

NO. 27

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021**

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**WEDNESDAY, FEBRUARY 24, 2021**

**Wednesday, February 24, 2021**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Joshua 22:5

In Joshua we are called:

“. . .to love the Lord your God, to walk in his love always, to obey his commands, to hold fast to him, and to serve him with all your heart and your soul.”

Let us bow in prayer: O merciful and ever-loving God, we are overwhelmed by the ongoing reality of COVID-19. Here in South Carolina -- as of this past weekend -- 7,400 of our fellow citizens have died due to the coronavirus, and about 80% of our State's hospital beds are presently taken up. The strain upon and the concern felt by all of us is almost palpable, dear Lord. Yet in the midst of all of these realities, so many of our State's workers remain determined to keep things as "normal" as possible. We are indeed thankful for those who routinely deliver goods that we need, those who keep shelves stocked and who smile at us when we check-out, those who keep the basic systems of our cities and towns up and running, those who provide protection and who respond to our 911 calls. And so much more. With a measure of personal sacrifice, these dear souls serve not only all of us, but they also serve You, O God, doing so with all their heart and soul. So today we praise You for each one of these servants, dear Lord, and in Your holy name we pray. Amen.

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

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 5005

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-104-20

SUBJECT: Palmetto Fellows Scholarship Program

**WEDNESDAY, FEBRUARY 24, 2021**

Received by Lieutenant Governor January 12, 2021  
Referred to Committee on Education  
Legislative Review Expiration May 12, 2021  
Withdrawn and Resubmitted February 24, 2021

Document No. 5010

Agency: Department of Labor, Licensing and Regulation-Auctioneers'  
Commission

Chapter: 14

Statutory Authority: 1976 Code Section 40-6-40

SUBJECT: Auctioneers' Commission

Received by Lieutenant Governor January 12, 2021

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 12, 2021

Withdrawn and Resubmitted February 24, 2021

Document No. 5012

Agency: Department of Labor, Licensing and Regulation-Board of  
Registration for Foresters

Chapter: 53

Statutory Authority: 1976 Code Sections 48-27-140 and 48-27-190

SUBJECT: Board of Registration for Foresters

Received by Lieutenant Governor January 12, 2021

Referred to Committee on Fish, Game and Forestry

Legislative Review Expiration May 12, 2021

Withdrawn and Resubmitted February 24, 2021

**Leave of Absence**

At 1:25 P.M., Senator FANNING requested a leave of absence for  
Senator JACKSON until 3:15 P.M.

**Leave of Absence**

At 1:25 P.M., Senator FANNING requested a leave of absence for  
Senator McLEOD until 1:45 P.M.

**Leave of Absence**

At 1:25 P.M., Senator GOLDFINCH requested a leave of absence for  
Senator GAMBRELL until 3:00 P.M.

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**Leave of Absence**

At 1:46 P.M., Senator KIMPSON requested a leave of absence for Senator McELVEEN until 2:10 P.M.

**Leave of Absence**

At 3:47 P.M., Senator ALEXANDER requested a leave of absence for Senator CROMER until 5:15 P.M.

**CO-SPONSORS ADDED**

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

- S. 11 Sen. Hutto
- S. 147 Sen. Corbin
- S. 376 Sen. Setzler
- S. 427 Sen. Scott
- S. 467 Sen. Bennett
- S. 590 Sens. Grooms and Harpootlian

**RECALLED AND COMMITTED**

S. 202 -- Senator Hembree: A BILL TO AMEND SECTION 1-6-10(1) AND (5) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE OFFICE OF THE STATE INSPECTOR GENERAL, TO DEFINE NECESSARY TERMS.

On motion of Senator HEMBREE, with unanimous consent, the Bill was recalled from the Committee on Judiciary and committed to the Committee on Education.

**RECALLED**

H. 3808 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF RAVENEL STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH CHEVES STREET TO ITS INTERSECTION WITH PINE STREET "REVEREND DOCTOR NORMAN GAMBLE WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 602 -- Senator Massey: A BILL TO AMEND ARTICLE 1, CHAPTER 9, TITLE 56 OF THE 1976 CODE, RELATING TO THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, BY ADDING SECTION 56-9-85, TO PROVIDE THAT AN OFFER TO SETTLE A CLAIM FOR PERSONAL INJURY, BODILY INJURY, OR DEATH ARISING FROM THE USE OF A MOTOR VEHICLE THAT IS PREPARED, WITH THE ASSISTANCE OF COUNSEL, PRIOR TO FILING A CIVIL ACTION MUST BE IN WRITING AND CONTAIN CERTAIN TERMS.

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

S. 603 -- Senator Climer: A BILL TO AMEND SECTION 44-56-200 OF THE 1976 CODE, RELATING TO HAZARDOUS WASTE CLEANUP, TO PROVIDE STANDARDS FOR CONDUCTING CERTAIN CLEANUP, REMOVAL, REMEDIATION, OR OTHER RESPONSES; TO PROVIDE SITE-SPECIFIC REMEDIATION STANDARDS; AND TO DEFINE NECESSARY TERMS.

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

S. 604 -- Senators Loftis and Turner: A BILL TO AMEND SECTION 59-23-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOLS, SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ONLY MAY APPROVE PLANS AND SPECIFICATIONS FOR ALL CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOL BUILDINGS, SUBJECT TO APPLICABLE STATE AND LOCAL BUILDING CODES AND STANDARDS, COMPLIANCE WITH WHICH IS LEFT TO THE DETERMINATION OF LOCAL BUILDING CODE OFFICIALS, TO ELIMINATE OTHER RELATED AUTHORITY OF THE STATE DEPARTMENT OF EDUCATION AND TO EXCLUDE THE DISTRICT ADMINISTRATION BUILDINGS FROM THE PROVISIONS OF CHAPTER 23, TITLE 59; TO AMEND SECTION 59-23-230, RELATING TO WAIVERS FROM CERTAIN SCHOOL BUILDING REGULATIONS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 59-23-250,

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RELATING TO REQUIREMENTS THAT SCHOOL DISTRICTS MUST RECEIVE APPROVAL FROM THE DEPARTMENT BEFORE PROPERTY ACQUISITIONS OR MODIFICATIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59-23-220 RELATING TO INSPECTIONS AND CERTIFICATES OF APPROVAL ISSUED BY THE DEPARTMENT FOR LOCAL SCHOOL CONSTRUCTION, IMPROVEMENTS, AND RENOVATIONS, AND SECTION 59-23-240 RELATING TO INSPECTIONS OF PUBLIC SCHOOLS FOR WHICH WAIVERS FROM CERTAIN SCHOOL REGULATIONS HAVE BEEN GRANTED.

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

S. 605 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPOTTED TURTLE; AND EXCHANGE AND TRANSFER FOR CERTAIN NATIVE REPTILES AND AMPHIBIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5007, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 606 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STATEMENT OF POLICY; AND SPECIFIC PROJECT STANDARDS FOR TIDELANDS AND COASTAL WATERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4995, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 607 -- Senator Hembree: A BILL TO AMEND SECTION 59-40-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CHARTER SCHOOL DISTRICT BOARD

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MEMBERS FOR CAUSE OR DUE TO INCAPACITY, SO AS TO REVISE THE BASES FOR REMOVAL, TO PROVIDE RESULTING MEMBERSHIP VACANCIES MUST BE FILLED PURSUANT TO CERTAIN BYLAWS OF THE CHARTER SCHOOL, AND TO REMOVE THE SOUTH CAROLINA CHARTER SCHOOL DISTRICT FROM THESE PROVISIONS.

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

S. 608 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-2-105 SO AS TO PROVIDE THAT THE COUNTY ELECTION COMMISSION OF A COUNTY THAT PROPOSES CERTAIN LOCAL SALES AND USE TAXES MUST NOTIFY THE DEPARTMENT OF REVENUE NINETY DAYS BEFORE THE REFERENDUM; AND TO AMEND SECTION 61-6-2010, AS AMENDED, RELATING TO ALCOHOL TEMPORARY PERMITS, SO AS TO PROVIDE THAT CERTAIN PETITION FORMS MUST BE SUBMITTED TO THE DEPARTMENT OF REVENUE, AND TO PROVIDE THAT CERTAIN ORDINANCES MUST BE FILED WITH THE DEPARTMENT OF REVENUE AT LEAST SIXTY DAYS BEFORE THE GENERAL ELECTION.

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

S. 609 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-2-140 SO AS TO AUTHORIZE STATE AGENCIES AND POLITICAL SUBDIVISIONS THAT HAVE ACCESS TO FEDERAL TAX INFORMATION TO CONDUCT CRIMINAL BACKGROUND CHECKS ON ITS EMPLOYEES AND CONTRACTORS.

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

S. 610 -- Senators Garrett, Adams and Corbin: A BILL TO ENACT THE "SOCIAL MEDIA BILL OF RIGHTS"; TO AMEND ARTICLE 1, CHAPTER 5, TITLE 39 OF THE 1976 CODE, RELATING TO UNFAIR TRADE PRACTICES, BY ADDING SECTION 39-5-30, TO ESTABLISH EQUAL ACCESS WITHOUT DISCRIMINATION ON ACCOUNT OF RACE, RELIGION, OR POLITICAL AFFILIATION, TO REQUIRE SOCIAL MEDIA PLATFORMS TO PROVIDE A

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SOCIAL MEDIA PLATFORM USER WITH NOTICE WITHIN A SPECIFIED TIMEFRAME WHEN HIS ACCOUNT IS SUSPENDED OR DISABLED, TO PROVIDE FOR EQUAL OPPORTUNITY ON SOCIAL MEDIA PLATFORMS FOR QUALIFIED POLITICAL CANDIDATES, TO PROVIDE THAT THE OWNER OR OPERATOR OF A SOCIAL MEDIA PLATFORM IS SUBJECT TO A PRIVATE RIGHT OF ACTION BY A SOCIAL MEDIA PLATFORM USER IN THIS STATE UNDER CERTAIN CONDITIONS, TO PROVIDE DAMAGES, TO AUTHORIZE THE AWARD OF REASONABLE ATTORNEY FEES AND COSTS, TO PROHIBIT A SOCIAL MEDIA PLATFORM FROM USING HATE SPEECH AS A DEFENSE, TO AUTHORIZE THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF A SOCIAL MEDIA PLATFORM USER, TO PROVIDE EXCEPTIONS FOR THE DELETION OR CENSURE OF CERTAIN TYPES OF SPEECH, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 611 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4970, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

H. 3539 -- Reps. Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-9-55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD;

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AND TO REPEAL SECTION 50-9-655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3548 -- Reps. Ott, Forrest, Jefferson and R. Williams: A BILL TO AMEND SECTION 50-13-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF NONGAME DEVICES, SO AS TO DELETE THE PROHIBITION ON THE POSSESSION OF A GAME FISH DEVICE WHILE POSSESSING OR USING A NONGAME DEVICE.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3549 -- Reps. Ott, Kirby, Bryant and Pope: A BILL TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE; AND TO AMEND SECTION 50-9-50, RELATING TO THE POSSESSION OF A HUNTING OR FISHING LICENSE, PERMIT, OR STAMP, SO AS TO ALLOW FOR A PERSON HUNTING OR FISHING TO DISPLAY THEIR LICENSE, PERMIT, OR STAMP ELECTRONICALLY.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3567 -- Reps. Bernstein, Collins, Felder, Hosey, Murray, Henegan, Jefferson and R. Williams: A BILL TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD A DEFINITION FOR "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" AND OTHER TERMS; TO AMEND SECTIONS 63-7-1210 AND 63-7-2350, AS AMENDED, RELATING TO INVESTIGATIONS OF INSTITUTIONAL ABUSE AND RESTRICTIONS ON FOSTER CARE PLACEMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTIONS 63-7-1730 AND 63-7-1740 SO AS TO REQUIRE ASSESSMENT, CASE PLANNING, AND JUDICIAL REVIEW FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AND TO AMEND SECTION 63-7-1700,

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RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

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

H. 3610 -- Reps. Lucas, Allison, Felder, Hixon, Taylor, Calhoon and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 18, TITLE 59 SO AS TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS.

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

H. 3684 -- Reps. Herbkersman, Erickson, Bradley and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1713 SO AS TO PROVIDE LIMITS FOR COBIA CAUGHT IN THE WATERS OF THIS STATE AND PROHIBIT THE TAKING OR POSSESSION OF COBIA WHEN FEDERAL REGULATIONS PROVIDE FOR THE CLOSURE OF A RECREATIONAL OR COMMERCIAL COBIA FISHERY IN THE WATERS OF THE SOUTH ATLANTIC OCEAN; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO THE APPLICATION OF FEDERAL FISHING REGULATIONS IN THE WATERS OF THIS STATE, SO AS TO REMOVE THE EXCEPTION FOR COBIA.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3955 -- Reps. Gilliard, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott,

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Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO REMEMBER THE FIVE HUNDRED THOUSAND AMERICANS WHO HAVE LOST THEIR LIVES TO COVID-19 AND THEIR LOVED ONES WHO ARE GRIEVING, TO COMMEND THE EFFORTS OF FIRST RESPONDERS, HEALTHCARE WORKERS, AND OTHER SOUTH CAROLINIANS DURING A GLOBAL PANDEMIC, AND TO URGE THE GOVERNOR TO ORDER THE FLAGS ATOP THE STATE CAPITOL BUILDING BE FLOWN AT HALF-STAFF UNTIL SUNSET ON FEBRUARY 26, 2021.

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

**REPORTS OF STANDING COMMITTEES**

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 38 -- Senators Grooms, Rice, Hembree, Verdin and Kimbrell: A BILL TO ENACT THE "REINFORCING COLLEGE EDUCATION ON AMERICA'S CONSTITUTIONAL HERITAGE ACT" OR THE "REACH ACT"; TO AMEND SECTION 59-29-120(A), RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE ESSENTIALS OF THE UNITED STATES CONSTITUTION, TO PROVIDE THAT EACH INSTITUTION OF HIGHER LEARNING MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH UNDERGRADUATE STUDENT FOR THREE SEMESTER CREDIT HOURS; AND TO REPEAL SECTION 59-29-140, RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION.

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Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 376 -- Senators Talley, Hembree and Setzler: A BILL TO ENACT THE "STATE INSTITUTION OF HIGHER EDUCATION EFFICIENCY ACT"; TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO ALLOW THE BOARD OF TRUSTEES OF AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH BY RESOLUTION AN AUXILIARY DIVISION AS PART OF THE COLLEGE OR UNIVERSITY, TO PROVIDE THAT THE AUXILIARY DIVISION IS EXEMPT FROM VARIOUS STATE LAWS, TO REQUIRE THAT CERTAIN PERMANENT IMPROVEMENT PROJECTS MUST BE SUBMITTED TO THE JOINT BOND REVIEW COMMITTEE AND THE EXECUTIVE BUDGET OFFICE, TO PROVIDE THAT A BOARD OF TRUSTEES MAY ADOPT FOR AN AUXILIARY DIVISION A PROCUREMENT POLICY, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 8-11-260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM CERTAIN REQUIREMENTS FOR STATE OFFICERS AND EMPLOYEES, TO PROVIDE THAT EMPLOYEES OF CERTAIN RESEARCH UNIVERSITIES AND NON-RESEARCH, FOUR-YEAR COLLEGES AND UNIVERSITIES ARE EXEMPT; TO AMEND SECTION 11-35-710(A)(6) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY MAY EXEMPT PRIVATE GIFTS, AUXILIARY DIVISIONS, AND OTHER SALES AND SERVICES; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 430 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

Ordered for consideration tomorrow.

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**Appointments Reported**

Senator HEMBREE from the Committee on Education submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2020, and to expire August 1, 2023

South Carolina Education Oversight:

Jonathan Butcher, 105 Bridgeton Dr., Greenville, SC 29615-2652

Received as information.

Reappointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2020, and to expire July 1, 2024

At-Large:

Ben W. Satcher, Jr., 358 Catawba Court, P. O. Box 921, Lexington, SC 29072-9500

Received as information.

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

**AMENDED, HOUSE BILL RETURNED**

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

H. 3584 -- Reps. Sandifer and Whitmire: A BILL TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER proposed the following amendment (3584R002.KMM.TCA), which was adopted:

Amend the bill, as and if amended, on page 2, by striking line 5 and inserting:

/Legislative Delegation shall recommend the /

Re-number sections to conform.

Amend title to conform.

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Senator ALEXANDER explained the amendment.

The amendment was adopted.

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

**SECOND READING BILL**

S. 593 -- Senator Cromer: A BILL TO AMEND ACT 485 OF 1998, AS LAST AMENDED BY ACT 309 OF 2014, RELATING TO THE ELECTION PROCEDURES APPLICABLE TO THE NEWBERRY COUNTY BOARD OF EDUCATION, TO REMOVE THE PETITION REQUIREMENT FOR FILING AS A BOARD OF EDUCATION CANDIDATE AND REPLACE IT WITH FILING A STATEMENT OF INTENTION OF CANDIDACY.

On motion of Senator CROMER.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 378 -- Senators Cash and Senn: 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.

S. 16 -- Senators Rankin, Hembree, Malloy, Fanning, Grooms, Young, Bennett, Scott, Stephens, Peeler and Sabb: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE COMPLETION OF CERTAIN BASIC PERSONAL FINANCE COURSEWORK FOR HIGH SCHOOL GRADUATION INSTEAD OF EXISTING ECONOMICS COURSEWORK REQUIREMENTS, TO PROVIDE HIGH SCHOOLS MAY CONTINUE TO OFFER SUCH COURSEWORK, TO PROVIDE FOR THE DEVELOPMENT AND CONTENT OF RELATED STANDARDS, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RELATED MEASURING AND REPORTING REQUIREMENTS AND SHALL MAKE RELATED RECOMMENDATIONS, AND TO MAKE THESE

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PROVISIONS APPLICABLE TO STUDENTS ENTERING NINTH GRADE BEGINNING WITH THE 2022-2023 SCHOOL YEAR; AND TO REPEAL SECTION 59-29-165 RELATING TO REQUIRED INSTRUCTION IN PERSONAL FINANCE.

**CARRIED OVER**

S. 475 -- Senators Rankin, Grooms, Williams, Scott, Hembree, McElveen, Senn, Talley, Adams, Harpootlian, Hutto, Goldfinch, Matthews and Gambrell: A JOINT RESOLUTION TO REQUIRE NEXTERA ENERGY, INC. TO PROVIDE CERTAIN DOCUMENTS RELATED TO THE PUBLIC SERVICE AUTHORITY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 227 -- Senators Shealy, McElveen and Matthews: A BILL TO ENACT THE "MASSAGE THERAPY PRACTICE ACT"; TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO MASSAGE THERAPY PRACTICE, TO PROVIDE THAT IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MASSAGE THERAPY, TO PROVIDE FOR THE COMPOSITION AND DUTIES OF THE BOARD OF MASSAGE THERAPY, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PUBLISH A ROSTER OF LICENSED MASSAGE THERAPISTS AND ESTABLISHMENTS, TO PROVIDE FOR LICENSURE FEES, TO REMOVE THE REQUIREMENT FOR AN ANNUAL REPORT ON THE ADMINISTRATION OF THE MASSAGE THERAPY PRACTICE ACT BY THE DEPARTMENT, TO PROVIDE FOR EXEMPTIONS TO THE MASSAGE THERAPY PRACTICE ACT, TO PROVIDE CERTAIN REQUIREMENTS FOR THE TEMPORARY PRACTICE OF MASSAGE THERAPY, TO PROVIDE THAT NO PERSON MAY PRACTICE OR OFFER TO PRACTICE MASSAGE THERAPY WITHOUT A LICENSE, TO PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE,

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MAINTAIN, USE, OR ADVERTISE AS A MASSAGE THERAPY ESTABLISHMENT OR A SOLE PRACTITIONER ESTABLISHMENT WITHOUT OBTAINING A LICENSE, TO PROVIDE PENALTIES, TO CLARIFY LICENSURE REQUIREMENTS FOR A MASSAGE THERAPIST LICENSE, TO PROVIDE LICENSURE REQUIREMENTS FOR A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT, TO PROVIDE THAT THE BOARD MAY GRANT A LICENSE BY ENDORSEMENT TO A MASSAGE THERAPIST WHO HOLDS AN ACTIVE MASSAGE THERAPIST LICENSE AND IS IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANY OTHER UNITED STATES TERRITORY, TO CLARIFY REQUIREMENTS RELATED TO APPLYING FOR AND OBTAINING A LICENSE, TO PROVIDE FOR PERIODIC INSPECTIONS OF MASSAGE THERAPY ESTABLISHMENTS AND SOLE PRACTITIONER ESTABLISHMENTS, TO PROVIDE THAT CERTAIN REQUIREMENTS RELATING TO LICENSES SHALL BE COMPLETED BIENNIALLY, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE COMPLETED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT CONTINUING EDUCATION REPORTS ARE SUBJECT TO AUDITS, TO CLARIFY CERTAIN REQUIREMENTS RELATED TO LAPSED LICENSES, TO PROVIDE THAT A LICENSEE MAY PROVIDE A WRITTEN REQUEST TO THE BOARD TO PLACE A LICENSE IN INACTIVE STATUS, TO PROVIDE THAT A LICENSEE MUST BIENNIALLY RENEW ITS LICENSE TO REMAIN IN INACTIVE STATUS, TO PROVIDE THAT A LICENSE MAY BE REACTIVATED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT INACTIVE STATUS DOES NOT STAY ANY DISCIPLINARY ACTIONS FOR VIOLATIONS THAT OCCURRED DURING THE COURSE OF AN ACTIVE LICENSE, TO CLARIFY REGULATIONS THAT SHALL BE PROMULGATED BY THE BOARD, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS, TO PROVIDE THAT THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS, TO PROVIDE FOR APPEALS OF THE BOARD'S DECISIONS, TO PROVIDE THAT SERVICE OF A NOTICE OF AN APPEAL DOES NOT STAY THE BOARD'S OR THE DEPARTMENT'S DECISION PENDING COMPLETION OF THE APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING

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A LICENSE, TO CLARIFY THE INVESTIGATION PROCESS AND CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE THAT AN INDIVIDUAL OR ESTABLISHMENT THAT VOLUNTARILY SURRENDERS A LICENSE MAY NOT PRACTICE AS A MASSAGE THERAPIST OR OPERATE AS A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT UNTIL THE BOARD REINSTATES THE LICENSE, TO PROVIDE THAT SERVICE OF NOTICE MAY BE MADE BY LEAVING A COPY OF THE NOTICE WITH THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT COSTS AND FINES IMPOSED ARE DUE AND PAYABLE AS REQUIRED BY THE BOARD, TO PROVIDE THAT A LICENSEE FOUND IN VIOLATION OF THE MASSAGE THERAPY PRACTICE ACT OR RELATED REGULATIONS MAY BE REQUIRED TO PAY COSTS ASSOCIATED WITH THE INVESTIGATION OF HIS CASE, TO MAKE CONFORMING CHANGES, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (227R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, on page 6, by striking line 10 and inserting:

/ seven members appointed by the Governor, upon the advice and consent of the Senate. Six members must be /

Amend the bill further, as and if amended, on page 7, by striking lines 12 through 15 and inserting:

/ (2) recommending to the department regulations necessary to carry out the provisions of this chapter, including, but not limited to, establishing a code of ethics to govern the conduct and practices of individuals and establishments licensed pursuant to this chapter; /

Amend the bill further, as and if amended, beginning on page 8, by striking lines 41 through 42, on page 9, by striking lines 1 through 43, on page 10, by striking lines 1 through 43, and on page 11, by striking lines 1 through 33 and inserting:

/ Section 40-30-80. The department shall charge and collect the following fees:

(1) ~~massage/bodywork~~ massage therapist initial license application fee, not to exceed one hundred fifty dollars;

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~~(2) massage/bodywork massage therapist initial licensure endorsement application fee, not to exceed one two hundred dollars;~~

~~(3) biennial massage/bodywork massage therapist licensure renewal fee, not to exceed two one hundred dollars;~~

~~(4) massage/bodywork therapist reexamination fee, not to exceed two hundred fifty dollars;~~

~~(5) application and provisional massage/bodywork therapist licensure fee, not to exceed two hundred dollars;~~

~~(6) reinstatement application and reactivation for inactive fee from lapsed status of a massage/bodywork massage therapist license fee, not to exceed two hundred fifty ten dollars;~~

~~(7)(5) renewal fee for inactive status of a massage therapist license, not to exceed two one hundred fifty dollars;~~

~~(8)(6) continuing education course provider fee, not to exceed one hundred dollars and continuing education course provider renewal fee, not to exceed fifty dollars;~~

~~(7) massage therapy establishment initial license application fee for each location, not to exceed one hundred fifty dollars;~~

~~(8) biennial massage therapy establishment license renewal fee for each location, not to exceed one hundred dollars;~~

~~(9) massage therapy establishment license reinstatement fee from lapsed status for each location, not to exceed two hundred fifty dollars;~~

~~(10) sole practitioner establishment initial license application fee, not to exceed seventy-five dollars;~~

~~(11) biennial sole practitioner establishment license renewal fee, not to exceed fifty dollars; and~~

~~(12) sole practitioner establishment license reinstatement fee from lapsed status, not to exceed one hundred fifty dollars.~~

~~Section 40-30-90. (A) The department shall prepare and submit to the Governor an annual report on the administration of this chapter This chapter shall not be construed to apply to or restrict:~~

~~(1) a currently enrolled student from engaging in the practice of massage therapy, provided that the practice, conduct, activities, or services are part of a required course of study and that the currently enrolled student clearly identifies himself as a student. A currently enrolled student shall not be compensated for work experience and must be supervised on site by a licensed massage therapy supervisor;~~

~~(2) student clinics operated by an approved massage therapy school or an approved massage therapy education program;~~

~~(3) an unlicensed individual from providing massage therapy services related to the domestic care of any family member or household~~

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member, as long as the individual does not offer, hold out, or claim to be a massage therapist and does not receive compensation for the massage therapy services;

(4) an individual currently licensed and in good standing to practice massage therapy in another jurisdiction from engaging in the practice of massage therapy in this State on a temporary basis during a professional event for a period of no more than thirty days, or no longer than the time period of the event, whichever is less, provided that:

(a) the individual must submit a written application prior to engaging in the temporary practice of massage therapy pursuant to this item, in a manner prescribed by the board. Upon the board's approval, the individual may engage in the practice of massage therapy on a temporary basis; and

(b) any temporary practice beyond thirty days requires a massage therapist license, pursuant to this chapter; or

(5) an individual currently licensed and in good standing to practice massage therapy in another jurisdiction from engaging in the practice of massage therapy if the individual is responding to a disaster or emergency declared by the appropriate authority or the Governor of this State. An individual practicing massage therapy pursuant to this item must provide notice to the board in a manner prescribed by the board prior to providing massage therapy services in this State and is only eligible to practice during the time of the declared emergency.

(B) Individuals engaging in the practice of massage therapy in this State under subsection (A)(4) or (5) are deemed to have submitted to the jurisdiction of the board and are bound by the applicable laws and regulations of this State.

(C) While a practitioner licensed in another jurisdiction may participate in a continuing education program in this State, he is not authorized to practice massage therapy on the general public without proper approval or licensure from the board.

(D) The following facilities and practices that employ licensed massage therapists, or that engage licensed massage therapists on an independent contractor basis, are not required to obtain a massage therapy establishment license, or a sole practitioner establishment license:

(1) hospitals and long-term health care facilities that are subject to a licensing regime, a supervising authority, or an agency with jurisdiction over the hospital's or facility's operation or licensing;

(2) a chiropractor licensed by the South Carolina Board of Chiropractic Examiners,

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(3) a medical doctor or an osteopath licensed by the South Carolina Board of Medical Examiners, and

(4) a physical therapist licensed by the South Carolina Board of Physical Therapy.

Section 40-30-100. (A) No person may practice or offer to practice massage therapy ~~massage/bodywork~~ without a license issued in accordance with this chapter by the director; however, a person licensed by the State under this title or any other provision of law whose scope of practice overlaps with the practice of ~~massage/bodywork~~ massage therapy is not also required to be licensed under this chapter unless the person holds himself out to be a ~~practitioner of massage/bodywork~~ massage therapist.

(B) Unless otherwise exempt from licensure, no person or entity may open, operate, maintain, use, or advertise as a massage therapy establishment or a sole practitioner establishment without obtaining a massage therapist license, massage therapy establishment license, or sole practitioner establishment license, as applicable, pursuant to this chapter.

(C) Nothing in this chapter may be construed to authorize a ~~massage/bodywork~~ therapist an individual or establishment licensed under this chapter to practice physical therapy or chiropractic or to utilize chiropractic therapeutic modalities except where the scope of practice for ~~massage/bodywork~~ massage therapy, as provided for in this chapter, overlaps with the practice of physical therapy or chiropractic. /

Amend the bill further, as and if amended, on page 16, by striking lines 33 through 41 and inserting:

/ (B) ~~The record of department proceedings and its registry of applications must be open to public inspection and a copy of the registry must be provided upon request and payment of a fee~~ For each violation, separate citations may be issued, and separate administrative penalties may be assessed; however, no more than five thousand dollars in administrative penalties may be assessed against an establishment or an individual, including an unlicensed practice, per offense. Administrative penalties authorized under this section are separate from and in addition to all other remedies, either civil or criminal. /

Amend the bill further, as and if amended, on page 20, by striking lines 41 through 43, and on page 21, by striking lines 1 through 18 and inserting:

/ (8) has been convicted of or has pled guilty to or nolo contendere to a violent crime as defined in Section 16-1-60, during the previous five years has been convicted of or has pled guilty to or nolo contendere to a felony that directly relates to the practice or ability to

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~~practice massage/bodywork, or during the previous seven years has been convicted of or has pled guilty to or nolo contendere to a felony, an essential element of which is dishonesty, that reasonably relates to the ability to practice massage/bodywork solicitation or prostitution, assault and battery, or other like offenses; to money laundering or other like offense; to a crime that directly relates to the practice or ability to practice massage therapy; to a crime involving moral turpitude; or to a violent crime as defined in Section 16-1-60, a felony that directly relates to the practice or ability to practice massage therapy during the previous five years, or a felony that reasonably relates to the ability to practice massage therapy and for which an essential element is dishonesty during the previous seven years;~~ /

Amend the bill further, as and if amended, on page 21, by striking line 35.

Amend the bill further, as and if amended, by striking SECTION 3 in its entirety and inserting:

/SECTION 3. This act takes effect one year after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator CLIMER spoke on the Bill.

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 36 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF

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THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (36R001.KMM.GEC), which was adopted:

Amend the bill, as and if amended, on page 2, by striking SECTION 4 in its entirety and inserting:

/SECTION 4. This act takes effect thirty days after approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

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**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 427 -- Senators Alexander, Hutto and Scott: A BILL TO AMEND SECTION 40-43-75 OF THE 1976 CODE, RELATING TO RENAL DIALYSIS FACILITIES, TO PROVIDE THAT A RENAL DRUG MANUFACTURER OR ITS AGENT MAY DELIVER A LEGEND DRUG OR DEVICE TO A PATIENT OF A RENAL DIALYSIS FACILITY IF CERTAIN CRITERIA ARE MET, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (427R001.SP.DBV), which was adopted:

Amend the bill, as and if amended, on page 2, by striking lines 23 through 24 and inserting:

/ (C) A renal drug manufacturer may deliver a legend dialysate drug comprised of dextrose or icodextrin or a device to a patient of an RDF if the following criteria are met: /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Adams

Alexander

Allen

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

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 431 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80(A) OF THE 1976 CODE, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

The Senate proceeded to a consideration of the Bill.

Senator MARTIN spoke on the Bill.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**OBJECTION**

S. 457 -- Senators Alexander, Rice, Garrett and Cash: A BILL TO AMEND SECTION 50-21-870(B)(6) OF THE 1976 CODE, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, TO INCREASE DISTANCE LIMITS BETWEEN A WATERCRAFT OPERATING IN EXCESS OF IDLE SPEED UPON CERTAIN WATERS OF THIS STATE AND A MOORED OR ANCHORED VESSEL, WHARF, DOCK, BULKHEAD, PIER, OR PERSON IN THE WATER.

Senator M. JOHNSON objected to consideration of the Bill.

**COMMITTEE AMENDMENT WITHDRAWN  
AMENDED, READ THE SECOND TIME**

S. 497 -- Senators Campsen, McElveen, Peeler and Gustafson: A BILL TO AMEND SECTION 50-21-90 OF THE 1976 CODE, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE

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UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A SOUTH CAROLINA BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION; TO DEFINE NECESSARY TERMS; TO DELETE SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO DELETE SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (497R001.KMM.GEC), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/SECTION 3. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

"Section 50-21-95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater, a personal watercraft, or a specialty procraft without having possession of a South Carolina boating safety certificate issued by the department in the person's name, unless the person:

- (1) was born on or before July 1, 2006;
- (2) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;
- (3) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;
- (4) is a nonresident in possession of a boater education certificate, or an equivalency, issued by another state in the nonresident's name;
- (5) is exempt pursuant to a regulation promulgated by the department; or
- (6) is accompanied by a person at least eighteen years old who:

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(a) is in possession of a South Carolina boating safety certificate issued by the department in the person's name; or

(b) meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who violates this section commits a noncriminal offense and is subject to a civil fine of not less than fifty dollars and not more than three hundred dollars." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was withdrawn.

Senator CAMPSEN proposed the following amendment (497R002.KMM.GEC), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/SECTION 3. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

"Section 50-21-95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater, a personal watercraft, or a specialty propcraft without having possession of a South Carolina boating safety certificate issued by the department in the person's name, unless the person:

(1) was born on or before July 1, 2006;

(2) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

(3) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(4) is a nonresident in possession of a boater education certificate, or an equivalency, issued by another state in the nonresident's name;

(5) is exempt pursuant to a regulation promulgated by the department; or

(6) is accompanied by a person at least eighteen years old who:

(a) is in possession of a South Carolina boating safety certificate issued by the department in the person's name; or

(b) meets one of the criteria in items (1) through (5) of this subsection.

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(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

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

**MOTION ADOPTED**

At 1:48 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

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

S. 491 -- Senator Leatherman: A JOINT RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING FIVE HUNDRED FIFTY MILLION DOLLARS (\$550,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STATE ECONOMIC DEVELOPMENT BONDS AND SUPPLEMENTING THE PROVISIONS OF CHAPTER 41, TITLE 11 FOR THE LIMITED PURPOSE OF DEFRAYING THE COST OF INTERMODAL CONTAINER TRANSFER INFRASTRUCTURE, WATERBORNE CARGO INFRASTRUCTURE, AND RELATED INFRASTRUCTURE IN SUPPORT THEREOF, AT OR IN THE VICINITY OF THE PORT OF CHARLESTON; TO ALLOCATE SUFFICIENT TAX REVENUES TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; TO PRESCRIBE REQUIREMENTS FOR NOTIFICATION, REVIEW, AND APPROVAL OF BOND ISSUANCE; TO PROVIDE FOR A PROCESS TO DEMONSTRATE COMPLIANCE WITH THE CONSTITUTIONAL LIMITATION ON DEBT SERVICE; AND TO MAKE OTHER PROVISIONS RELATED TO THE BONDS.

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

**Amendment No. 12**

Senator VERDIN proposed the following amendment (491R012.SP.DBV), which was tabled:

Amend the joint resolution, as and if amended, on page 2, by striking line 6 and inserting:

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/four hundred million dollars (\$400,000,000) aggregate /  
Amend the joint resolution further, as and if amended, on page 3, by striking lines 7 through 8 and inserting:

/pursuant to this joint resolution must not exceed four hundred million dollars (\$400,000,000), and the maximum annual debt /

Re-number sections to conform.

Amend title to conform.

Senator VERDIN spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator CASH spoke on the amendment.

Senator CLIMER spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 31; Nays 14**

**AYES**

Alexander	Allen	Bennett
Campsen	Davis	Fanning
Gambrell	Goldfinch	Grooms
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	Kimbrell	Kimpson
Leatherman	Loftis	Martin
Matthews	McElveen	McLeod
Rankin	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

**Total--31**

**NAYS**

Adams	Cash	Climer
Corbin	Garrett	Harpootlian
Hembree	<i>Johnson, Michael</i>	Malloy
Massey	Peeler	Rice
Senn	Verdin	

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**Total--14**

The amendment was laid on the table.

**Amendment No. 18**

Senator MARTIN proposed the following amendment (DG\491C006.NBD.DG21), which was ruled out of order:

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

/ SECTION \_\_\_. In each fiscal year for which bonds issued pursuant to this joint resolution are outstanding, the Department of Commerce shall transfer, from its Closing Fund, nine million dollars to the debt service general obligation bond program, V040-Debt Service, to offset the cost of the bond issuance, and one million dollars to Jasper County to aid in its port endeavors. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Joint Resolution.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Motion Adopted**

On motion of Senator RANKIN, with unanimous consent, Senators RANKIN, HUTTO, HARPOOTLIAN, MATTHEWS, ADAMS, CAMPSAN and TALLEY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Amendment No. 16**

Senator CASH proposed the following amendment (491R020.SP.RJC), which was adopted:

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

/SECTION \_\_\_. Three years after the first issuance of the bonds, the South Carolina State Ports Authority must make a one dollar per

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container unit reimbursement to the general fund of the State, paid annually, to offset the debt service required by such bonds. The reimbursement must be provided until one hundred fifty million dollar (\$150,000,000) principal of the bonds pursuant to this joint resolution has been retired. /

Re-number sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

**ACTING PRESIDENT PRESIDES**

Senator TURNER assumed the Chair.

**PRESIDENT PRESIDES**

At 4:34 P.M., the PRESIDENT assumed the Chair.

Senator CASH continued speaking on the amendment.

Senator MASSEY asked unanimous consent, with Senator CASH retaining the floor, to speak on the amendment.

Senator MASSEY spoke on the amendment.

Senator MALLOY asked unanimous consent, with Senator CASH retaining the floor, to speak on the amendment.

Senator MALLOY spoke on the amendment.

Senator CASH spoke on the amendment.

The amendment was adopted.

**Amendment No. 19**

Senator MALLOY proposed the following amendment (491R016.SP.GM), which was withdrawn:

Amend the joint resolution, as and if amended, on page 6 at line 28 by inserting an appropriately numbered new SECTION to read:

/SECTION \_\_. The provisions of Section 54-3-1010 are suspended at the first issuance of general obligation bonds issued pursuant to this joint resolution and will remain suspended until the South Carolina State Ports Authority reimburses the State for the principal amount of the bonds. The South Carolina State Ports Authority

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shall make an annual payment to the General Fund to be disbursed to any account as necessary to comply with the provisions contained in Section 11-41-130, related to the payment of principal and interest on economic development bonds. /

Renumber sections to conform.  
Amend title to conform.

Senator MALLOY spoke on the amendment.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Senator KIMPSON spoke on the Joint Resolution.

The question then was third reading of the Joint Resolution.

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

**Ayes 45; Nays 1**

**AYES**

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

**Total--45**

**NAYS**

Rice

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**Total--1**

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

**Motion Adopted**

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

**ADJOURNMENT**

At 6:09 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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