

NO. 14

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, FEBRUARY 2, 2021

**Tuesday, February 2, 2021
(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 5015

Agency: Clemson University-State Crop Pest Commission

Chapter: 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

SUBJECT: Asian Longhorned Beetle Quarantine

Received by Lieutenant Governor February 1, 2021

Referred to Committee on Agriculture and Natural Resources

CO-SPONSORS ADDED

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

S. 44 Sen. Davis

S. 212 Sens. Senn and Campsen

S. 436 Sen. Alexander

S. 510 Sens. Alexander, Goldfinch, Harpootlian, Jackson, M. Johnson
Kimpson, Matthews, Rice, Sabb, Setzler and Stephens

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 507 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-15 SO AS TO PROVIDE TRUSTEES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE WHO RESIGN OR ARE REMOVED FROM OFFICE ARE NOT QUALIFIED TO SERVE, AND MAY NOT BE ELECTED OR APPOINTED TO SERVE, ON ANY BOARD OF TRUSTEES OF A

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PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE FOR A PERIOD OF FOUR YEARS AFTER THE DATE OF THEIR RESIGNATION OR REMOVAL.

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

S. 508 -- Senator Shealy: A BILL TO AMEND SECTIONS 44-78-15, 44-78-20, 44-78-30, 44-78-45(A), 44-78-50, AND 44-78-60 OF THE 1976 CODE, ALL RELATING TO DO NOT RESUSCITATE ORDERS, TO ALLOW A PARENT OR LEGAL GUARDIAN OF A MEDICALLY ELIGIBLE CHILD TO REQUEST AND REVOKE A DO NOT RESUSCITATE ORDER FOR EMERGENCY SERVICES FOR THE CHILD, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

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

S. 509 -- Senator Shealy: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO PROVIDE THAT LOCAL DETENTION FACILITIES ARE NOT SUBJECT TO THOSE PROVISIONS, AND TO PROVIDE EXCEPTIONS; AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 510 -- Senators Grooms, Verdin, Davis, Adams, Bennett, Campsen, Climer, Corbin, Cromer, Gambrell, Hembree, Hutto, K. Johnson, Kimbrell, Loftis, Massey, McElveen, Peeler, Senn, Shealy, Talley, Turner, Williams and Young: A BILL TO AMEND SECTION 56-15-10 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO AMEND AND ADD DEFINITIONS, TO AMEND ARTICLE 1, CHAPTER 15, TITLE 56 OF THE 1976 CODE BY ADDING SECTION 56-15-35, TO PROVIDE FOR HOW A FRANCHISOR, MANUFACTURER, DISTRIBUTOR, OR A THIRD PARTY AFFILIATE MUST HANDLE CONSUMER DATA; TO AMEND SECTION 56-15-40 OF THE 1976 CODE, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF

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COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, TO AMEND A VIOLATION FOR TAKING ANY ADVERSE ACTION AGAINST A DEALER FOR OFFERING OR DECLINING TO OFFER PROMOTIONS, SERVICE CONTRACTS, DEBT CANCELLATION AGREEMENTS, MAINTENANCE AGREEMENTS, OR OTHER SIMILAR PRODUCTS; AND TO ADD AND PROVIDE FOR ADDITIONAL VIOLATIONS; TO AMEND SECTION 56-15-45(A)(3) AND (D) OF THE 1976 CODE, RELATING TO OWNERSHIP, OPERATION OR CONTROL OF COMPETING DEALERSHIPS BY MANUFACTURER OR FRANCHISOR, TO PROVIDE FOR A DATE CHANGE, TO DELETE QUALIFICATIONS FOR AN EXEMPTION, AND TO ADD THAT A MANUFACTURER MAY NOT LEASE OR ENTER INTO A SUBSCRIPTION AGREEMENT EXCEPT TO A NEW DEALER HOLDING A FRANCHISE IN THE LINE MAKE THAT INCLUDES THE VEHICLE; TO AMEND SECTION 56-15-46 OF THE 1976 CODE, RELATING TO THE NOTICE OF INTENT TO ESTABLISH OR RELOCATE COMPETING DEALERSHIP, TO AMEND THE RADIUS AND ADD A TIME REQUIREMENT FOR NOTICE; TO AMEND SECTION 56-15-50 OF THE 1976 CODE, RELATING TO THE REQUIREMENT THAT MANUFACTURERS MUST SPECIFY DELIVERY AND PREPARATION OBLIGATIONS OF DEALERS, FILING OF COPY OF OBLIGATIONS, AND SCHEDULE OF COMPENSATION, TO ADD A PROVISION FOR INDEMNIFICATION; TO AMEND SECTION 56-15-60 OF THE 1976 CODE, RELATING TO THE FULFILLMENT OF WARRANTY AGREEMENTS AND A DEALERS' CLAIMS FOR COMPENSATION, TO PROVIDE THAT IT IS UNLAWFUL FOR A NEW MOTOR VEHICLE MANUFACTURER TO RECOVER ANY PORTION OF ITS COSTS FOR COMPENSATING DEALERS FOR RECALLS OR WARRANTY PARTS AND SERVICE, EITHER BY REDUCTION IN THE AMOUNT DUE TO THE DEALER, OR BY SEPARATE CHARGE, SURCHARGE, OR OTHER IMPOSITION, TO PROVIDE FOR COMPENSATION AND A COMPENSATION SCHEDULE, TO PROVIDE EXCLUSIONS, TO PROHIBIT A MANUFACTURER FROM TAKING CERTAIN ADVERSE ACTION AGAINST A DEALER TO SEEKING TO OBTAIN COMPENSATION, TO PROVIDE FOR A PROTEST PROCEDURE, TO PROVIDE FOR CLAIMS AND VIOLATIONS, TO PROVIDE FOR AUDITS, AND TO PROVIDE FOR USED MOTOR VEHICLES; TO AMEND SECTION 56-15-65 OF THE 1976 CODE, RELATING

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TO REQUIREMENTS FOR A CHANGE OF LOCATION OR ALTERATION OF A DEALERSHIP, TO PROVIDE ADDITIONAL VIOLATIONS; TO AMEND SECTION 56-15-70 OF THE 1976 CODE, RELATING TO CERTAIN UNREASONABLE RESTRICTIONS ON DEALERS OR FRANCHISEES THAT ARE UNLAWFUL, TO ADD RELOCATION; TO AMEND SECTION 56-15-75 OF THE 1976 CODE, RELATING TO REQUIREMENTS THAT THE DEALER REFRAIN FROM ACQUIRING ANOTHER LINE OF NEW MOTOR VEHICLES, TO DELETE THE EVIDENTIARY STANDARD; TO AMEND SECTION 56-15-90 OF THE 1976 CODE, RELATING TO THE FAILURE TO RENEW, TERMINATION OR RESTRICTION OF TRANSFER OF FRANCHISE AND DETERMINING REASONABLE COMPENSATION FOR THE VALUE OF A DEALERSHIP FRANCHISE, TO EXPAND FAIR MARKET VALUE CONSIDERATIONS; TO AMEND SECTION 56-15-140 OF THE 1976 CODE, RELATING TO VENUE, AND TO DECLARE THAT VENUE IS IN STATE COURTS IN SOUTH CAROLINA RATHER THAN THE STATE OF SOUTH CAROLINA.

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

S. 511 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE ROGER AND MARILYN CALDWELL ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILMENT.

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

S. 512 -- Senator Grooms: A SENATE RESOLUTION TO HONOR AND THANK ARYN E. MCGUIRE FOR HER SIX YEARS OF SERVICE TO THE SOUTH CAROLINA SENATE AND THE PEOPLE OF THIS STATE AND TO WISH HER THE VERY BEST IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

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S. 107 -- Senators Campsen and Climer: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 158 -- Senator Scott: A BILL TO AMEND SECTION 40-57-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND SALESPERSONS WHO HAVE TWENTY-FIVE YEARS OF LICENSURE AND ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

Ordered for consideration tomorrow.

Senator MARTIN from the Committee on Corrections and Penology polled out S. 200 favorable:

S. 200 -- Senators Hembree, Martin, Kimbrell and Shealy: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON SENTENCED TO DEATH MAY ELECT FOR ELECTROCUTION OR LETHAL INJECTION IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS DIRECTOR SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST

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BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLICTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

**Poll of the Corrections and Penology Committee
Polled 17; Ayes 11; Nays 6**

AYES

Martin	Shealy	Turner
Rice	Senn	Hembree
Adams	Garrett	Gustafson
<i>Michael Johnson</i>	Kimbrell	

Total--11

NAYS

Allen	Kimpson	Matthews
McLeod	Harpootlian	Stephens

Total--6

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 287 -- Senator Gambrell: A BILL TO AMEND SECTION 40-45-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, AND SECTION 40-45-240, RELATING TO APPLICANTS FOR LICENSURE BY ENDORSEMENT FOR LICENSEES FROM OTHER JURISDICTIONS, BOTH SO AS TO REQUIRE CERTAIN FINGERPRINT-SUPPORTED STATE AND NATIONAL CRIMINAL RECORDS CHECKS FOR INITIAL LICENSURE APPLICANTS, TO PROVIDE THE RESULTS OF THESE RECORDS CHECKS MUST BE PROVIDED TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO RETAIN FINGERPRINTS FOR

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CERTAIN PURPOSES, TO PROVIDE APPLICANTS MUST BARE RELATED COSTS, AND TO PROVIDE THE DEPARTMENT SHALL KEEP INFORMATION RECEIVED PURSUANT TO THIS ACT CONFIDENTIAL, SUBJECT TO AN EXCEPTION.

Ordered for consideration tomorrow.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 378 -- Senator Cash: A BILL TO AMEND SECTION 47-3-630 OF THE 1976 CODE, RELATING TO PENALTIES FOR TEASING, MALTREATING, AND INJURING POLICE DOGS AND HORSES, TO PROVIDE FOR PENALTIES, RESTITUTION, AND COMMUNITY SERVICE.

Ordered for consideration tomorrow.

Appointment Reported

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

Statewide Appointment

Initial Appointment, Director of Department of Health and Environmental Control, with the term to commence January 20, 2021, and to expire January 20, 2025

Director:

Edward D. Simmer, 501 Charles Street, #1257, Beaufort, SC 29902

Received as information.

MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bernice Lerverne Wilson, Sr. of Hartsville, S.C. Bernice worked for Sonoco over 31 years. He was a lifetime active member of Jerusalem Baptist Church. Bernice represented Hartsville City Council District 2 for 12 years, served on the Darlington County Board of Registration and Election Commission and numerous others. His family was honored as South Carolina's Black Family of the Year in 1989 by the Columbia Urban League. He was an avid reader, enjoyed sports, and singing. Bernice was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 11:07 A.M., on motion of Senator JACKSON, the Senate adjourned to meet tomorrow at 11:45 A.M.

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