**Monday, June 21, 2021**

**(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 Chaplain as follows:

Ezekiel 34:31

In Ezekiel 34 we read: “You are my sheep, the sheep of my pasture, and I am your God, says the Lord God.”

Join me as we pray, friends: Holy God, as this Senate has yet again returned to this Chamber, we are so very much aware that each one of us is counted by You as one of Your flock, “the sheep of Your pasture.” And as such, we are all so very grateful for Your ongoing care, for the blessings You bestow, for the comfort and love You unfailingly grant to us. In the light of these realities, O Lord, graciously give to each of these Senators and aides the wisdom and zeal -- and the integrity -- they need as they labor here. And may all of their decisions prove to be an illustration of the fact that South Carolina is indeed a State blessed with “shepherds” who absolutely care for each and every individual. We so pray, O Lord, in Your blessed and holy name. Amen.

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

**Point of Quorum**

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Secretary of Department of Commerce, with term coterminous with Governor

Harry M. Lightsey III, 1520 Senate Street #155, Columbia, SC 29205 *VICE* Robert M. Hitt III

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence February 15, 2018, and to expire February 15, 2022

2nd Congressional District:

Bill B. Dukes, 523 Carol Lane, Chapin, SC 29036 *VICE* John Hay Burriss

Referred to the Committee on Transportation.

Reappointment, South Carolina Public Service Authority Board of Directors, with the term to commence, January 1, 2022, and to expire January 1, 2026

Chairman, At-Large Seat:

Peter M. McCoy, Jr, 451 Wampler Drive, Charleston, South Carolina, 29412-9152

Referred to the Committee on Judiciary.

**Local Appointment**

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

James A. White, 951 Allen Street, Allendale, SC 29810-2315 *VICE* John Alonzo Chaney

**Leave of Absence**

On motion of Senator KIMBRELL, at 12:37 P.M., Senator M. JOHNSON was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator RICE, at 12:37 P.M., Senator SENN was granted a leave of absence for today.

**CO-SPONSOR ADDED**

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

S. 811 Sen. Gustafson

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 843 -- Senator Alexander: A SENATE RESOLUTION TO COMMEND AND HONOR MAJOR GENERAL THOMAS STOWE "TOM" MULLIKIN, RETIRED COMMANDING GENERAL OF THE SOUTH CAROLINA STATE GUARD, CURRENT CHAIRMAN OF THE SOUTH CAROLINA FLOODWATER COMMISSION, AND FOUNDING PRESIDENT OF GLOBAL ECO ADVENTURES, FOR HIS LEADERSHIP IN THE POWER PLANT SC EARTH DAY 2021 TREE-PLANTING EVENT AND FOR HIS VISIONARY WORK; SACRIFICES OF TIME, ENERGY, AND RESOURCES; EXEMPLARY LEADERSHIP; AND OVERALL EXAMPLE, FOR WHICH THE STATE OF SOUTH CAROLINA, THE NATION, AND THE WORLD ARE ALL BENEFICIARIES.

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The Senate Resolution was adopted.

S. 844 -- Senator Harpootlian: A CONCURRENT RESOLUTION TO HONOR LIEUTENANT LANSING P. "PETE" LOGAN OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO CONGRATULATE HIM UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS SIXTY YEARS OF DISTINGUISHED PUBLIC SERVICE IN LAW ENFORCEMENT, AND TO WISH HIM MUCH JOY AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

S. 845 -- Senator Gambrell: A SENATE RESOLUTION TO CONGRATULATE THE WREN HIGH SCHOOL BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2021 MEN'S TRACK AND FIELD AAA STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 846 -- Senator Leatherman: A CONCURRENT RESOLUTION TO CONGRATULATE DEBRA ANNE DUNCAN, UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN FOUR DECADES OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

S. 847 -- Senators McElveen and K. Johnson: A SENATE RESOLUTION TO CONGRATULATE THE WILSON HALL LADIES SCHOLASTIC SHOOT TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2021 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 848 -- Senators McElveen and K. Johnson: A SENATE RESOLUTION TO CONGRATULATE THE WILSON HALL GIRLS SOFTBALL TEAM ON THEIR STELLAR SEASON AND TO SALUTE THEM FOR CAPTURING THE 2021 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 849 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LARRY PENLEY, CLEMSON UNIVERSITY MEN'S GOLF COACH, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-EIGHT YEARS OF AWARD-WINNING COACHING, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 850 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE TURK PETTIT OF THE CLEMSON UNIVERSITY GOLF TEAM ON CAPTURING THE 2021 NCAA MEN'S GOLF INDIVIDUAL CHAMPIONSHIP CROWN AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 851 -- Senator Fanning: A SENATE RESOLUTION TO CONGRATULATE CAROLINE ROUECHE OF ROCK HILL UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR FIFTY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

**HOUSE CONCURRENCES**

S. 844 -- Senator Harpootlian: A CONCURRENT RESOLUTION TO HONOR LIEUTENANT LANSING P. “PETE” LOGAN OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO CONGRATULATE HIM UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS SIXTY YEARS OF DISTINGUISHED PUBLIC SERVICE IN LAW ENFORCEMENT, AND TO WISH HIM MUCH JOY AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 846 -- Senator Leatherman: A CONCURRENT RESOLUTION TO CONGRATULATE DEBRA ANNE DUNCAN, UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN FOUR DECADES OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

Senator SETZLER was recognized to give a status report on the Committee of Conference.

**Motion Adopted**

Senator SETZLER moved under Rule 24B to allow the inclusion of Proviso 34.63 in the Report of the Committee of Conference.

*34.63. (DHEC: Permit Extension) The expiration and any associated vested right of a critical area permit or navigable water permit issued by Department of Health and Environmental Control for the construction of a dock is extended until June 30, 2022, provided the permit is valid on July 1, 2021, or at any time during the previous eighteen months. This provision may not be construed or implemented to:*

*(1) extend a permit or approval issued by the United States or its agencies or instrumentalities;*

*(2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;*

*(3) shorten the duration that a permit would have had in the absence of this provision;*

*(4) prohibit the granting of additional extensions provided by law;*

*(5) affect an administrative consent order issued by the department which is in effect on, or issued at any time from the effective date of this provision to June 30, 2022;*

*(6) affect the ability of a governmental entity to revoke or modify a permit pursuant to law;*

*(7) modify a requirement of law that is necessary to retain federal delegation by the State of South Carolina of the authority to implement a federal law or program; or*

*(8) affect department’s Office of Ocean and Coastal Resource Management permits issued pursuant to R.30 12(N) Access to Coastal Lands*

*Within thirty days after the effective date of this act, the department shall place a notice in the State Register noting the extension of expiration dates provided for in this provision.*

Senator SETZLER explained the proviso.

The motion was adopted.

**Motion Adopted**

Senator SETZLER moved under Rule 24B to allow the inclusion of Proviso 108.13 in the Report of the Committee of Conference.

108.13***.*** *(PEBA: Optional Payment of Employee Contributions by Employer) No later than July 1, 2021, an employer in the South Carolina Retirement System or the Police Officers Retirement System may elect to pay all or a portion of the employee contribution set out in Sections 9-1-1085 and 9-11-225, respectively, of the 1976 Code with respect to its employees during the fiscal year. In lieu of the deductions from compensation required by Sections 9-1-1020, 9-1-1160, and 9-11-210, as applicable, an employer electing to pay employee contributions under this provision hereby elects to pick up all or a portion of the employee contributions required by Sections 9-1-1085 and 9-11-225, as applicable, for the fiscal year without a reduction or offset from its employees’ compensation. Employee contributions picked up without such reduction or offset from the employee’s compensation shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code, but shall be credited as employee contributions for the purposes of the South Carolina Retirement System or the Police Officers Retirement System. An employer making the election provided by this provision shall be deemed to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, shall be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, must not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the South Carolina Retirement System or the Police Officers Retirement System. An employer’s election to pick up contributions without a reduction or offset from its employees’ compensation pursuant to this proviso may not be changed during the fiscal year. Employee contributions picked up by an employer pursuant to this provision without a reduction or offset from the member’s compensation are: 1) not earnable compensation for the purposes of the South Carolina Retirement System or the Police Officers Retirement System; and 2) shall be deposited in the employee’s South Carolina Retirement System or Police Officers Retirement System individual accumulated contribution account described in Sections 9-1-10(1), 9-11-10(2) and (6), and 9-11-260(2), as applicable, of the 1976 Code.*

*Explanation: Proviso 108.13 allows a participating employer in South Carolina Retirement System or Police Officers Retirement System to pay all or a part of its employees’ retirement contributions during the fiscal year, rather than deducting those contributions from employees’ pay. An employer’s election to pay its employees’ retirement contributions must be made for all of its employees and may not be changed during the fiscal year. The proviso also contains technical language to ensure that any employee contributions paid by an employer pursuant to this proviso are credited like other employee contributions for the purposes of the South Carolina Retirement System or Police Officers Retirement System and are continued to be treated as tax-deferred “picked up” contributions for the purposes of federal tax law.*

Senator SETZLER explained the proviso.

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

**Ayes 22; Nays 20; Abstain 2**

**AYES**

Alexander Allen Fanning

Gambrell Goldfinch Harpootlian

Hutto Jackson *Johnson, Kevin*

Kimpson Leatherman Matthews

McElveen McLeod Rankin

Sabb Scott Setzler

Stephens Talley Turner

Williams

**Total--22**

**NAYS**

Adams Bennett Campsen

Cash Climer Cromer

Davis Garrett Grooms

Gustafson Hembree Kimbrell

Malloy Martin Massey

Peeler Rice Shealy

Verdin Young

**Total--20**

**ABSTAIN**

Corbin Loftis

**Total--2**

The motion failed.

**Motion Adopted**

Senator SETZLER moved under Rule 24B to allow the inclusion of Proviso 108.14 in the Report of the Committee of Conference.

108.14***.*** *(PEBA: Non-State Agency Furloughs) For the current fiscal year, a participating employer in the South Carolina Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning may make employee and employer contributions for a period of not more than ninety working days during a furlough program that was implemented as a result of and took place during the COVID-19 Public Health Emergency and if the terms of the furlough program are consistent with the requirements for an approved mandatory furlough program established by a state agency or institution of higher learning under state law. The participating employer shall make such contributions in order to ensure that a furloughed employee’s retirement benefits are not interrupted as a result of the furlough, and the period for which such contributions are made will not be considered a break in consecutive employment.*

*Explanation: Proviso 108.14 allows participating employers in the South Carolina Retirement System or the Police Officers Retirement System that are not state agencies or higher education institutions to remit employee and employer retirement contributions during the fiscal year to ensure that employees who were subject to a COVID-related furlough of not more than 90 days do not have interruptions in their eligibility for retirement benefits or retiree health insurance coverage as a result of the furlough. This furlough provision for non-state entities is intended to be consistent with furlough provisions available to state agencies and institutions under state law, including the COVID-related furlough provisions in Proviso 117.149 and other furlough-related provisions, such as Provisos 117.65 and 117.72.*

Senator SETZLER explained the proviso.

The motion was adopted.

**Motion Adopted**

Senator SETZLER moved under Rule 24B to allow the inclusion of Proviso 109.15 in the Report of the Committee of Conference.

109.1***5.*** *(DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for distribution or dispensing renewable fuel shall be extended to January 1, 2022.*

*Explanation: The current tax credit for property used for the distribution or dispensing renewable fuel is located in §12-6-3610. The credit is equal to 25% of the cost of purchasing, constructing and installing the property. This tax credit states the taxpayer must place the property or facility in service prior to January 1, 2020.*

*This proviso extends the date the property must be placed in service out to January 1, 2022.*

*The revenue impact associated with the adoption of this proviso is $32,000 to the General Fund. This cost is accounted for in Part 1A of the Budget Conference Committee Report.*

Senator SETZLER explained the proviso.

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

**Ayes 39; Nays 3**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Cromer Davis

Fanning Gambrell Garrett

Goldfinch Grooms Gustafson

Hutto Jackson *Johnson, Kevin*

Kimbrell Kimpson Leatherman

Loftis Malloy Massey

Matthews McElveen McLeod

Peeler Rankin Sabb

Scott Setzler Shealy

Stephens Talley Turner

Verdin Williams Young

**Total--39**

**NAYS**

Corbin Martin Rice

**Total--3**

The motion was adopted.

**Privilege of the Chamber**

    On motion of Senator PEELER, on behalf of Senator LEATHERMAN, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Debra A. Duncan in recognition of her outstanding service with the General Assembly as Senior Proviso Coordinator for the South Carolina Legislative Council and in honor of her well deserved retirement.

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

**CONCURRENCE**

S. 771 -- Senator Hutto: A BILL TO CONSOLIDATE BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT ONE) AND DENMARK‑OLAR SCHOOL DISTRICT TWO (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT TWO) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE AND DENMARK‑OLAR SCHOOL DISTRICT TWO ON JULY 1, 2022; TO PROVIDE THAT THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2022 GENERAL ELECTION, SEVEN MEMBERS MUST BE ELECTED FROM DEFINED SINGLE‑MEMBER ELECTION DISTRICTS DRAWN FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE AND THE FORMER DENMARK‑OLAR SCHOOL DISTRICT TWO; TO PROVIDE THAT THE MEMBERS OF THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023, AND TO PROVIDE THAT BEGINNING IN 2024, THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Senator HUTTO explained the amendments.

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

**ACTING PRESIDENT PRESIDES**

Senator ALEXANDER assumed the Chair.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4100, THE GENERAL APPROPRIATIONS BILL.**

**H. 4100--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H.  4100 -- 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, 2021, 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 LEATHERMAN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN spoke on the report.

Senator PEELER spoke on the report.

**PRESIDENT PRESIDES**

At 1:22 P.M., the PRESIDENT assumed the Chair.

Senator SETZLER spoke on the report.

Senator CASH spoke on the Bill.

**Remarks by Senator CASH**

Of course the budget is a large and complex document -- I went through it pretty carefully this weekend. I was particularly interested in the part of the budget that is earmarks because we are doing earmarks in a different way this year than we have in the past. I think it's a good change that we made when we changed the rule in the early part of the year. The rule which said, that earmarks had to be identified by what they were going to be used for -- not requested and the Senator requesting the earmarks. So that's a step toward transparency. Senator LEATHERMAN spoke about sunlight and the brightness of sunlight. I hope everybody here is in favor of politics in the sunshine. The more transparency the better, certainly better for the taxpayer to be able to find out what is going on. We had some discussion about earmarks during the budget. I was a little bit in the middle of that and when this report came out this weekend, I started taking a look at it. I noticed that of the four pages of earmarks from the Senate, only four of them had changed. I had to cross-reference it myself because the document wasn't available but I went through it line by line. Four pages of Senate earmarks were requested. Only four were changed. All the rest that were requested were, shall we say, fully funded.

There were two earmarks, Senator -- I’m not going to take questions right this minute but when I’m finished I’ll be happy to -- there were two ear marks that were reduced, one for the Columbia Civic Center renovations -- went from $19,000,000 to $9,000,000. I asked the Senator from Richland about that to try to find out what the story was, I don't see him in the Chamber, but he indicated to me that there's some issue with a House member affecting that earmark. The other earmark that got reduced was the Florence Crittendon House. Florence Crittendon House was an earmark requested by Senator SENN. It's located in downtown Charleston. Florence Crittendon has a mission to provide hope, safety and opportunity to young women in order to instill self-worth and self-sufficiency. We value the right of every pregnant young woman to obtain the education, skills and support needed to have a healthy start in life for both herself and her child. That's the mission of the Florence Crittendon House that Senator SENN requested $500,000 for and after this Conference Committee, that request was reduced to $100,000. I don't know why. If I got to compare the Florence Crittendon Center with all the other nonprofits in here that were fully funded as the earmarks requested, I’d be hard-pressed to find how they're not as worthy of the money as the other nonprofits that got their full funding. So, it does lead one to wonder why this request from Senator SENN was known -- who is known to be independent and outspoken -- was reduced from $500,000 to $100,000. I don't know, maybe Florence Crittendon House doesn't really need that much money so this reduction in their earmark is not important. There were two earmarks, earmarks that were voted on by this Senate, earmarks that were contained in Amendment 84 on the third day of the budget session. Amendment 84 is by Senator LEATHERMAN with a number of other co-sponsors including myself. There were 12 items in that amendment that were additional earmarks if you're wondering what Amendment 84 was. There were 12 items on that list. Of those items, I had two. Senator RICE had one. One of my earmarks was approved for Dolly Cooper Park for $350,000 and one earmark for the Anderson Civic Center renovations went from a 1,005,000 to $1. Senator RICE’S earmark for the Pickens County Transportation Commission went from $950,000 to $1. I'm telling you there were two earmarks that were reduced and there were two that were cut altogether.

So, I want to talk about the earmark process and I want to make some comments about it and you're free to agree or disagree. As I said on the floor of the Senate when we were debating earmarks -- to talk with I can take it or leave it with earmarks. I don't see earmarks as a moral issue, it’s a political issue, but I believe if we’re going to have earmarks, they have to be done in a certain way to make them fair. To make them a part of the political process is beneficial to all of our constituents. I believe there have to be certain principles involved in the earmark process and I articulated those at the time and I’m going to repeat them. I think earmarks ought to be transparent and I applaud the Senate for taking the step and I see in this document that also we now have a list of the House earmarks and I think that's fantastic. I think it's the first step. It's not the only step but it's the first step and I will tell you I don't think we can ever go back from that. Now that we've done it, I think we're going to have to continue to do it. We need to continue to do it, so that it's clear who's requesting money for what purpose -- what department that check's going to be written through. The second principle that I think in addition to transparency is earmarks need to be equitable. 46 Senate districts in this State -- is there 1 Senate district or 2 or 5 or 10 that is more important than the ones -- than other ones? If we're going to have -- and we do have -- on a regular basis nonrecurring revenue to divvy up in the earmarks process. Can anyone provide me an argument why that money should not be equitably distributed? Why there shouldn't be some process whereby, hey, 15 of you Republican Senators over here didn't request any earmarks -- maybe a little bit off as a result of Amendment 84, but for those of you who did request any earmarks your district is just left out on discretionary nonrecurring revenue. Now I wondered at the time we were having this discussion on the floor, and I’ll wonder again today, why you don't request earmarks. And I could only conclude that you think there's something distasteful about the process. That somehow you think it might impinge upon your senatorial independence. So you're just going to stay away from that. And that is in fact the third point I made about earmarks. If we are going to divide money in this State that's nonrecurring, that's discretionary, that should be equitably distributed, it should be done without strings attached. You shouldn't have to sell a vote -- I’m not saying anybody does, but you shouldn't have to sacrifice your independence or wonder about how any votes you make on any particular issue might affect your ability to get an earmark. Senator MASSEY here is not a proponent of earmarks and I understood his speech. I will note that Senator RICE and I both voted with Senator MASSEY on his proviso to go back and redo that section of the budget, because I do think change is coming and it has to change and it needs to change. At the end of the day, I think I made it as clear as I could that I don't think I have to agree to vote for the budget in order to get an earmark and my request for an earmark cannot be tied to my voting any particular way on any particular issue. I can assure you it's not going to be, but I’m not going the leave this issue alone either. There needs to be reform in the way that it's done. It's not equitable when one county gets a $1,000,000 for body cameras and the other 45 counties get a $1,000,000 combined to split up. Or maybe you can explain that in some way but I cannot. You know, there are a lot of things that get put in this document before we ever get to earmarks. We all know that. Line 1,061 gives Florence County a $1,000,000 for their civic center. Line 1,062 gives Lexington County Convention Center a $1,000,000. Anderson County renovations get $1. Won't that be a nice picture of me presenting a check to Anderson County for a $1? You may not know, Senator ALEXANDER, but Anderson County Civic Center is the emergency shelter should there ever be a problem with the nuclear station and of that $1,000,000 there was $100,000 of it going to be spent on a reliable generator. I’m going to vote against this report because I want it to go back to the committee. There's no reason why Florence Crittendon shouldn't get the $500,000 that this Senate voted upon, why the Anderson Civic Center shouldn't get $1,005,000, why the roads in Pickens County shouldn't get $950,000. I'm talking about the process here, folks. The process of earmarks. It's out of the bag now. Everybody knows who's asked for what. Everybody can and will study these numbers and we've got to have some reform in how this thing works and the first step of reform is we have to maintain senatorial independence. We cannot have and we cannot allow to have a situation where Senators are rewarded or punished based on how they did or didn't vote a certain way -- by getting or not getting an earmark. Cannot allow that situation in the Senate and walk around and say yeah, I'm a South Carolina Senator and I vote according to my conscience. We have got to change the process.

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

Senator LEATHERMAN spoke on the Bill.

Senator CLIMER spoke on the Bill.

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

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

**Ayes 39; Nays 5**

**AYES**

Adams Alexander Allen

Bennett Campsen Cromer

Davis Fanning Gambrell

Garrett Goldfinch Grooms

Gustafson Harpootlian Hembree

Hutto Jackson *Johnson, Kevin*

Kimbrell Kimpson Leatherman

Loftis Malloy Martin

Matthews McElveen McLeod

Peeler Rankin Sabb

Scott Setzler Shealy

Stephens Talley Turner

Verdin Williams Young

**Total--39**

**NAYS**

Cash Climer Corbin

Massey Rice

**Total--5**

The Committee of Conference Committee was adopted as follows:

**H. 4100--Conference Report**

The General Assembly, Columbia, S.C., June 17, 2021

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4100 -- 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, 2021, 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. Hugh Kenneth Leatherman, Sr. /s/Rep. George Murrell Smith, Jr.

/s/Sen. Harvey Smith Peeler, Jr. /s/Rep. Bruce Wyche Bannister

/s/Sen. Nikki Giles Setzler /s/Rep. Jackie Elliott “Coach” Hayes

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 21, 2021

Mr. President and Senators:

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

H. 4100 -- 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, 2021, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

**H. 4100--REPORT OF COMMITTEE OF CONFERENCE**

**ENROLLED FOR RATIFICATION**

H. 4100 -- 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, 2021, 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.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

James A. White, 951 Allen Street, Allendale, SC 29810-2315 *VICE* John Alonzo Chaney

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 21, 2021, at 2:00 P.M. and the following Acts and Joint Resolutions were ratified:

(R112, S. 153) -- Senator Martin: AN ACT TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN SPARTANBURG COUNTY VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R113, S. 691) -- Senator Hutto: AN ACT TO CONSOLIDATE BARNWELL COUNTY (BLACKVILLE) SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY (WILLISTON) SCHOOL DISTRICT NO. 29 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY SCHOOL DISTRICT NO. 29 ON JULY 1, 2022; TO PROVIDE THAT THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2022 GENERAL ELECTION, SEVEN MEMBERS MUST BE ELECTED FROM DEFINED SINGLE‑MEMBER ELECTION DISTRICTS DRAWN FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 29; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023, AND TO PROVIDE THAT BEGINNING IN 2024, THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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(R114, S. 716) -- Senator Climer: AN ACT TO AMEND SECTION 7‑7‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R115, S. 771) -- Senator Hutto: AN ACT TO CONSOLIDATE BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT ONE) AND DENMARK‑OLAR SCHOOL DISTRICT TWO (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT TWO) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT; TO ABOLISH BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE AND DENMARK‑OLAR SCHOOL DISTRICT TWO ON JULY 1, 2022; TO PROVIDE THAT THE BAMBERG COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF NINE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION, TO PROVIDE THAT BEGINNING IN 2024, THE INITIAL NINE‑MEMBER APPOINTED BOARD SHALL BEGIN THE PROCESS OF TRANSITIONING TO A NINE‑MEMBER ELECTED BOARD OF TRUSTEES BY ELECTING FOUR MEMBERS TO SERVE FOUR‑YEAR TERMS FROM SINGLE‑MEMBER ELECTION DISTRICTS 2, 4, 6, AND 8 IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION; TO ESTABLISH CONTINUITY OF LEADERSHIP PROVISIONS BY REQUIRING THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO SELECT FIVE MEMBERS FROM THE INITIAL NINE‑MEMBER APPOINTED BOARD TO SERVE ALONGSIDE THE FOUR MEMBERS ELECTED IN 2024 UNTIL THE FIVE APPOINTED MEMBERS’ SUCCESSORS ARE ELECTED TO SERVE FOUR‑YEAR TERMS FROM SINGLE‑MEMBER ELECTION DISTRICTS 1, 3, 5, 7, AND 9 IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE 2026 GENERAL ELECTION, AND, THEREAFTER, TO PROVIDE THAT MEMBERS OF THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN SCHOOL DISTRICT ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION FOR TERMS OF FOUR YEARS AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO ESTABLISH INTERIM MILLAGE PROVISIONS UNTIL 2027 WHEN THE BAMBERG COUNTY SCHOOL DISTRICT SHALL ASSUME TOTAL FISCAL AUTONOMY; TO TRANSFER THE ASSETS AND LIABILITIES OF BAMBERG‑EHRHARDT SCHOOL DISTRICT ONE AND  
  
  
  
DENMARK‑OLAR SCHOOL DISTRICT TWO TO THE BAMBERG SCHOOL DISTRICT ON JULY 1, 2022; AND TO REPEAL ALL LOCAL ACTS INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

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(R116, H. 4100) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, 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.

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(R117, H. 4101) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2020‑2021, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joseph “Joe” E. Sharpe, Sr. of Blythewood, S.C. Joe was a graduate of Eau Claire High School and served in the Army National Guard. In 1976, he took over the family business and Sharpe Service Station became a thriving business. Joe served on the Fairfield Electric Cooperative Board of Trustees for 46 years. He was a member of Mt. Pleasant United Methodist Church, the Blythewood Masonic Lodge, Jamil Temple and was a founding member of the Blythewood Rotary Club. Joe enjoyed playing golf, gardening and spending time with his grandchildren. Joe was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 2:26 P.M., on motion of Senator MASSEY, the Senate adjourned under the provisions of H. 4285, the *Sine Die* Resolution.

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