

NO. 44

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, MARCH 25, 2021

Thursday, March 25, 2021
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Joel 2:12

We read in the Book of Joel,

“Yet even now, says the Lord, return to me with all your heart, with fasting, with weeping, and with mourning.”

Let us pray, friends: Many of us, O Lord, here during this season of Lent, find ourselves thinking about how we live. And we pray, dear God, that You will forgive us for those many, many times when we know that we have ultimately disappointed You. And we recall those moments when we’ve disappointed ourselves as well. Instead, Lord, lead us to change our ways. Let every single one of us embrace Your care anew, to have hearts that reflect Your love, and help all of us in this Senate to show genuine concern for one another. And even when there might be some measure of disagreement that presents itself, let graciousness and true thoughtfulness prevail in this place, allowing each of these leaders always to bring blessings to the people of this State. In Your loving name we pray, dear Lord. Amen.

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

Point of Quorum

At 11:04 A.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	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett

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Goldfinch	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Malloy
Martin	Massey	Peeler
Rankin	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Leave of Absence

At 11:27 A.M., Senator SABB requested a leave of absence for Senator KIMPSON for the day.

Leave of Absence

At 11:27 A.M., Senator BENNETT requested a leave of absence for Senator GROOMS for the day.

Leave of Absence

At 11:27 A.M., Senator McELVEEN requested a leave of absence for Senator MATTHEWS for the day.

Leave of Absence

At 12:43 P.M., Senator DAVIS requested a leave of absence for Senator VERDIN for the day.

Leave of Absence

At 12:43 P.M., Senator YOUNG requested a leave of absence for Senator SHEALY for the balance of the day.

Leave of Absence

At 12:43 P.M., Senator GOLDFINCH requested a leave of absence for Senator CLIMER for the balance of the day.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 145 Sen. Gambrell

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S. 461 Sen. Cromer
S. 500 Sen. Stephens
S. 528 Sen. Gambrell
S. 533 Sen. Allen
S. 537 Sen. Shealy
S. 675 Sen. Alexander
S. 677 Sens. Stephens and M. Johnson
S. 698 Sen. Stephens

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 702 -- Senator Stephens: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF NINA LEE JEFFERSON AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 703 -- Senators M. Johnson, Kimbrell, Garrett, Young and Climer: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO PROVIDE THAT THE ASSESSOR MAY NOT REQUIRE COPIES OF AN OWNER-OCCUPANT'S FEDERAL OR STATE INCOME TAX RETURN TO CLAIM THE FOUR PERCENT ASSESSMENT RATIO.

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

S. 704 -- Senators Hembree, Massey and Malloy: A JOINT RESOLUTION TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEAR, AND TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM.

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Read the first time and, on motion of Senator MASSEY, with unanimous consent, S. 704 was ordered placed on the Calendar without reference.

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S. 705 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO TERM AND UNIVERSAL LIFE INSURANCE RESERVE FINANCING, DESIGNATED AS REGULATION DOCUMENT NUMBER 5028, 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. 706 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO CREDIT FOR REINSURANCE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5029, 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. 707 -- Senator Gustafson: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND CLAY CATOE OF LANCASTER COUNTY UPON BEING NAMED 2020 SOUTH CAROLINA EMS DIRECTOR OF THE YEAR AND TO THANK HIM FOR HIS OUTSTANDING SERVICE TO LANCASTER COUNTY AND THE STATE OF SOUTH CAROLINA.

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

S. 708 -- Senators Gustafson and M. Johnson: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND JOSH FAULKENBERRY OF LANCASTER COUNTY UPON BEING NAMED 2020 SOUTH CAROLINA PARAMEDIC OF THE YEAR AND TO THANK HIM FOR HIS OUTSTANDING SERVICE TO LANCASTER COUNTY AND THE STATE OF SOUTH CAROLINA.

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

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REPORTS OF STANDING COMMITTEES

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

S. 232 -- Senator Turner: A BILL TO AMEND ARTICLE 11, CHAPTER 31, TITLE 33 OF THE 1976 CODE, RELATING TO MERGERS UNDER THE SOUTH CAROLINA NONPROFIT CORPORATION ACT, BY ADDING SUBARTICLE B, TO PROVIDE FOR THE CONVERSION OF A NONPROFIT CORPORATION TO A LIMITED LIABILITY COMPANY, REQUIREMENTS FOR A PLAN OF CONVERSION, AND THE EFFECT OF CONVERSION; AND TO AMEND SECTION 33-31-1101 OF THE 1976 CODE, RELATING TO THE APPROVAL OF A PLAN OF MERGER UNDER THE SOUTH CAROLINA NONPROFIT CORPORATION ACT, SECTION 33-31-1102 OF THE 1976 CODE, RELATING TO LIMITATIONS ON MERGERS BY PUBLIC BENEFIT OR RELIGIOUS CORPORATIONS, AND SECTION 33-11-101 OF THE 1976 CODE, RELATING TO MERGERS FOR CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS, TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator MARTIN from the Committee on Corrections and Penology polled out S. 351 favorable with amendment:

S. 351 -- Senator McLeod: A BILL TO AMEND SECTION 24-3-180 OF THE 1976 CODE, RELATING TO PROVIDING TRANSPORTATION AND CLOTHES TO A DISCHARGED INMATE, TO PROVIDE THAT THE INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT THE INMATE IS ELIGIBLE TO REGISTER TO VOTE AND INSTRUCTIONS CONCERNING HOW TO REGISTER TO VOTE; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO PRISONERS GENERALLY, BY ADDING SECTION 24-13-190, TO PROVIDE THAT AN INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PROBATION, BY ADDING SECTION 24-21-495, TO PROVIDE THAT A PERSON'S PROBATION AGENT MUST PROVIDE HIM WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT

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THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PAROLE, BY ADDING SECTION 24-21-720, TO PROVIDE THAT A PAROLEE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND SECTION 24-21-930 OF THE 1976 CODE, RELATING TO THE RESTORATION OF CIVIL RIGHTS UPON RECEIVING A PARDON, TO REQUIRE THAT A PARDON ORDER SHALL EXPLICITLY STATE THAT THE RESTORATION OF CIVIL RIGHTS INCLUDES THE RIGHT TO VOTE AND THAT THE PARDONED PERSON IS PROVIDED WITH INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE.

**Poll of the Corrections and Penology Committee
Polled 17; Ayes 16; Nays 0; Not Voting 1**

AYES

Martin	Allen	Shealy
Turner	Kimpson	Matthews
McLeod	Rice	Harpootlian
Hembree	Adams	Garrett
Gustafson	Michael Johnson	Kimbrell
Stephens		

Total--16

NAYS

Total--0

NOT VOTING

Senn

Total--0

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 623 -- Senator Gambrell: A BILL TO AMEND SECTION 38-73-910, CODE OF LAWS OF SOUTH CAROLINA, 1976,

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RELATING TO PREMIUM RATE INCREASE REQUIREMENTS FOR AUTOMOBILE INSURANCE POLICIES, SO AS TO PROVIDE THAT A RATE INCREASE MAY NOT BE IMPLEMENTED UNTIL THE ONSET OF A NEW POLICY PERIOD, TO REQUIRE APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE FOR CERTAIN RATE INCREASES, AND TO REMOVE LANGUAGE REQUIRING THE SUBMISSION OF A REPORT BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE.

Ordered for consideration tomorrow.

Appointments Reported

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

Statewide Appointments

Initial Appointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2021, and to expire June 30, 2025

2nd Congressional District:

Earl McLeod, 317 Country Lake Court, Lexington, SC 29072 *VICE*
Walter D. Spruill

Received as information.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2021, and to expire March 20, 2025

Cosmetologist:

Ashley Tucker-Johnson, 208 Alice Farr Drive, Greenville, SC 29617-1506

Received as information.

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

CARRIED OVER

S. 527 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF

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PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THE CERTIFICATE CONTAINED IN THE APPLICATION FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

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

**READ THE THIRD TIME
THIRD READING RECONSIDERED**

H. 3770 -- Reps. G.M. Smith, Stavrinakis, Wetmore, Weeks, Hewitt, Wheeler, Erickson, Bradley, W. Newton and Dillard: A JOINT RESOLUTION TO AUTHORIZE THE USE OF FEDERAL FUNDS FROM THE EMERGENCY RENTAL ASSISTANCE PROGRAM, AND TO PROVIDE THE MANNER IN WHICH THE FUNDS MUST BE DISTRIBUTED.

Having voted on the prevailing side, Senator MALLOY moved to reconsider the vote whereby the Resolution received third reading.

The question then was the motion reconsider third reading. Third reading was reconsidered.

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

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

S. 689 -- Senators Leatherman, Massey, Malloy, Alexander, Peeler, Setzler, Williams, Scott and Fanning: A JOINT RESOLUTION TO EXTEND THE INCOME TAX FILING DUE DATE FOR INDIVIDUALS UNTIL THE SAME DATE AS FEDERAL RETURNS AND PAYMENTS FOR INDIVIDUALS ARE DUE.

RECOMMITTED

S. 649 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-

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BOARD OF REGISTRATION FOR FORESTERS, RELATING TO BOARD OF REGISTRATION FOR FORESTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5012, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CAMPSSEN asked unanimous consent to recommit the Resolution to the Committee on Fish, Game and Forestry.

There was no objection.

The Resolution was recommitted to the Committee on Fish, Game and Forestry.

READ THE SECOND TIME

S. 28 -- Senators Hutto, K. Johnson, Climer, McLeod and Stephens: A BILL TO AMEND SECTION 56-1-286 OF THE 1976 CODE, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385(A) OF THE 1976 CODE, RELATING TO THE REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER'S LICENSE, TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400 OF THE 1976 CODE, RELATING TO THE SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, TO REMOVE THE REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER STATUTE; TO AMEND SECTION 56-1-1090(A) OF THE 1976 CODE, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, TO ALLOW A PERSON CLASSIFIED AS A HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-1320(A) OF THE 1976

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CODE, RELATING TO PROVISIONAL DRIVERS' LICENSES, TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 56-1-1340 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941 OF THE 1976 CODE, RELATING TO IGNITION INTERLOCK DEVICES, TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST-TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES; TO AMEND SECTION 56-5-2951 OF THE 1976 CODE, RELATING TO TEMPORARY ALCOHOL LICENSES, TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990 OF THE 1976 CODE, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD OF SUSPENSION, TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST-TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

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Motion Under Rule 26B

Senator HUTTO asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

READ THE SECOND TIME

S. 243 -- Senator Young: A BILL TO AMEND SECTION 63-7-940(A) OF THE 1976 CODE, RELATING TO AUTHORIZED USES OF UNFOUNDED CHILD ABUSE AND NEGLECT REPORTS, TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; TO AMEND SECTION 63-7-1990(H) OF THE 1976 CODE, RELATING TO THE CONFIDENTIALITY AND RELEASE OF CHILD ABUSE AND NEGLECT RECORDS, TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

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Total--43

NAYS

Total--0

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

**AMENDMENT PROPOSED
READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (202R001.SP.GH):

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

/SECTION 1. Chapter 6, Title 1 of the 1976 Code is amended by adding:

“Section 1-6-35. Notwithstanding any provision of law to the contrary, the State Inspector General may initiate, supervise, and coordinate any investigation provided for under this chapter of a public school, public school district, public charter school, or public charter school sponsor:

(1) upon the request of the Governor;

(2) upon the request of the State Superintendent of Education. The State Superintendent of Education may consider a request for an investigation from the school district’s superintendent as the basis for an investigation request under this section;

(3) by a two-thirds vote of the legislative delegation for the area where the subject of the investigation is located; or

(4) by a two-thirds vote of the local school district board membership for the area where a public school or public school district is located or by a two-thirds vote of the sponsor board membership for a public charter school authorized by a public charter school sponsor.”

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

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Amend title to conform.

Senator HEMBREE explained the amendment.
Senator CAMPSSEN spoke on the Bill.

The question being the second reading of the Bill.

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

Motion Under Rule 26B

Senator HEMBREE asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

RECOMMITTED

S. 661 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LIFE SCHOLARSHIP PROGRAM AND LIFE SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 5004, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HEMBREE asked unanimous consent to recommit the Resolution to the Committee on Education.

There was no objection.

The Resolution was recommitted to the Committee on Education.

RECOMMITTED

S. 662 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 5005, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HEMBREE asked unanimous consent to recommit the Resolution to the Committee on Education.

There was no objection.

The Resolution was recommitted to the Committee on Education.

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RECOMMITTED

S. 663 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA HOPE SCHOLARSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 5006, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HEMBREE asked unanimous consent to recommit the Resolution to the Committee on Education.

There was no objection.

The Resolution was recommitted to the Committee on Education.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 154 -- Senator Martin: A BILL TO AMEND CHAPTER 54, TITLE 12 OF THE 1976 CODE, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF TAXES LEVIED AND ASSESSED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE, BY ADDING SECTION 12-54-20, TO PROVIDE THAT A TAXPAYER THAT PREVAILS IN AN ACTION OR PROCEEDING TO RECOVER A TAX OR PENALTY IS ENTITLED TO REASONABLE ATTORNEYS' FEES AND COSTS ASSOCIATED WITH DEFENDING THE ACTION OR PROCEEDING.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\154C001.NBD.DG21), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

“Section 12-54-20. (A) An individual that is a party in any action or proceeding with, or on behalf of, the department regarding any tax imposed by this title and administered by the department, is entitled to reasonable attorneys' fees and costs associated with the action or proceeding if:

- (1) the individual prevails in the action or proceeding; or
- (2) the department does not meet the timeliness requirements set forth in law. For purposes of this item, reasonable attorneys' fees and

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costs means the fees and costs incurred by the individual due to the department's delay.

(B) For purposes of this section, an individual also includes sole proprietorships, partnerships, and 'S' corporations, including limited liability companies taxed as sole proprietorships, partnerships, or 'S' corporations." /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator K. JOHNSON proposed the following amendment (154R001.SP.KJ), which was withdrawn:

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

/SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

"Section 12-54-20. (A) For the purposes of this section:

(1) 'Reasonable attorneys' fees and costs' means any fees and costs incurred by an individual due to the department's delay.

(2) 'Individual' includes sole proprietorships, partnerships, and 'S' corporations, including limited liability companies taxed as sole proprietorships, partnerships, or 'S' corporations.

(B) An individual who is a party to an action or proceeding with, or on behalf of, the department regarding any tax imposed by this title and administered by the department is entitled to reasonable attorneys' fees and costs associated with the action or proceeding if the department acted in bad faith and:

(1) the individual prevails in the action or proceeding; or

(2) the department does not meet the timeliness requirements set forth in law." /

Renumber sections to conform.

Amend title to conform.

Senator K. JOHNSON explained the amendment.

Senator DAVIS spoke on the Bill.

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

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

READ THE SECOND TIME

S. 461 -- Senators Alexander and Cromer: A BILL TO ENACT THE "SOUTH CAROLINA PAY FOR SUCCESS PERFORMANCE ACCOUNTABILITY ACT"; TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 60, TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY-FOR-SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER explained the Bill.

The question being the second reading of the Bill.

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

Ayes 38; Nays 1

AYES

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

Total--38

NAYS

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Malloy

Total--1

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

READ THE SECOND TIME

S. 556 -- Senators Goldfinch and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-107 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF THE PROVISIONS OF CHAPTER 11, TITLE 50; TO AMEND SECTION 50-9-450, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO REMOVE THE LICENSE REQUIREMENT FOR PERSONS WHO TRAP FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2200, RELATING TO UNLAWFUL CONDUCT ON WILDLIFE MANAGEMENT AREAS, SO AS TO REMOVE THE PROHIBITION ON TRAPPING; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS, SO AS TO LIMIT THE DEFINITION OF THE TERM "COMMERCIAL PURPOSES" TO FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2430, RELATING TO THE PROOF OF OWNERSHIP OR PERMISSION TO SET TRAPS ON LAND, SO AS TO LIMIT THE USE OF TRAPS ON PRIVATE LAND TO THE OWNER OR HIS AGENT; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE, SO AS TO REMOVE REFERENCES TO A DESIGNEE AND INSERT THE TERM "AGENT"; TO AMEND SECTION 50-11-2450, RELATING TO REPORTING REQUIREMENTS FOR COMMERCIAL FUR LICENSEES, SO AS TO REMOVE A REFERENCE TO A REPEALED CODE SECTION; TO AMEND SECTION 50-11-2460, RELATING TO TRAPS ALLOWED FOR TRAPPING, SO AS TO REQUIRE ONLY CERTAIN INFORMATION TO BE ON TRAPS ON PUBLIC LAND; TO AMEND SECTION 50-11-2515, RELATING TO PROHIBITED ACTS, SO AS TO ESTABLISH A PENALTY FOR CERTAIN ACTS; TO AMEND SECTION 50-11-2540, RELATING TO TRAPPING SEASON, SO AS TO ESTABLISH TRAPPING SEASONS ON PUBLIC AND PRIVATE LAND AND TO REMOVE CERTAIN PROHIBITIONS ON TRAPPING COYOTES; TO AMEND SECTION 50-11-2565, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12, SO AS TO REMOVE A

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REFERENCE; TO AMEND SECTION 50-11-2570, RELATING TO SPECIAL PERMITS TO CAPTURE DESTRUCTIVE WILDLIFE, SO AS TO ALLOW A PROPERTY OWNER OR HIS AGENT TO TAKE FUR-BEARING ANIMALS OR SQUIRRELS FOR AGRICULTURAL OR WILDLIFE MANAGEMENT PURPOSES WITHOUT A LICENSE OR PERMIT AND TO REMOVE THE PROHIBITION ON THE COMMERCIAL DISPOSAL OF A FUR-BEARING ANIMAL TAKEN IN ACCORDANCE WITH A DEPREDATION PERMIT; AND TO REPEAL SECTION 50-11-2560 RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12.

The Senate proceeded to a consideration of 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
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Leatherman	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Stephens	Talley
Turner	Williams	Young

Total--39

NAYS

Total--0

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

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READ THE SECOND TIME

S. 354 -- Senator Rice: A BILL TO AMEND SECTION 56-2-105, RELATING TO THE ISSUANCE OF GOLF CART PERMIT DECALS AND REGISTRATIONS AND THE OPERATION OF GOLF CARTS WITHIN THE STATE, SO AS TO PROVIDE A MUNICIPALITY MAY ALLOW PERMITTED GOLF CARTS TO BE OPERATED WITHIN ITS JURISDICTION UNDER CERTAIN CONDITIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (354R001.KMM.LKG):

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

/SECTION 1. Section 56-2-105 of the 1976 Code is amended by adding:

“(H)A municipality may, by ordinance, allow the operation of a permitted golf cart within its jurisdiction on primary highways upon which the posted speed limit is thirty miles per hour or less, secondary highways upon which the posted speed limit is thirty-five miles per hour or less, streets, or roads.”

SECTION 2. This act takes effect upon approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The question being the second reading of the Bill.

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

Motion Under Rule 26B

Senator BENNETT asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

READ THE SECOND TIME

S. 503 -- Senator Hutto: A BILL TO AMEND SECTION 40-33-34, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE

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ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES;
AND TO AMEND SECTION 40-47-935, AS AMENDED, RELATING
TO MEDICAL ACTS THAT PHYSICIAN ASSISTANTS MAY
PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR
CERTAIN HOME HEALTH SERVICES.

The Senate proceeded to a consideration of 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
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Leatherman	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Stephens	Talley
Turner	Williams	Young

Total--39

NAYS

Total--0

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

CARRIED OVER

S. 595 -- Senator Senn: A BILL TO AMEND SECTION 54-3-10(B)
OF THE 1976 CODE, RELATING TO THE CREATION AND
MEMBERSHIP OF THE SOUTH CAROLINA STATE PORTS

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AUTHORITY, TO DELETE THE PROVISION PROHIBITING EX-OFFICIO MEMBERS FROM ATTENDING EXECUTIVE SESSION.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (595R001.KMM.LKG):

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

/SECTION 1. Section 54-3-10 of the 1976 Code is amended to read:

“Section 54-3-10. (A) There is created the South Carolina State Ports Authority. The governing body of the authority is a board of directors consisting of eleven members; ~~nine voting~~ members appointed by the Governor as provided in Section 54-3-20, the Secretary of Transportation, ~~or his designee~~, and the Secretary of Commerce, ~~or his designee~~. The ~~voting~~ members shall be responsible for setting policies and direction for the authority so that the authority may achieve its mission. The powers and duties of the authority shall be exercised by the board. The board may delegate to one or more officers, agents, or employees such powers and duties as it determines are necessary and proper for the effective, efficient operation of the port.

(B) The Secretary of Transportation and the Secretary of Commerce:

~~(1) shall serve on the board, ex officio, as nonvoting members; and~~

~~(2) are ineligible for election as chairman, vice chairman, secretary, treasurer, or any other office elected by the board; and~~

~~(3) may only attend meetings or portions of meetings open to the public. They are not permitted to attend executive session meetings.~~

SECTION 2. Section 54-3-60(A) of the 1976 Code is amended to read:

“Section 54-3-60. (A) Each member of the board, except for the Secretary of Transportation and the Secretary of Commerce, ~~or their designees~~, must possess a four-year baccalaureate or more advanced degree from:

(1) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(2) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(3) an institution of higher learning in this State chartered prior to 1962.”

SECTION 3. This act takes effect upon approval by the Governor. /

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Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3011 -- Reps. West, G.M. Smith, Simrill, B. Newton, Wooten, McGarry, Bryant, Haddon, Long, Pope, Gilliam, Hosey, Oremus, Caskey, Hardee, Yow, Atkinson and Martin: A BILL TO AMEND SECTION 56-5-1810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING A MOTOR VEHICLE TO BE DRIVEN UPON THE RIGHT HALF OF A ROADWAY, SO AS TO PROVIDE RESTRICTIONS ON DRIVING A MOTOR VEHICLE ON A ROADWAY HAVING AT LEAST TWO LANES ALLOWING MOVEMENT IN THE SAME DIRECTION, PROVIDE A PENALTY, AND DIRECT THE DEPARTMENT OF TRANSPORTATION TO PLACE SIGNS ALONG THE INTERSTATE HIGHWAYS DIRECTING SLOWER TRAFFIC TO MOVE RIGHT.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (3011R001.KMM.LKG), which was adopted:

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

/SECTION 1. Article 13, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-1885. (A) A vehicle may not be driven in the farthest left lane of a controlled access highway of three or more lanes except when overtaking and passing another vehicle.

(B) Subsection (A) of this section does not apply:

(1) when no other vehicle is directly behind the vehicle in the left lane;

(2) when traffic conditions and congestion make it impractical to drive in the right lane;

(3) when snow and other inclement weather conditions make it safer to drive in the left lane;

(4) when obstructions or hazards exist in the right lane;

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(5) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(6) to law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations;

(7) when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to another vehicle overtaking or passing his vehicle to the right; or

(8) when a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right.

(C) Nothing in this section shall limit the Department of Transportation's ability to establish and delineate lane restrictions for certain types of vehicles.

(D) The Department of Transportation must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty-five miles.

(E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender's motor vehicle insurer.

(2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

(3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

(4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section,

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then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

(5) A person found to be in violation of this section may bring an appeal to the court of common pleas.”

SECTION 2. This act takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT 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
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Leatherman	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Stephens	Talley
Turner	Williams	Young

Total--39

NAYS

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Total--0

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

OBJECTION

S. 101 -- Senators Cromer and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-671 SO AS TO PROVIDE FOR THE DESIGN, COLOR, AND OTHER ELEMENTS OF THE SOUTH CAROLINA STATE FLAG AND TO DESIGNATE THE FLAG OF THIS DESIGN, COLOR, AND ELEMENTS AS THE OFFICIAL SOUTH CAROLINA STATE FLAG.

Senator HUTTO objected to consideration of the Bill.

POINT OF ORDER

S. 236 -- Senator Young: A BILL TO AMEND SECTION 7-7-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POOLING PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT ANY PRECINCT CONTAINING THREE THOUSAND OR MORE VOTERS, AN INCREASE FROM FIVE HUNDRED OR MORE VOTERS, HAVE ITS OWN POLLING PLACE; THAT THE TOTAL NUMBER OF REGISTERED VOTERS IN THE MUNICIPAL POOLED PRECINCTS CANNOT EXCEED THREE THOUSAND, AN INCREASE FROM ONE THOUSAND FIVE HUNDRED; AND THAT POOLED MUNICIPAL POLLING PLACES CANNOT BE MORE THAN FIVE MILES, AN INCREASE FROM THREE MILES, FROM THE NEAREST PART OF ANY POOLED PRECINCT.

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. 245 -- Senators Young, Rankin and Climer: A BILL TO AMEND SECTION 56-5-3435 OF THE 1976 CODE, RELATING TO MAINTAINING A SAFE OPERATING DISTANCE BETWEEN A

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MOTOR VEHICLE AND A BICYCLE, TO DEFINE “SAFE OPERATING DISTANCE”.

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. 304 -- Senators Climer and Fanning: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

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. 432 -- Senator Alexander: A BILL TO AMEND ARTICLE 1, CHAPTER 59, TITLE 38 OF THE 1976 CODE, RELATING TO CLAIMS PRACTICES, BY ADDING SECTION 38-59-60, TO ALLOW FOR CONTRIBUTIONS FOR DEFENSE COSTS FOR THE SAME CLAIM, SUIT, OR ACTION AMONG MORE THAN ONE LIABILITY INSURER.

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.

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POINT OF ORDER

S. 435 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT, TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

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. 455 -- Senator Davis: A BILL TO AMEND SECTION 40-33-36 OF THE 1976 CODE, RELATING TO THE TEMPORARY LICENSURE OF NURSES, TO CREATE AN ADDITIONAL CATEGORY OF TEMPORARY LICENSURE FOR GRADUATE NURSES, TO PRESCRIBE CRITERIA FOR OBTAINING TEMPORARY LICENSURE AS A GRADUATE NURSE, TO

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PROVIDE FOR SITUATIONS IN WHICH TEMPORARY LICENSURE AS A GRADUATE NURSE SHALL BE IMMEDIATELY REVOKED, AND TO DEFINE NECESSARY TERMS.

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. 499 -- Senators Campsen, Rice, Talley, Loftis and Climer: A BILL TO ENACT THE "SOUTH CAROLINA ELECTION COMMISSION RESTRUCTURING ACT"; TO AMEND CHAPTER 1, TITLE 7 OF THE 1976 CODE, RELATING TO ELECTIONS, BY ADDING SECTION 7-1-110, TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES HAVE THE RIGHT TO INTERVENE AND HAVE STANDING ON BEHALF OF THEIR RESPECTIVE BODIES IN ACTIONS THAT CHALLENGE THE VALIDITY OF AN ELECTION LAW, AN ELECTION POLICY, OR THE MANNER IN WHICH AN ELECTION IS CONDUCTED; TO AMEND SECTION 7-3-10(a) OF THE 1976 CODE, RELATING TO THE STATE ELECTION COMMISSION, TO PROVIDE THAT THE MEMBERSHIP OF THE COMMISSION CONSISTS OF FIVE MEMBERS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; AND TO AMEND SECTION 7-3-20(A) OF THE 1976 CODE, RELATING TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, TO REVISE HIS PROCEDURE OF APPOINTMENT.

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.

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OBJECTION

S. 614 -- Senators Corbin, Loftis, Kimbrell, Garrett, Rice, Adams and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE MILITARY CODE, BY ADDING SECTION 25-1-80, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA UNORGANIZED MILITIA.

Senator HARPOOTLIAN objected to consideration of the Bill.

POINT OF ORDER

S. 667 -- Senators Grooms, Verdin and Climer: A BILL TO AMEND SECTION 57-25-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RELOCATION AND ADJUSTMENT OF SIGNS BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE OPTIONS AND PARAMETERS TO ADJUST OR RELOCATE OUTDOOR ADVERTISING SIGNS TO RESTORE VISIBILITY, AND PROVIDE FOR THE COSTS OF ADJUSTMENT OR RELOCATION.

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.

READ THE SECOND TIME

S. 698 -- Senators Peeler, Climer, Hutto, Williams, Talley, Leatherman, K. Johnson, Sabb, McElveen, Setzler, Alexander, Goldfinch, Gambrell, Grooms, Cromer, Shealy, Davis, Young, Rice and Stephens: A JOINT RESOLUTION TO AUTHORIZE THE USE OF CERTAIN FUNDS FROM THE WAREHOUSE RECEIPTS GUARANTY FUND TO PAY CERTAIN COTTON PRODUCER CLAIMS, TO PROVIDE THAT THE COTTON PRODUCER SHALL SUBROGATE HIS INTEREST IN A CAUSE OF ACTION, AND TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE WAREHOUSE RECEIPTS GUARANTY FUND.

The Senate proceeded to a consideration of the Resolution.

Senator CLIMER explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

S. 698--Ordered to a Third Reading

On motion of Senator WILLIAMS, with unanimous consent, S. 698 was ordered to receive a third reading on Friday, March 26, 2021.

OBJECTION

H. 3262 -- Reps. Fry, Huggins, Davis, B. Newton, G.R. Smith, Morgan, Burns, Erickson, Bennett, Thayer, Taylor, Bryant, Elliott, Willis, Felder, McGarry, V.S. Moss, Haddon, Long, Pope, Forrest, Caskey, Hixon, Hewitt, Bailey, M.M. Smith, J.E. Johnson, Bradley, Brittain and Crawford: A BILL TO AMEND SECTION 7-11-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO REQUIRE ALL CANDIDATES

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FROM EACH POLITICAL PARTY IN THIS STATE TO PAY A FILING FEE, INCLUDING CANDIDATES FROM PARTIES THAT ARE NOT REQUIRED TO CONDUCT A PRIMARY ELECTION, AND TO AUTHORIZE POLITICAL PARTIES TO CHARGE A CERTIFICATION FEE TO ALL CANDIDATES SEEKING NOMINATION BY POLITICAL PARTY PRIMARY OR POLITICAL PARTY CONVENTION; AND TO AMEND SECTION 7-11-210, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REQUIRE CANDIDATES TO AFFIRM THEIR PARTICIPATION IN AT LEAST THREE OF THE LAST FOUR STATEWIDE PARTY PRIMARIES, OR, IN THE ALTERNATIVE, IF PRECLUDED FROM PARTICIPATION DUE TO AGE, PERSONAL HEALTH, RESIDENCY, OR ACTIVE MILITARY SERVICE, CANDIDATES MAY PLEDGE THAT THEY ARE BONA FIDE MEMBERS OF THE POLITICAL PARTY WHOSE NOMINATION THEY ARE SEEKING, AND TO PROVIDE THAT THE STATE PARTY CHAIRMAN, IF PERMITTED BY PARTY RULE, MAY REQUIRE ADDITIONAL VERIFICATION WHEN A CANDIDATE'S AFFIRMATION OF BONA FIDE PARTY MEMBERSHIP IS DISPUTED, AND THAT THE STATE CHAIRMAN IS THE FINAL AUTHORITY TO RESOLVE QUESTIONS REGARDING BONA FIDE PARTY MEMBERSHIP.

Senator RICE objected to consideration of the Bill.

POINT OF ORDER

H. 3264 -- Reps. Fry, Huggins, Davis, B. Newton, G.R. Smith, Morgan, Burns, Erickson, Bennett, Thayer, Taylor, Bryant, Elliott, Willis, Felder, Long, McGarry, Haddon, Hewitt, Bailey, M.M. Smith, J.E. Johnson, Bradley, Crawford and King: A BILL TO AMEND SECTION 7-9-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICES OF COUNTY CONVENTIONS, SO AS TO ELIMINATE THE REQUIREMENT THAT A COUNTY COMMITTEE PUBLISH CERTAIN NOTICES REGARDING COUNTY CONVENTIONS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY.

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.

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ADOPTED

S. 701 -- Senator Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF HIGHWAY 45 FROM BETAW ROAD EXTENDING 1.5 MILES TO ARROWHEAD TURN "HARVEY MIDDLETON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

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

MOTION ADOPTED

At 1:38 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

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

S. 615 -- Senators Young and Campsen: A BILL TO AMEND SECTION 59-63-100 OF THE 1976 CODE, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND TO DEFINE NECESSARY TERMS.

Recorded Vote

Senator CROMER desired to be recorded as voting against the third reading of the Bill.

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

The following Joint Resolution was read the third time, passed and ordered returned to the House of Representatives with amendments:

H. 3925 -- Reps. Allison, Trantham, Felder, Simrill, Ligon, Collins, Calhoun, Huggins, McCabe and Pope: A JOINT RESOLUTION TO

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WAIVE CERTAIN PROVISIONS OF SECTION 59-63-100 OF THE 1976 CODE RELATING TO LIMITATIONS ON HOMESCHOOL STUDENT ELIGIBILITY TO PARTICIPATE IN PUBLIC SCHOOL INTERSCHOLASTIC ACTIVITIES FOR THE 2021-2022 AND 2022-2023 SCHOOL YEARS.

Motion Adopted

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

ADJOURNMENT

At 1:40 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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