

NO. 31

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MARCH 3, 2021

Wednesday, March 3, 2021
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:45 A.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:

Isaiah 57:19

In Isaiah we read that the Lord offers these words of consolation to his people as they struggle:

“‘Peace, peace, to those far and near,’ says the Lord. ‘And I will heal them.’”

Let us pray: We do thank You for your presence with us, O Gracious God. This coming Sunday it will be one year since COVID-19 reached our State, first identified in Charleston and in Kershaw Counties. Since then, Lord, as we all know so well, the pandemic has not only ravaged this State we love, but also our nation and the world. As a result, our hearts reach out to all those who have indeed lost loved ones and to those who still struggle with the residual effects of the disease -- including for all of us the loss of some of our societal freedoms.

So today we pray, O God, that this Senate will continue doing whatever it deems best to help bring genuine healing to our people and ever-greater progress to our State, even as our struggles persist. All this we pray in Your precious name, dear Lord. Amen.

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

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, at the conclusion of the Joint Assembly, the Senate would stand in recess for one hour after the conclusion of the Joint Assembly.

RECESS

At 11:55 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

WEDNESDAY, MARCH 3, 2021

JOINT ASSEMBLY

Elections

At 12:00 P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 546 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, MARCH 3, 2021, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE LANDER UNIVERSITY BOARD OF TRUSTEES TO FILL THE TERM OF THE AT-LARGE SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2022; TO ELECT A MEMBER OF THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES FOR THE AT-LARGE SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024; TO ELECT A MEMBER OF THE CITADEL BOARD OF VISITORS, AT-LARGE SEAT, WHOSE TERM WILL EXPIRE JUNE 30, 2026; AND TO ELECT A MEMBER OF THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES TO FILL THE TERM OF THE MEMBER OF THE FIFTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2022.

**Election to the Board of Trustees for
Lander University, At-Large, Seat 9**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, at-large, Seat 9.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated Esther R. "Toni" Able and James C. Shubert had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, the name of Esther R. "Toni" Able was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable James C. Shubert was elected to a position on the Board of Trustees for Lander University, at-large, Seat 9 for a term to expire June 30, 2022.

WEDNESDAY, MARCH 3, 2021

**Election to the Board of Trustees for
S.C. State University, At-Large, Seat 10**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, at-Large, Seat 10.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Macie P. Smith had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Macie P. Smith was elected to a position on the Board of Trustees for S.C. State University, at-large, Seat 10 for a term to expire June 30, 2024.

Election to the Board of Trustees for The Citadel, At-Large

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for The Citadel, at-large.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that C. Douglas Barnes, Kenneth L. Davis III, F. Gregory Delleney, Jr., and Andrew L. Helfer had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, the names of C. Douglas Barnes and Kenneth L. Davis III were withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for F. Gregory Delleney, Jr.:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rice	Sabb	Scott

WEDNESDAY, MARCH 3, 2021

Senn	Shealy	Stephens
Turner	Williams	Young

Total--36

The following named Senator voted for Andrew L. Helfer:
Harpootlian

Total--1

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for F. Gregory Delleney, Jr.:

Allison	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Collins	B. Cox
W. Cox	Crawford	Dabney
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Govan
Haddon	Hardee	Henderson-Myers
Henegan	Herbkersman	Hewitt
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
McCrary	McDaniel	McGarry
McGinnis	McKnight	J. Moore

WEDNESDAY, MARCH 3, 2021

Morgan	D. C. Moss	V. S. Moss
Murphy	Murray	B. Newton
W. Newton	Nutt	Oremus
Ott	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
Yow		

Total--118

The following named Representative voted for Andrew L. Helfer:
Hill

Total--1

RECAPITULATION

Total number of Senators voting	37
Total number of Representatives voting.....	<u>119</u>
Grand Total.....	156
Necessary to a choice	79
Of which F. Gregory Delleney, Jr. received	154
Of which Andrew L. Helfer received	2

Whereupon, the PRESIDENT announced that the Honorable F. Gregory Delleney, Jr. was elected to a position on the Board of Trustees for The Citadel, at-large. for the term to expire June 30, 2026.

WEDNESDAY, MARCH 3, 2021

**Election to the Board of Trustees for the
University of South Carolina, 5th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 5th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Robert F. Dozier, Jr., Alexander English, and Kevin M. Hunter had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of Kevin M. Hunter and Robert F. Dozier, Jr. were withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative for Mr. Alexander English:

Adams	Alexander	Allen
Bennett	Campsen	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	McElveen	Peeler
Sabb	Shealy	Stephens
Turner	Williams	Young

Total--24

The following named Senators voted present:

Cash	Climer	Corbin
Gustafson	<i>Johnson, Michael</i>	Loftis
Martin	Massey	Rice

Total--9

WEDNESDAY, MARCH 3, 2021

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted in the affirmative for Mr. Alexander English:

Allison	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bustos
Calhoon	Carter	Clyburn
Cobb-Hunter	Collins	W. Cox
Daning	Dillard	Elliott
Erickson	Forrest	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
Kimmons	King	Kirby
Ligon	Lowe	Lucas
Martin	Matthews	McDaniel
McGarry	McGinnis	McKnight
J. Moore	V. S. Moss	Murphy
Murray	B. Newton	W. Newton
Ott	Parks	Pendarvis
Pope	Rivers	Robinson
Rose	Rutherford	Simrill
G. M. Smith	M. M. Smith	Stavrinakis
Stringer	Tedder	Thayer
Thigpen	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Wooten		

Total--88

The following named Representatives voted in the negative:

Burns	Chumley	Dabney
Haddon	Hill	Jones

WEDNESDAY, MARCH 3, 2021

Long Magnuson May
McCabe

Total--10

RECAPITULATION

Total number of Senators voting	24
Total number of Representatives voting.....	<u>98</u>
Grand Total.....	122
Necessary to a choice	62
Ayes	112
Nays	10

Whereupon, the PRESIDENT announced that the Honorable Alexander English was elected to a position on the Board of Trustees for the University of South Carolina, 5th Judicial Circuit for a term to expire June 30, 2022.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 1:25 P.M., the Senate resumed.

Point of Quorum

At 1:33 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Bennett
Campsen	Cash	Climer
Cromer	Fanning	Garrett
Goldfinch	Grooms	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Martin	Massey
Peeler	Rice	Senn
Setzler	Stephens	Talley
Turner	Verdin	Young

WEDNESDAY, MARCH 3, 2021

A quorum being present, the Senate resumed.

Doctor of the Day

Senator VERDIN introduced Dr. C. Wendell James of Greenville S.C., Doctor of the Day.

Leave of Absence

At 11:50 A.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN for the day.

Leave of Absence

At 1:50 P.M., Senator KIMPSON requested a leave of absence for Senator MATTHEWS for the day.

Leave of Absence

At 1:50 P.M., Senator FANNING requested a leave of absence for Senator McLEOD until 2:40 P.M.

Leave of Absence

At 1:53 P.M., Senator McELVEEN requested a leave of absence for Senator GUSTAFSON until 3:00 P.M.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

- S. 28 Sen. Stephens
- S. 38 Sens. Bennett and Young
- S. 94 Sen. Adams
- S. 133 Sens. Shealy and Cromer
- S. 150 Sen. McLeod
- S. 177 Sen. Verdin
- S. 268 Sen. McLeod
- S. 500 Sen. Allen
- S. 506 Sen. Corbin
- S. 590 Sen. Shealy
- S. 633 Sen. McLeod
- S. 639 Sens. Goldfinch, Shealy, Talley and Scott

WEDNESDAY, MARCH 3, 2021

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 638 -- Senators M. Johnson, Climer, Peeler, Gustafson and Fanning:
A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MURRAY WHITE, JR., OF FORT MILL AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bills\rm\1094cz21.docx

The Senate Resolution was adopted.

S. 639 -- Senators Davis, Goldfinch, Scott, Shealy and Talley: A BILL TO AMEND SECTION 40-33-20 OF THE 1976 CODE, RELATING TO DEFINITIONS UNDER THE NURSE PRACTICE ACT, TO PROVIDE THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM SPECIFIC MEDICAL ACTS PURSUANT TO APPROVED WRITTEN GUIDELINES, TO REMOVE THE SUPERVISION REQUIREMENT FROM THE DEFINITION OF "APPROVED WRITTEN GUIDELINES" AND CERTIFIED REGISTERED NURSE ANESTHETIST (CRNA) PRACTICE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40-33-34(H) OF THE 1976 CODE, RELATING TO QUALIFICATIONS FOR THE PERFORMANCE OF MEDICAL ACTS, TO REVISE THE GUIDELINES FOR ANESTHESIA CARE, AND TO PROVIDE NOTICE REQUIREMENTS; AND TO REPEAL SECTION 40-47-197 OF THE 1976 CODE, RELATING TO THE SUPERVISION OF CRNAS.

l:\s-res\td\011crna.sp.td.docx

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

H. 3179 -- Reps. G. M. Smith, McCabe, Caskey, Yow and Brawley:
A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO EXEMPT SURGICALLY IMPLANTED DRUG DELIVERY SYSTEMS FROM THE THIRTY-ONE DAY SUPPLY LIMITATION.

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

WEDNESDAY, MARCH 3, 2021

H. 3193 -- Rep. Kirby: A BILL TO AMEND SECTION 4-23-810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND BOUNDARIES OF THE SOUTH LYNCHES FIRE DISTRICT IN FLORENCE AND WILLIAMSBURG COUNTIES, SO AS TO ALTER THE BOUNDARIES OF THE SOUTH LYNCHES FIRE DISTRICT TO INCLUDE THE AREA WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SCRANTON IN FLORENCE COUNTY.

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

H. 3244 -- Reps. Collins, Cobb-Hunter, Huggins, Thayer, Anderson, Caskey, Govan and S. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE "SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION", AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

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

H. 3255 -- Reps. West, Kirby, Erickson and Bradley: A BILL TO AMEND SECTION 40-60-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS FROM LICENSURE REQUIREMENTS FOR REAL ESTATE APPRAISERS, SO AS TO MODIFY EXEMPTIONS FOR LICENSEES OF THE REAL ESTATE COMMISSION; TO AMEND SECTION 40-60-31, RELATING TO REQUIREMENTS FOR LICENSURE BY THE BOARD OF REAL ESTATE APPRAISERS, SO AS TO REVISE AND PROVIDE COLLEGE EDUCATION REQUIREMENTS AND ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS, RESIDENTIAL APPRAISERS, AND GENERAL APPRAISERS, AND TO EXEMPT CERTAIN MASS APPRAISERS FROM COLLEGE EDUCATION REQUIREMENTS; TO AMEND SECTION 40-60-33, RELATING TO ADDITIONAL EDUCATIONAL AND APPLICABLE EXPERIENCE REQUIREMENTS FOR

WEDNESDAY, MARCH 3, 2021

LICENSURE BY THE BOARD, SO AS TO REVISE VARIOUS REQUIREMENTS AND REVISE QUALIFICATIONS FOR CERTAIN LICENSED MASS APPRAISERS; TO AMEND SECTION 40-60-34, RELATING TO REQUIREMENTS CONCERNING APPRENTICE APPRAISERS AND APPRAISER SUPERVISING APPRENTICES, SO AS TO REVISE VARIOUS REQUIREMENTS; TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO IMPOSE CERTAIN REPORTING REQUIREMENTS ON LICENSEES; TO AMEND SECTION 40-60-36, RELATING TO CONTINUING EDUCATION PROVIDERS, SO AS TO IMPOSE CERTAIN REPORTING REQUIREMENTS ON PROVIDERS; TO AMEND SECTION 40-60-37, RELATING TO QUALIFICATION REQUIREMENT WAIVERS FOR RECIPROCAL APPLICATIONS FOR APPRAISERS FROM OTHER JURISDICTIONS, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 40-60-40, RELATING TO APPRAISER CONTACT INFORMATION THAT MUST BE MAINTAINED ON FILE WITH THE BOARD, SO AS TO INCLUDE EMAIL ADDRESSES OF LICENSEES; TO AMEND SECTION 40-60-320, RELATING TO DEFINITIONS IN THE REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT, SO AS TO REVISE THE DEFINITION OF AN APPRAISAL PANEL; TO AMEND SECTION 40-60-330, AS AMENDED, RELATING TO REGISTRATION REQUIREMENTS, SO AS TO REVISE REQUIREMENTS CONCERNING CERTAIN FINANCIAL INFORMATION; TO AMEND SECTION 40-60-360, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO SPECIFY CERTAIN REQUIRED REGULATIONS; TO AMEND SECTION 40-60-420, RELATING TO RECORD-KEEPING REQUIREMENTS FOR REGISTRATION RENEWAL, SO AS TO REVISE REQUIREMENTS CONCERNING RECORDS THAT APPRAISAL MANAGEMENT COMPANIES MUST PROVIDE; AND TO AMEND SECTION 40-60-450, RELATING TO REQUIREMENTS CONCERNING COMPENSATION OF APPRAISERS BY APPRAISAL MANAGEMENT COMPANIES, SO AS TO CLARIFY THE APPLICABLE GOVERNING FEDERAL REGULATIONS.

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

WEDNESDAY, MARCH 3, 2021

H. 3325 -- Reps. King, Murray, Rivers, M. M. Smith and Parks: A BILL TO AMEND SECTION 44-63-74, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ELIMINATE EXEMPTIONS FOR PHYSICIANS WHO CERTIFY FEWER THAN TWELVE DEATHS ANNUALLY.

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

H. 3606 -- Reps. G. M. Smith, Yow, Sandifer, Erickson and Bradley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-59-265 SO AS TO EXEMPT CERTAIN IMPROVEMENTS MADE TO RESIDENTIAL PROPERTY FROM BUILDING PERMIT REQUIREMENTS, AND TO EXEMPT PROPERTY OWNERS WHO MAKE SUCH IMPROVEMENTS FROM RESIDENTIAL BUILDERS COMMISSION LICENSURE REQUIREMENTS; AND TO AMEND SECTION 40-59-20, RELATING TO DEFINITIONS CONCERNING THE RESIDENTIAL BUILDERS COMMISSION AND ITS LICENSEES, SO AS TO REVISE THE DEFINITION OF RESIDENTIAL SPECIALTY CONTRACTORS.

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

H. 3664 -- Reps. Hewitt, Hixon, Stavrinakis, Crawford, Kirby, B. Cox, Anderson, Erickson, Bradley, Murray and B. Newton: A BILL TO AMEND SECTION 40-57-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL LICENSURE BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE SOCIAL SECURITY NUMBER-BASED CRIMINAL RECORDS CHECKS IN ADDITION TO EXISTING REQUIREMENTS.

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

REPORTS OF STANDING COMMITTEES

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 545 -- Senator Goldfinch: A BILL TO AMEND SECTION 50-13-675, CODE OF LAWS OF SOUTH CAROLINA, 1976,

WEDNESDAY, MARCH 3, 2021

RELATING TO NONGAME FISHING DEVICES PERMITTED IN CERTAIN BODIES OF WATER, SO AS TO ALLOW FOR THE USE OF SET HOOKS WITHIN A CERTAIN PORTION OF THE SANTEE RIVER.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 3608 -- Reprs. Lucas, G.M. Smith, Allison, Whitmire and McGarry: A JOINT RESOLUTION TO ADDRESS A FUNDING SHORTFALL FOR THE PUBLIC CHARTER SCHOOL DISTRICT AS A RESULT OF THE GENERAL ASSEMBLY ENACTING ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING NINE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO THE PUBLIC CHARTER SCHOOL DISTRICT FOR PER PUPIL FUNDING FOR THE 2020-2021 SCHOOL YEAR.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3609 -- Reprs. Lucas, G.M. Smith, Allison, Whitmire, Huggins, Ballentine, Wooten, Calhoon, McGarry, M.M. Smith, Yow, Jefferson, R. Williams, Wheeler, K.O. Johnson, Haddon, Magnuson, Morgan, Henegan, B. Newton, Anderson, Govan, Murray, Davis, Hixon, Taylor, Oremus, Blackwell, W. Newton, Herbkersman, Bradley and Weeks: A JOINT RESOLUTION TO RESTORE TEACHER STEP INCREASES THAT WERE SUSPENDED BY ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING FIFTY MILLION DOLLARS TO PROVIDE FOR TEACHER STEP INCREASES FOR THE 2020-2021 SCHOOL YEAR.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., February 3, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

WEDNESDAY, MARCH 3, 2021

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 632 -- Senators Malloy, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Leatherman, Loftis, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE DARLINGTON RACEWAY FOR ANNOUNCING A SECOND NASCAR CUP SERIES RACE, THEREBY DOUBLING THE ECONOMIC IMPACT TO THE STATE OF SOUTH CAROLINA AND HIGHLIGHTING THE RICH HISTORY OF THIS TREASURED ATTRACTION IN THE STATE, TO ACKNOWLEDGE NASCAR RACING AS AN INTEGRAL AND VITAL PART OF THE STATE AND ITS ECONOMY, AND TO RECOGNIZE THE WEEKS OF MAY 2ND THROUGH MAY 9TH, 2021, AND AUGUST 29TH THROUGH SEPTEMBER 5TH, 2021, AS "DARLINGTON RACEWAY WEEK" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

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

The following Bill was read the third time and ordered sent to the House of Representatives:

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,

WEDNESDAY, MARCH 3, 2021

Turner, Williams, Young, Alexander, Goldfinch, Harpootlian, Jackson, M. Johnson, Kimpson, Matthews, Rice, Sabb, Setzler, Stephens, Rankin, Scott, Garrett, Fanning, Leatherman, Gustafson, Cash, Allen and Malloy: 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 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 OF 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

WEDNESDAY, MARCH 3, 2021

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 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.

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

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 38 -- Senators Grooms, Rice, Hembree, Verdin, Kimbrell, Corbin, Loftis, Campsen, Bennett and Young: A BILL TO ENACT THE "REINFORCING COLLEGE EDUCATION ON AMERICA'S CONSTITUTIONAL HERITAGE ACT" OR THE "REACH ACT"; TO

WEDNESDAY, MARCH 3, 2021

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.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO spoke on the Bill.

The Bill was read the third time, ordered sent to the House.

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

The following Bill was read the third time and ordered sent to the House of Representatives:

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.

CARRIED OVER

S. 82 -- Senator Malloy: A BILL TO AMEND SECTION 15-78-120 OF THE 1976 CODE, RELATING TO LIMITATIONS ON LIABILITY, TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE TO ONE MILLION DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE TO TWO MILLION DOLLARS, AND TO REQUIRE THE LIMITS BE

WEDNESDAY, MARCH 3, 2021

ANNUALLY ADJUSTED IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

Senator MARTIN spoke on the committee amendment.

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

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.

CARRIED OVER

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

WEDNESDAY, MARCH 3, 2021

PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE, 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

WEDNESDAY, MARCH 3, 2021

APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING 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.

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

AMENDED, READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS proposed the following amendment (457R003.KMM.LKG), which was adopted:

Amend the bill, as and if amended, on page 1, by striking lines 39 through 42, and on page 2, by striking lines 1 through 3 and inserting:

/ (b) operate a personal watercraft, specialty procraft, or vessel while upon ~~the~~ all other waters of this State in excess of idle speed within ~~50~~ one hundred feet of a moored or an anchored vessel, wharf, dock, bulkhead, pier, or a person in the water, or within ~~400~~ one hundred yards of the Atlantic Ocean coast line. The prohibitions contained in this

WEDNESDAY, MARCH 3, 2021

item (6) do not apply to an unoccupied, moored vessel or watercraft or to a person behind a vessel or watercraft who is on water skis or a floating device with the permission of the operator of the vessel or watercraft;" /

Re-number sections to conform.
Amend title to conform.

Senator GROOMS 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 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

WEDNESDAY, MARCH 3, 2021

CARRIED OVER

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.

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

READ THE SECOND TIME

S. 105 -- Senator Campsen: A BILL TO AMEND SECTION 29-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF CERTAIN LIENS BEFORE A MAGISTRATES COURT, SO AS TO INCREASE THE AMOUNT OF A LIEN THAT MAY BE ENFORCED BY A PETITION TO A MAGISTRATE.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSEN 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 39; Nays 0

AYES

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

WEDNESDAY, MARCH 3, 2021

Total--39

NAYS

Total--0

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

CARRIED OVER

S. 467 -- Senators Cromer, Kimbrell and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; BY ADDING SECTION 34-1-220 SO AS TO ALLOW CERTAIN DELEGATIONS TO THE COMMISSIONER OF BANKING, TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF

WEDNESDAY, MARCH 3, 2021

BANK CONTROL” WITH “COMMISSIONER OF BANKING” AND TO REPLACE “PRESIDENT OR CASHIER” WITH “CHIEF EXECUTIVE”; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE “PRESIDENT OR CASHIER” WITH “CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER” AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE’S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO

WEDNESDAY, MARCH 3, 2021

FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTERS 12 AND 27 OF TITLE 34 RELATING TO COUNTY AND MULTICOUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR

WEDNESDAY, MARCH 3, 2021

ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

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

CARRIED OVER

S. 617 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO MINIMUM STANDARDS OF STUDENT CONDUCT AND DISCIPLINARY ENFORCEMENT PROCEDURES TO BE IMPLEMENTED BY LOCAL SCHOOL DISTRICTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4981, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

CARRIED OVER

S. 618 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4991, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

CARRIED OVER

H. 3585 -- Reps. Sandifer and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-80 SO AS TO PROVIDE THE PROCEDURE FOR AN INSURER TO CANCEL, NONRENEW, OR TERMINATE ALL OR SUBSTANTIALLY ALL OF AN ENTIRE LINE OR CLASS OF BUSINESS; BY ADDING SECTION 38-77-400 SO AS TO REQUIRE AN INSURER TO PROVIDE A LISTING OF UNDERWRITING RESTRICTIONS UPON THE REQUEST OF THE DIRECTOR; TO AMEND SECTION 38-13-30, RELATING TO ORDERS RESULTING FROM EXAMINATIONS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO SERVE AN ORDER UPON THE INSURER BY ELECTRONIC MAIL; TO AMEND SECTION 38-53-110, RELATING TO FINANCIAL STATEMENT REQUIREMENTS, SO AS TO PROVIDE A DEADLINE FOR SUBMISSION; TO AMEND SECTION 38-71-340, RELATING TO REQUIRED POLICY PROVISIONS, SO AS TO ADD A TIME OF PAYMENT OF CLAIMS

WEDNESDAY, MARCH 3, 2021

REQUIREMENT FOR HEALTH INSURANCE COVERAGE; TO AMEND SECTION 38-75-730, AS AMENDED, RELATING TO RESTRICTIONS ON THE CANCELLATION OF POLICIES, SO AS TO DISTINGUISH THE CANCELLATION PROVISIONS FOR WORKERS' COMPENSATION INSURANCE POLICIES; TO AMEND SECTION 38-75-740, RELATING TO RESTRICTIONS ON THE NONRENEWAL OF POLICIES, SO AS TO REMOVE SPECIFIC DEADLINES; TO AMEND SECTION 38-75-1160, RELATING TO THE NOTICE REQUIREMENT PRIOR TO CANCELLATION OR REFUSAL TO RENEW, SO AS TO REMOVE SPECIFIC DEADLINES; AND TO AMEND SECTION 38-75-1240, RELATING TO THE PROVISIONS TO THE DIRECTOR OF UNDERWRITING RESTRICTIONS BASED UPON GEOGRAPHY, SO AS TO REQUIRE AN INSURER TO PROVIDE A LIST OF UNDERWRITING RESTRICTIONS ONLY UPON THE REQUEST OF THE DIRECTOR REGARDLESS OF GEOGRAPHY.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT spoke on the Bill.

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

CARRIED OVER

H. 3587 -- Reps. Sandifer and Hardee: A BILL TO AMEND SECTION 38-77-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "REDUCTION IN COVERAGE", SO AS TO PROHIBIT AN INSURER FROM TREATING A CORRECTION OF A TYPOGRAPHICAL OR SCRIVENER'S ERROR AS A REDUCTION IN COVERAGE AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO REVIEW A POLICY, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT spoke on the Bill.

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

WEDNESDAY, MARCH 3, 2021

POINT OF ORDER

S. 108 -- Senator Campsen: A BILL TO AMEND SECTION 48-22-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO REQUIRE THE UNIT TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LiDAR) DATA COLLECTIONS AND ESTABLISH REQUIREMENTS FOR THE INFORMATION COLLECTED DURING THE TOPOGRAPHIC MAPPING.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 505 -- Senators Talley, Alexander and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 506 -- Senators Kimbrell, Rice, Garrett, Talley, M. Johnson, Fanning and Corbin: A BILL TO AMEND SECTION 44-1-143 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR HOME-BASED FOOD PRODUCTION OPERATIONS, TO EXPAND

WEDNESDAY, MARCH 3, 2021

THE TYPES OF NONPOTENTIALLY HAZARDOUS FOODS THAT MAY BE SOLD TO INCLUDE ALL NONPOTENTIALLY HAZARDOUS FOODS, TO ALLOW FOR DIRECT SALES TO RETAIL STORES, TO ALLOW FOR ONLINE AND MAIL ORDER DIRECT-TO-CONSUMER SALES, TO ALLOW HOME-BASED FOOD PRODUCTION OPERATORS TO PROVIDE ON THEIR LABELS AN IDENTIFICATION NUMBER PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AT THE OPERATOR'S REQUEST, IN LIEU OF THEIR ADDRESSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

Senator KIMBRELL spoke on the Bill.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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

MOTION ADOPTED

At 2:06 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

COMMITTED TO LOCAL DELEGATION

(R3, S478) -- Senator K. Johnson: AN ACT TO AMEND SECTION 2 OF ACT 183 OF 2020, RELATING TO THE CONSOLIDATION OF CLARENDON COUNTY SCHOOL DISTRICTS ONE AND THREE INTO CLARENDON COUNTY SCHOOL DISTRICT NO. 4, SO AS TO INCREASE THE INITIAL MEMBERSHIP OF THE CLARENDON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES FROM SEVEN TO NINE MEMBERS, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL BE COMPRISED OF

WEDNESDAY, MARCH 3, 2021

SEVEN MEMBERS BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO MAKE CONFORMING CHANGES.

bill title

On motion of Senator K. JOHNSON, with unanimous consent, the Veto was committed to the Clarendon County Delegation.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

S. 208 -- Senators Hembree, Bennett, Gustafson and Loftis: A BILL TO AMEND SECTION 59-19-350(A) OF THE 1976 CODE, RELATING TO SCHOOLS OF CHOICE, TO PROVIDE THAT SCHOOL DISTRICTS MAY INSTEAD CREATE MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE THAT EACH EXEMPTION FROM STATE STATUTES AND REGULATIONS BY SCHOOLS OF INNOVATION MUST BE APPROVED BY A TWO-THIRDS VOTE OF THE STATE BOARD OF EDUCATION.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The Committee on Education proposed the following amendment (208R001.SP.GH), which was adopted:

Amend the bill, as and if amended, on page 1, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of choice innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.”

WEDNESDAY, MARCH 3, 2021

(2) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the committee amendment.

Senator FANNING spoke on the committee amendment.

ACTING PRESIDENT PRESIDES

Senator TURNER assumed the Chair.

Senator FANNING continued speaking on the committee amendment.

The amendment was adopted.

PRESIDENT PRESIDES

At 3:17 P.M., the PRESIDENT assumed the Chair.

Amendment No. 1

Senator KIMPSON proposed the following amendment (WAB\208C001.RT.WAB21), which was carried over and subsequently withdrawn:

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

/ SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of choice innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the

WEDNESDAY, MARCH 3, 2021

proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.

(B)(1) In designating schools of innovation, local school boards of trustees shall:

(a) prioritize and focus on transforming schools that the State Department of Education classifies as comprehensive support and improvement schools under the federal Every Student Succeeds Act;

(b) ensure that at least one-third of the teachers in any school under consideration for designation as a school of innovation are retained to teach at the school of innovation, with necessary training provided by the district;

(c) solicit and consider community engagement and feedback, and obtain sufficient community buy-in on the direction of a proposed school of innovation; and

(d) require the independent operator of the school of innovation to form a nonprofit to ensure that the school of innovation is run by a public entity.

(2) In determining whether to approve requests for exemption made by local boards of trustees, the State Board of Education shall confirm the local boards' compliance with the requirements of subitem (2) and may not approve a request if any noncompliance is found.

~~(B)~~(C) In seeking exemptions, the local board of trustees may not exempt:

(1) federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) health, safety, civil rights, and disability rights requirements as are applied to other public schools operating in the district;

(3) minimum student attendance requirements;

(4) state assessment requirements; and

(5) certification requirements for teachers in the core academic areas as defined by the federal No Child Left Behind Act, Public Law 107-110; however, up to twenty-five percent of the teaching staff of the school may be employed if the individual possesses a baccalaureate or graduate degree in the subject he is hired to teach.

~~(C)~~(D) Any school created pursuant to this section shall admit all children eligible to attend the school subject to space limitations and may not limit or deny admission or show preference in admission decisions to any individual or group of individuals.

~~(D)~~(E) A local school district that provides exemptions pursuant to subsection (A) shall provide the State Department of Education with

WEDNESDAY, MARCH 3, 2021

documentation of the approved exemptions and shall submit evaluation documentation to be reviewed by the State Board of Education after three years of the exemption to ensure that the district continues to meet the needs of its students. Upon review, if the State Board of Education determines the continuation of the exemption does not meet the needs of the students attending the district school of choice, the board may suspend exemptions granted by the local board of trustees with a two-thirds vote. Before suspending the exemptions, the State Board of Education shall notify the district and provide the district with any opportunity to defend the continuation of approved exemptions.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator KIMPSON spoke on the amendment.

On motion of Senator KIMPSON, with unanimous consent, the amendment was carried over and subsequently withdrawn.

Amendment No. 2

Senator FANNING proposed the following amendment (WAB\ 208C006.RT.WAB21), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-19-350(A)(2) and inserting:

/ (2) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation. Schools of innovation may not be managed or operated by a for-profit corporation or any other for-profit private entity.” /

Renumber sections to conform.
Amend title to conform.

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

WEDNESDAY, MARCH 3, 2021

Amendment No. 3

Senator FANNING proposed the following amendment (WAB\ 208C008.RT.WAB21), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-19-350(A) and inserting:

/ SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of choice innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education.

(2) To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, first shall:

(a) identify specific statutes and regulations which will be considered for exemption;

(b) disclose the financial model to be used.

(3) The exemption then may be granted by the governing board of the district, but only if there is a two-thirds affirmative vote of the board for each exemption, and subsequently, the proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.

(4) Each school of innovation annually before July first shall:

(a) demonstrate compliance with the financial model identified in subitem (2)(b);

(b) provide full financial statements detailing how it receives and expends funds; and

(c) report academic achievement of its students as indicated by the performance of their students on the same assessments and matrices required of all other public schools, based on grade level.

(5) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.” /

Renumber sections to conform.

Amend title to conform.

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

WEDNESDAY, MARCH 3, 2021

Amendment No. 4

Senator FANNING proposed the following amendment (WAB\208C007.RT.WAB21), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-19-350(A), by adding an appropriately numbered item to read:

/ () In addition to exempting one or more schools within a district as provided in item (1), a local school board of trustees may choose to exempt all schools in the district by following the procedures in item (1) for exempting individual schools. /

Renummer sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

Amendment No. 5

Senators HEMBREE and FANNING proposed the following amendment (208R002.SP.GH), which was adopted:

Amend the bill, as and if amended, on page 1, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of choice innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption and shall disclose the financial model to be used. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.

(2) Each school of innovation annually before July first shall:

(a) demonstrate compliance with the financial model identified in item (1);

WEDNESDAY, MARCH 3, 2021

(b) provide full financial statements detailing how it receives and expends funds; and

(c) report the academic achievement of its students as indicated by the performance of its students on the same assessments and matrices required of all other public schools, based on grade level.

(3) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 41; Nays 1

AYES

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

Total--41

NAYS

WEDNESDAY, MARCH 3, 2021

Kimpson

Total--1

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

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

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

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 200 -- Senators Hembree, Martin, Kimbrell, Shealy, Gustafson and Turner: 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 BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLECTING 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.

Statement by Senator MALLOY

I am not convinced that S. 200 has import in our State's deliberations on the death penalty. Whether additional methods of execution are approved by this Body or not, does not impact whether this State

WEDNESDAY, MARCH 3, 2021

facilitates or impedes putting persons to death. Other potential legislation could better rectify the position of the State as to its ability to carry out executions as is currently outlined in statute, but the Body has not taken up those solutions. Finally, it is my continuing belief that the Senate should be addressing other priorities of the State such as promoting and facilitating the distribution of COVID-19 vaccines rather than S. 200.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Reverend Joseph H. Pringle of Manning, S.C. Joseph was a former member of the Clarendon County School Board. He was very active in the democratic party and election process. He was a loving father and devoted grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators HUTTO and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Judge Paul Short of Chester, S.C. Judge Short was the husband of former Senator Linda Short. He served in the S.C. House of Representatives for more than a decade before he became a judge in 1991. He served the 6th Circuit Court for Chester, Lancaster and Fairfield counties until 2004 when he was elected to the South Carolina Court of Appeals. Judge Short served until retirement in 2019. He was a mentor to many and served our State well. Judge Short was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:42 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, MARCH 3, 2021

SENATE JOURNAL INDEX

Amendment No. 1.....	32	S. 546.....	2
Amendment No. 2.....	34	S. 611.....	23
Amendment No. 3.....	35	S. 617.....	27
Amendment No. 4.....	36	S. 618.....	27
Amendment No. 5.....	36	S. 632.....	15
S. 38.....	17	S. 638.....	10
S. 82.....	18	S. 639.....	10
S. 105.....	23		
S. 108.....	29	H. 3179.....	10
S. 200.....	38	H. 3193.....	11
S. 208.....	31	H. 3244.....	11
S. 227.....	19	H. 3255.....	11
S. 430.....	18	H. 3325.....	13
S. 457.....	21	H. 3584.....	15
S. 467.....	24	H. 3585.....	27
S. 475.....	19	H. 3587.....	28
S. 478.....	30	H. 3606.....	13
S. 505.....	29	H. 3608.....	14
S. 506.....	29	H. 3609.....	14
S. 510.....	15	H. 3664.....	13
S. 545.....	13		