forever. So if I'm so positive about my time here, then why am I leaving? I think most of you already know the answer to that question. You know how I feel about my family, and especially those three children of mine who are right over there. But I'm not going to feed you the old cliché line that, "I'm leaving politics for my family." In fact, my precocious 10-year-old daughter told me recently that she'd rather me stay in the Senate and stop practicing law, if I was going to quit something, Richard Webb. One day she will understand why it couldn't quite work that way.

As I mentioned, I didn't have any children when I got here, but I thank God I have three of them now. They have given me not only an entirely new outlook and perspective, but they've given me new purpose. And being their dad will always be the greatest title that I'll ever have. Ladies and gentlemen, I don't want to give him a big head, I really don't, but it was the farewell speech that I heard from Senator Kimpson, about this time last year, that first got me thinking about leaving this wonderful Body. Senator, one phrase that you said has remained in my head and in my heart ever since the minute you said it -- and that was "TIME IS LOVE." Time is love. I have found myself thinking about those words

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and repeating them over and over again. As an older parent to younger kids who I am watching grow up way too fast, those words really resonate. It is true -- time is love, but time is also a relentless thief, and the time has come for me to start giving more of my time to the people who have given so much of theirs, in support of my years of service here -- to my family, to my work family and to my friends who have always been there for me. But to my children especially, THANK YOU. Your daddy is immensely proud of you, and always will be. To some of my friends who are here, Marion Moses, Stephan Ardis and his daughter Harper Ardis, even West Columbia City Councilman Trevor Bedell, Senator SETZLER -- THANK YOU -- especially for the unwavering support you have shown to me in these recent months. I'll never forget it; I just hope I can find ways to repay it. As I wrap up, I also want to say THANK YOU to the people of Senate District 35 in the best counties of Sumter, Kershaw, Lee and Richland. You took a chance on a young Senate candidate who was an unknown commodity in a competitive swing district back in 2012. I hope you noticed that it never mattered to me whether you were a Democrat, a Republican or anything else when I asked you for your vote, or when you asked me for help. You have allowed me the honor of a lifetime, and I have loved serving you here. My reverence for this place is as strong today as it was the first time I wandered into this historic building -- right after I got lost in the parking garage. With every ounce of sincerity that's in me, THANK YOU. Finally, ladies and gentlemen, I was asked recently what's next. My answer was and is, "I don't know." My plan is to sit still for a minute and to see what happens. But Senator McLEOD, it's been said from this podium many times before, "if you want to make God laugh, tell him about your plans." What I do know is that sitting still isn't my strong suit or something I'm real interested in. There's still a lot of gas in my tank and there's plenty of fight in this dog. I don't know what's next, but I do know and have complete faith that God will open the next doors for me and my family, simply because of the fact that He always has. Ladies and gentlemen in this Senate, brothers and sisters, if I can ever be of service to any of you in this Body or in this room in any way imaginable, let me know and I promise I'll try. I'll still be right down Highway 378 on the same street I grew up on, and like Coach Prime, Deion Sanders, once said, "I ain't hard to find." Thank you. And may God continue to bless each and every one of you, always.

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ADDENDUM TO THE JOURNAL

The following remarks by Senator SHEALY were ordered printed in the Journal of June 5, 2024:

Remarks by Senator SHEALY

I will be brief -- y'all hear that all the time, don't you? Before we left in such a rush, Senator McELVEEN got up and said his goodbye address. I made him promise not to make me cry and he made me promise not to make him cry. I wanted to say a few nice things about Senator McELVEEN. I didn't know he didn't like me when he first met me. Like Nikki Haley, on our first freshman event it was Thomas and his wife and Beth Bernstein and her husband and Jimmy and I that were at the table. If he thinks that he felt odd, he should have been me there with the table full of Democrats. I felt odd. But anyway, I've enjoyed getting to know Thomas and we have probably become better friends with him being a Democrat and me being a Republican. I can't tell you the difference when people are Republicans and Democrats. I don't get to know people that way. I get to know you as a person, and Thomas has been a good friend. We have talked about a lot of things. He always asks me how Mr. Jimmy, the grandkids and the donkeys are doing. Thomas is just an all-around good guy and I am going to miss him. I'm going to miss seeing his happy face over there smiling back at me. I'm going to miss him on the Family and Veterans' Services Committee. I'm going to miss his dedication to the Senate. I'm just going to miss you, I've got to tell you, I'm going to miss you! I'm trying to make you cry, you know that don't you? No, not really. I just wanted to say that the Senate is losing a great Senator in you. I would like for you to stay another twenty years because I think you're the right person at the right place at the right time. But I know you have obligations at home, and I understand. When you decide to come back, we'll be here for you. Thank you.

Motion Adopted

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

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MOTION ADOPTED

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 Cristian 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

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MOTION ADOPTED

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, 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

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MOTION ADOPTED

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 did 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

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MOTION ADOPTED

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 to cook, 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 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

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MOTION ADOPTED

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 Sorority, Gamma Nu 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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