

NO. 67

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MAY 5, 2021

Wednesday, May 5, 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:

Daniel 12:1

We read in the Book of Daniel:

“Those who are wise shall shine like the brightness of the sky, and those who lead many to righteousness, like the stars forever and ever.”

Let us pray: Dear God, South Carolina has been so richly blessed throughout the years with leaders who have wisely provided beneficial and often historically positive guidance. Many of the portraits surrounding us in this Chamber honor some of those individuals, and we are grateful for the worthy service each of those servants gave to and for the people of South Carolina. And we ask today, O Lord, that each of these Senators currently serving here will know clearly how we value their own service, and how very much we pray that they will each continue in the rich tradition that many of their predecessors followed: putting the well-being of our citizens uppermost in all that they determine. May it ever be so, dear Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Joseph David Teague, Sr., 255 Boone Lane, Swansea, SC 29160 *VICE*
Hon. Daniel Rickenbaker, Sr. (resigned)

WEDNESDAY, MAY 5, 2021

Reappointment, Greenville County Master-in-Equity, with the term to commence January 1, 2021, and to expire December 31, 2027

Charles B. Simmons Jr., 11 West Hillcrest Drive, Greenville, SC 29609

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie Bess, 520 Wild Hickory Lane, Columbia, SC 29216-8038

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

Latonya B. Derrick, 105 Hyer Court, Columbia, SC 29223-4611 *VICE* Ethel Brewer

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

Paulette Edwards, 471 Guard Tower Lane, Columbia, SC 29209-3174 *VICE* Roger Myers

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Christina Pope, 216 Elders Pond Dr., Columbia, SC 29229

Initial Appointment, Spartanburg County Master-in-Equity, with the term to commence June 30, 2021, and to expire June 30, 2027

Shannon M. Phillips, 251 Coggins Shore Road, Inman, SC 29349

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2021, and to expire June 30, 2027

Teasa Kay Weaver, 917 Snow Prince Lane, York, SC 29745

REGULATION WITHDRAWN

The following was received:

Document No. 4988

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Sections 58-3-60, 58-3-140, and 58-41-20

SUBJECT: Role of the Qualified Independent Third-Party Consultant and Expert and the Commissioners' Reliance on the Contents of the Qualified Independent Third-Party Consultant and Expert's Report

WEDNESDAY, MAY 5, 2021

Received by Lieutenant Governor January 12, 2021
Referred to Committee on Judiciary
Legislative Review Expiration: Permanently Withdrawn
Permanently Withdrawn May 5, 2021

Doctor of the Day

Senator HARPOOTLIAN introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator TURNER, at 11:50 A.M., Senator VERDIN was granted a leave of absence until 1:30 P.M.

Leave of Absence

At 6:33 P.M., Senator JACKSON requested a leave of absence for the balance of the day.

Leave of Absence

At 6:34 P.M., Senator LEATHERMAN requested a leave of absence for the balance of the day.

Leave of Absence

At 6:54 P.M., Senator K. JOHNSON requested a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 295 Sen. Bennett
S. 689 Sen. Campsen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 788 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MAY 2021 AS "CYSTIC FIBROSIS AWARENESS MONTH" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

WEDNESDAY, MAY 5, 2021

S. 789 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND D'ANDRE HICKS OF COLLETON COUNTY HIGH SCHOOL UPON BEING ELECTED AS THE THIRTY-FOURTH GOVERNOR OF THE SOUTH CAROLINA YMCA YOUTH IN GOVERNMENT PROGRAM.

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The Senate Resolution was adopted.

S. 790 -- Senator Matthews: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 8 AND TUESDAY, NOVEMBER 9 AND MONDAY, NOVEMBER 15 AND TUESDAY, NOVEMBER 16, 2021; HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

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The Senate Resolution was introduced and referred to the Committee on Operations and Management.

S. 791 -- Senators Grooms and Jackson: A SENATE RESOLUTION TO CONGRATULATE ADDISON "JACK" GREENE ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 792 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE JUNE 6-13, 2021 AS SOUTH CAROLINA BOATING AND FISHING WEEK AND TO COMMEND THE SOUTH CAROLINA BOATING AND FISHING ALLIANCE ON A SUCCESSFUL START TO ITS ORGANIZATION.

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On motion of Senator ALEXANDER, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

WEDNESDAY, MAY 5, 2021

S. 793 -- Senator Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-35 SO AS TO PROVIDE THAT AN EMPLOYER MAY NOT INQUIRE, CONSIDER, OR REQUIRE DISCLOSURE OF THE CRIMINAL RECORD OR CRIMINAL HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT IS SELECTED FOR AN INTERVIEW BY THE EMPLOYER OR BEFORE A CONDITIONAL OFFER OF EMPLOYMENT IS MADE TO THE APPLICANT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE RELATED DEFINITIONS AND PROCEDURES, AMONG OTHER THINGS; AND BY ADDING SECTION 12-6-3760 SO AS TO PROVIDE FOR A TAX CREDIT TO EMPLOYERS WHO HIRE A QUALIFIED EX-FELON, AND TO DEFINE NECESSARY TERMS.

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

S. 794 -- Senators Goldfinch and Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME APPROXIMATELY FIFTEEN MILES OF PLEASANT HILL DRIVE FROM ITS INTERSECTION WITH COUNTY LINE ROAD TO ITS INTERSECTION WITH NORTH FRASER STREET IN GEORGETOWN COUNTY "A. LANE CRIBB HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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On motion of Senator GOLDFINCH, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 795 -- Senator Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-435 SO AS TO PROVIDE THAT PROBATION OFFICERS, COURT PERSONNEL, COUNTY AND MUNICIPAL PERSONNEL, PUBLIC OFFICIALS, AND PRIVATE VOLUNTEERS WHO PARTICIPATE IN CERTAIN COMMUNITY SERVICE PROGRAMS IN WHICH A PROBATIONER IS COMPLETING COMMUNITY SERVICE AS A CONDITION OF PROBATION ARE NOT LIABLE FOR CIVIL DAMAGES UNLESS AN INJURY OR DAMAGES RESULT FROM THE GROSS NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT OF THESE PERSONS, AND TO

WEDNESDAY, MAY 5, 2021

PROVIDE THAT IMMUNITY IS NOT GRANTED TO CERTAIN DRIVERS OR MOTORISTS, WHO BY THEIR NEGLIGENCE, INJURES A PROBATIONER ON COMMUNITY SERVICE.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 796 -- Senator Matthews: A SENATE RESOLUTION TO CONGRATULATE ALLEN CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH OF BEAUFORT COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FIFTIETH ANNIVERSARY IN 2019 AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY AND A HALF OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

H. 3416 -- Reprs. Yow, Henegan, B. Newton, Gilliam, Hardee, Crawford, McGinnis, J. E. Johnson, Fry, Bailey, Hewitt, Allison, Atkinson, McGarry, Taylor, Pope, Weeks, Bennett, Garvin, McCabe and Dabney: A BILL TO AMEND SECTION 25-11-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY VETERANS' AFFAIRS OFFICERS, SO AS TO DESIGNATE COUNTY VETERANS' AFFAIRS OFFICERS AS COUNTY EMPLOYEES AND TO PROVIDE THAT THEY MAY BE REMOVED BY THE COUNTY LEGISLATIVE DELEGATION.

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

H. 4314 -- Reprs. J. L. Johnson, Brawley, Henegan, Garvin, Jefferson, Hosey, Robinson, Clyburn and Gilliard: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SARAH MAE FLEMMING, WHOSE COURAGEOUS ACTIONS ON A SEGREGATED COLUMBIA CITY BUS FOREVER CHANGED THE FACE OF CIVIL RIGHTS IN THE SOUTH, AND TO DECLARE JUNE 22, 2021, AS "SARAH MAE FLEMMING DAY" IN SOUTH CAROLINA.

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

WEDNESDAY, MAY 5, 2021

REPORTS OF STANDING COMMITTEES

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

S. 152 -- Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice and Hembree: A BILL TO ENACT THE "COUNTY GREEN SPACE SALES TAX ACT"; TO AMEND CHAPTER 10, TITLE 4 OF THE 1976 CODE, RELATING TO COUNTY LOCAL SALES AND USE TAXES, BY ADDING ARTICLE 10, TO CREATE THE COUNTY GREEN SPACE SALES TAX, TO IMPOSE THE TAX, TO PROVIDE FOR THE CONTENTS OF THE BALLOT AND THE PURPOSE FOR WHICH TAX PROCEEDS MAY BE USED, TO PROVIDE FOR THE IMPOSITION AND TERMINATION OF THE TAX, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND COLLECT THE TAX, TO PROVIDE FOR DISTRIBUTIONS TO COUNTIES AND CONFIDENTIALITY, AND TO PROVIDE FOR UNIDENTIFIED FUNDS, TRANSFERS, AND SUPPLEMENTAL DISTRIBUTIONS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 224 -- Senators Shealy, McLeod, Hutto, Jackson, McElveen, Matthews and Adams: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100 OF THE 1976 CODE, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND TO REPEAL SECTION 16-15-110 OF THE 1976 CODE, RELATING TO PROSTITUTION VIOLATIONS.

Ordered for consideration tomorrow.

WEDNESDAY, MAY 5, 2021

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 230 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 16-3-2020(G) OF THE 1976 CODE, RELATING TO TRAFFICKING VICTIMS WHO ARE MINORS, TO PROVIDE THAT MINORS ENGAGED IN COMMERCIAL SEXUAL ACTIVITY OR TRAFFICKING ARE PRESUMED TO BE DOING SO UNDER COERCION OR AS THE RESULT OF A REASONABLE FEAR OF A THREAT, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE OF THESE VICTIMS, AND TO PROVIDE FOR EXPUNGEMENT FOR THESE VICTIMS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 591 -- Senators Hutto and Shealy: A BILL TO AMEND SECTION 20-1-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MINIMUM AGE A PERSON MAY ENTER INTO MARRIAGE, SO AS TO PROVIDE THAT A MARRIAGE ENTERED INTO BY AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS VOID AB INITIO; TO AMEND SECTION 20-1-290, RELATING TO THE WILFUL FAILURE OF THE LICENSE-ISSUING OFFICER TO COMPLY WITH LAWS RELATED TO THE ISSUANCE OF MARRIAGE LICENSES, SO AS TO REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; TO REPEAL SECTION 20-1-250 RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO APPLICANTS BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN WITH PARENTAL OR GUARDIAN CONSENT, AND SECTION 20-1-260 RELATING TO THE PROOF OF AGE REQUIRED FOR A MINOR APPLICANT.

Ordered for consideration tomorrow.

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

H. 3354 -- Rep. Ballentine: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT A RENEWABLE ENERGY RESOURCE PROPERTY HAVING A NAMEPLATE CAPACITY OF

WEDNESDAY, MAY 5, 2021

AND OPERATING AT NO GREATER THAN TWENTY KILOWATTS.

Ordered for consideration tomorrow.

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

H. 3482 -- Reps. Stavrinakis, Kirby, Pendarvis, J. Moore, Henegan, Wetmore, Weeks, Wheeler and Henderson-Myers: A BILL TO AMEND SECTION 12-45-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTALLMENT PAYMENTS OF PROPERTY TAX, SO AS TO AUTHORIZE A COUNTY TO ESTABLISH AN ALTERNATIVE PAYMENT SCHEDULE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3575 -- Reps. Fry, Collins, Elliott, Kirby, Forrest, W. Newton, McGarry, B. Newton, Hosey, Caskey, Herbkersman, Martin, M.M. Smith, Wheeler, Brittain, Hewitt, Erickson, Bradley, Henderson-Myers, Stavrinakis, Davis and Kimmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-45 SO AS TO ALLOW A QUALIFYING RETAILER TO OFFER CURBSIDE DELIVERY OR PICKUP SERVICE OF BEER OR WINE AND TO PROVIDE LIMITATIONS; AND TO AMEND SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURB SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

H. 3605 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 11-11-90 RELATING TO MEETINGS OF APPROPRIATION COMMITTEES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3620 -- Reps. Gilliard, W. Newton, Bernstein, Hyde, Simrill, Rutherford, Lucas, Dillard, Erickson, Hart, Kimmons, Pope, Stavrinakis, Thigpen, Wheeler, Bradley, Alexander, Kirby, Henegan, Pendarvis,

WEDNESDAY, MAY 5, 2021

Herbkersman, Collins, McDaniel, Ott, Cobb-Hunter, R. Williams, Murray, Brawley, Govan, Henderson-Myers, Carter, Rose, Tedder, J.L. Johnson, Wetmore, Weeks, Matthews, Rivers, Anderson, Jefferson, Garvin, Hosey and Clyburn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Ordered for consideration tomorrow.

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

H. 3694 -- Reps. Atkinson, Hardee, Hewitt, Fry, Brittain, Hayes, McGinnis, R. Williams, V.S. Moss, Lowe, Bryant, Forrest and Anderson: A BILL TO AMEND SECTION 50-11-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEAR HUNTING, SO AS TO ALLOW FOR THE USE OF BAIT WHEN HUNTING BEAR IN GAME ZONE 4 DURING A CERTAIN TIME PERIOD.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3696 -- Reps. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

WEDNESDAY, MAY 5, 2021

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance polled out H. 3786 favorable:

H. 3786 -- Reps. G.M. Smith, Murphy and Weeks: A BILL TO AMEND SECTION 1-1-1210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ANNUAL SALARIES OF STATE CONSTITUTIONAL OFFICERS, SO AS TO PROVIDE THAT BEGINNING WITH FISCAL YEAR 2022-2023 SALARIES FOR THE STATE CONSTITUTIONAL OFFICERS MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; TO AMEND SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT THE AGENCY HEAD SALARY COMMISSION MUST MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR THE SALARIES FOR STATE CONSTITUTIONAL OFFICERS; AND TO AMEND SECTION 8-11-165, RELATING TO SALARY AND FRINGE BENEFIT SURVEYS, SO AS TO PROVIDE THAT SALARY SURVEYS BE CONDUCTED FOR STATE CONSTITUTIONAL OFFICERS.

**Poll of the Committee on Finance
Polled 23; Ayes 23; Nays 0**

AYES

Leatherman	Peeler	Setzler
Alexander	Grooms	Verdin
Cromer	Jackson	Williams
Davis	Martin	Scott
Allen	Bennett	Corbin
Hembree	<i>Kevin Johnson</i>	McElveen
Shealy	Turner	Gambrell
Fanning	Goldfinch	

Total--23

NAYS

Total--0

WEDNESDAY, MAY 5, 2021

Ordered for consideration tomorrow.

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

H. 3865 -- Reps. Wetmore, Hewitt, Cogswell, Bustos, Anderson, Stavrinakis, Bennett, Erickson and Bradley: A BILL TO AMEND SECTION 50-21-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

Ordered for consideration tomorrow.

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

H. 3899 -- Reps. Elliott, G.R. Smith, Erickson, Herbkersman, Daning, Taylor, Hixon, Bennett, Willis, Bannister, Morgan, Stringer, Haddon, Burns, B. Cox, Huggins, B. Newton, Fry and McGarry: A BILL TO AMEND SECTION 12-6-3790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONAL NEEDS CHILD TAX CREDIT, SO AS TO PROVIDE HOW THE PROCEEDS OF THE FUND MUST BE ADMINISTERED, TO INCREASE THE AMOUNT THE PUBLIC CHARITY MAY EXPEND FOR ADMINISTRATION COSTS TO EIGHT PERCENT; TO APPROPRIATE TWELVE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION SO THE DEPARTMENT MAY MAKE A DONATION OF TWELVE MILLION DOLLARS TO EXCEPTIONAL SC; AND TO REMOVE A PROVISION THAT REQUIRES A SCHOOL TO PROVIDE CERTAIN INDIVIDUAL STUDENT TEST SCORES IN ITS APPLICATION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 4006 -- Reps. G.M. Smith and Weeks: A BILL TO AMEND SECTION 2.B. OF ACT 167 OF 2020, RELATING TO AN INCREASED LIMIT FOR CERTAIN OFF-PREMISES SALES, SO AS TO EXTEND THE INCREASE UNTIL MAY 31, 2022.

Ordered for consideration tomorrow.

WEDNESDAY, MAY 5, 2021

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

H. 4017 -- Reps. Simrill, Pope, Weeks, W. Cox and Hill: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2020, TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES, AND TO PROVIDE FOR THE TAX TREATMENT OF THE PAYCHECK PROTECTION PROGRAM AND CERTAIN EXPENSES AS PROVIDED FOR IN THE FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2021.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to recede at 11:55 A.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate will reconvene at 1:30 P.M.

RECESS

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

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. 699 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, MAY 5, 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 ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT-LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2027; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY FROM THE SECOND

WEDNESDAY, MAY 5, 2021

CONGRESSIONAL DISTRICT, SEAT 2, FOR A TERM TO EXPIRE JUNE 30, 2025; A MEMBER FROM THE FOURTH CONGRESSIONAL DISTRICT, SEAT 4, FOR A TERM TO EXPIRE JUNE 30, 2025; FROM THE SIXTH CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2025, AND MEMBERS, AT-LARGE, FROM SEATS 8, 10, 12, 14, AND 15, RESPECTIVELY, ALL FOR TERMS TO EXPIRE JUNE 30, 2025; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF WINTHROP UNIVERSITY, AT-LARGE, SEAT 10, FOR A TERM TO EXPIRE JUNE 30, 2027; TO ELECT ONE MEMBER TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT-LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2027; AND TO ELECT FOUR MEMBERS, AT-LARGE, OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, ALL FOR TERMS TO EXPIRE JUNE 30, 2025.

Election to the Legislative Audit Council

At-Large Seat

The PRESIDENT announced that nominations were in order to elect the Legislative Audit Council, at-large Seat.

Senator ALEXANDER indicated that Dennis Caldwell had been screened and found qualified to serve and his name was placed in nomination.

Senator ALEXANDER 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 Dennis Caldwell was elected to the Legislative Audit Council, at-large Seat for the term to expire June 30, 2027.

Election to the Old Exchange Building Commission

One At-Large Seat

The PRESIDENT announced that nominations were in order to elect a successor to the one at-large Seat on the Old Exchange Building Commission.

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

WEDNESDAY, MAY 5, 2021

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

Whereupon, the PRESIDENT announced that the Honorable Greg Ohanesian was elected to the one at-large Seat on the Old Exchange Building Commission for the terms to expire June 30, 2027.

**Election to the Board of Trustees for the
Wil Lou Gray Opportunity School
Four At-Large Seats**

The PRESIDENT announced that nominations were in order to elect successors to positions on the Board of Trustees for the Wil Lou Gray Opportunity School, four at-large Seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that D. Stewart Cooner, Cheryl H. Fralick, Michael D. Moss, Micheal J. Pryor and Gregory Vaughn had been screened and found qualified to serve and placed their names in nomination.

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 Stewart Cooner:

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

Total--38

The following named Senators voted for Cheryl Fralick:

Adams	Alexander	Allen
Bennett	Campsen	Cash

WEDNESDAY, MAY 5, 2021

Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

Total--39

The following named Senators voted for Michael Moss:

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Peeler	Rankin
Rice	Setzler	Shealy
Talley	Turner	Williams
Young		

Total--25

The following named Senators voted for Micheal Pryor:

Allen	Fanning	<i>Johnson, Kevin</i>
Kimpson	Malloy	McElveen
McLeod	Sabb	Scott
Setzler	Stephens	Williams

Total--12

The following named Senators voted for Gregory Vaughn:

Adams	Alexander	Allen
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell

WEDNESDAY, MAY 5, 2021

Loftis	Peeler	Rankin
Rice	Shealy	Young

Total--21

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

The following named Representatives voted for Stewart Cooner:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cobb-Hunter
Cogswell	B. Cox	Crawford
Dabney	Daning	Davis
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliard	Haddon	Hardee
Hayes	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Kimmons	King
Kirby	Ligon	Long
Lucas	Magnuson	Martin
May	McCabe	McCravy
McDaniel	McGarry	McGinnis
McKnight	J. Moore	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	W. Newton	Nutt
Oremus	Pendarvis	Pope
Rose	Rutherford	Sandifer
Simrill	G. R. Smith	M. M. Smith
Stavrinakis	Stringer	Taylor
Tedder	Thayer	Thigpen
Trantham	West	Wetmore
Whitmire	R. Williams	Willis

WEDNESDAY, MAY 5, 2021

Wooten

Total--97

The following named Representatives voted for Cheryl Fralick:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	B. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliard
Haddon	Hardee	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Kimmons
Kirby	Ligon	Long
Lucas	Magnuson	Martin
Matthews	May	McCabe
McCrary	McDaniel	McGarry
McGinnis	McKnight	J. Moore
T. Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	Murray
W. Newton	Nutt	Oremus
Pendarvis	Pope	Robinson
Rose	Rutherford	Sandifer
Simrill	G. R. Smith	M. M. Smith
Stavrinakis	Stringer	Taylor
Tedder	Thayer	Thigpen
Trantham	West	Wetmore
Whitmire	R. Williams	Willis
Wooten		

Total--103

WEDNESDAY, MAY 5, 2021

The following named Representatives voted for Michael Moss:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cobb-Hunter
Cogswell	B. Cox	Crawford
Dabney	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Haddon
Hardee	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Kimmons	King	Kirby
Ligon	Long	Lucas
Magnuson	Martin	May
McCabe	McCrary	McDaniel
McGarry	McGinnis	McKnight
J. Moore	T. Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Nutt	Oremus
Pendarvis	Pope	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stringer	Taylor
Thayer	Thigpen	Trantham
West	White	Whitmire
S. Williams	Willis	Wooten

Total--99

The following named Representatives voted for Micheal Pryor:

Atkinson	Brawley	Cobb-Hunter
Dillard	Garvin	Gilliard
Govan	Hayes	Henderson-Myers

WEDNESDAY, MAY 5, 2021

Henegan	Hosey	Howard
Jefferson	J. L. Johnson	K. O. Johnson
King	Matthews	McDaniel
McKnight	J. Moore	Murray
Pendarvis	Rivers	Robinson
Stavrinakis	Tedder	Thigpen
S. Williams		

Total--28

The following named Representatives voted for Gregory Vaughn:

Alexander	Allison	Anderson
Bailey	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cogswell	B. Cox
W. Cox	Crawford	Dabney
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Gatch	Haddon	Hardee
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Huggins
Hyde	J. E. Johnson	Kimmons
Kirby	Ligon	Long
Lucas	Magnuson	Martin
May	McCabe	McCrary
McGarry	McGinnis	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	W. Newton	Nutt
Oremus	Pope	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stringer	Taylor
Thayer	Trantham	West
White	Whitmire	R. Williams
Willis	Wooten	

Total--83

WEDNESDAY, MAY 5, 2021

RECAPITULATION

Total number of Senators voting	39
Total number of Representatives voting.....	<u>111</u>
Grand Total.....	150
Necessary to a choice	76
Of which Stewart Cooner received	135
Of which Cheryl Fralick received	142
Of which Michael Moss received	124
Of which Micheal Pryor received	40
Of which Gregory Vaughn received	104

Whereupon, the PRESIDENT announced that the Honorable D. Stewart Cooner, the Honorable Cheryl H. Fralick, the Honorable Michael D. Moss and the Honorable Gregory Vaughn were elected to positions on the Board of Trustees for the Wil Lou Gray Opportunity School, four at-large Seats for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Winthrop 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 Winthrop University, at-large, Seat 10.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Glenn A. McCall had been screened and found qualified to serve and placed his 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 Glenn A. McCall was elected to a position on the Board of Trustees for Winthrop University, at-large, Seat 10 for a term to expire June 30, 2027.

**Election to the Board of Trustees for
Coastal Carolina University, 2nd Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 2nd Congressional District, Seat 2.

Representative Whitmire Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Oran P.

WEDNESDAY, MAY 5, 2021

Smith had been screened and found qualified to serve and placed his 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 Oran P. Smith was elected to a position on the Board of Trustees for Coastal Carolina University, 2nd Congressional District, Seat 2 for the term to expire June 30, 2025.

Election to the Board of Trustees for

Coastal Carolina University, 4th Congressional District, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 4th Congressional District, Seat 4.

Representative Whitmire Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Brad Poston had been screened and found qualified to serve and placed his 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 Brad Poston was elected to a position on the Board of Trustees for Coastal Carolina University, 4th Congressional District, Seat 4 for the term to expire June 30, 2025.

Election to the Board of Trustees for

Coastal Carolina University, 6th Congressional District, Seat 6

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 6th Congressional District, Seat 6.

Representative Whitmire Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that John H. Bartell had been screened and found qualified to serve and placed his 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 John H. Bartell was elected to a position on the Board of Trustees for Coastal

WEDNESDAY, MAY 5, 2021

Carolina University, 6th Congressional District, Seat 6 for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Coastal Carolina University, At-Large, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Jason Repak had been screened and found qualified to serve and placed his 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 Jason Repak was elected to the position on the Board of Trustees for Coastal Carolina University, at-large, Seat 8 for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Coastal Carolina 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 Coastal Carolina University, at-large, Seat 10.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mark S. Kelley and Robert L O'Brien had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire with unanimous consent, the name of Robert L O'Brien 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 Mark S. Kelley was elected to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 10 for the term to expire June 30, 2025.

WEDNESDAY, MAY 5, 2021

**Election to the Board of Trustees for
Coastal Carolina University, At-Large, Seat 12**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 12.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Brett C. Porterfield and H. Delan Stevens had been screened and found qualified to serve and placed their names in nomination.

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 Brett Porterfield:

Alexander McLeod

Total--2

The following named Senators voted for Delan Stevens:

Adams	Allen	Bennett
Campsen	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Kevin</i>
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--31

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 Brett Porterfield:

Bernstein	Govan	Henderson-Myers
Hosey	J. L. Johnson	King
McDaniel	Rivers	

Total--8

WEDNESDAY, MAY 5, 2021

The following named Representatives voted for Delan Stevens:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Blackwell
Bradley	Brawley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Chumley
Clyburn	Cogswell	B. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Haddon	Hardee
Hayes	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
K. O. Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
Martin	McCabe	McCrary
McGarry	McGinnis	McKnight
T. Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	Murray
B. Newton	W. Newton	Nutt
Oremus	Pope	Robinson
Rose	Rutherford	Sandifer
Simrill	G. R. Smith	M. M. Smith
Stringer	Taylor	Tedder
Thayer	Trantham	West
Wetmore	Wheeler	White
Whitmire	R. Williams	Willis
Wooten		

Total--97

The following named Representatives voted against Delan Stevens:

Rivers

Total--1

WEDNESDAY, MAY 5, 2021

RECAPITULATION

Total number of Senators voting	33
Total number of Representatives voting.....	<u>106</u>
Grand Total.....	139
Necessary to a choice	70
Of which Brett Porterfield received	10
Of which Delan Stevens received	128

Whereupon, the PRESIDENT announced that the Honorable H. Delan Stevens was elected to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 12 for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Coastal Carolina University, At-Large, Seat 14**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 14.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Joe N. Jarrett, Jr. had been screened and found qualified to serve and placed his 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 Joe N. Jarrett, Jr. was elected to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 14 for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Coastal Carolina University, At-Large, Seat 15**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 15.

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

WEDNESDAY, MAY 5, 2021

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 Patrick Sparks was elected to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 15 for the term to expire June 30, 2025.

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.

Call of the Senate

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

Adams	Alexander	Bennett
Cash	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	<i>Johnson, Kevin</i>	Kimpson
Loftis	Malloy	Martin
Massey	McLeod	Peeler
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Young		

At 1:33 P.M., the Senate resumed.

Appointments Reported

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

WEDNESDAY, MAY 5, 2021

Statewide Appointments

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2020, and to expire July 1, 2024

Chairman, 4th Congressional District:

Norman F. Pulliam, 812 East Main Street, Spartanburg, SC 29302-2000

Received as information.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2020, and to expire July 1, 2024

6th Congressional District:

Duane M. Swygert, P. O. Box 486, Hardeeville, SC 29927-0486

Received as information.

Message from the House

Columbia, S.C., May 4, 2021

Mr. President and Senators:

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

H. 3539 -- Reprs. Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-9-55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50-9-655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

WEDNESDAY, MAY 5, 2021

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it reconsidered the vote whereby they concurred in the Senate amendments to H. 3539 and has recalled the Bill from Legislative Council to be placed on the calendar.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 36 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

WEDNESDAY, MAY 5, 2021

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 425 -- Senators Alexander, McLeod, Young and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 35, TITLE 43 OF THE 1976 CODE, RELATING TO DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES CONCERNING ADULT PROTECTION, BY ADDING SECTION 43-35-87, TO AUTHORIZE BANKING INSTITUTIONS TO DECLINE CERTAIN FINANCIAL TRANSACTION REQUESTS IN CASES OF THE SUSPECTED FINANCIAL EXPLOITATION OF A VULNERABLE ADULT, AND TO DEFINE NECESSARY TERMS.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

WEDNESDAY, MAY 5, 2021

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.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3991 -- Reps. Rutherford, Wooten, Caskey, Thigpen, B. Cox, Elliott, Erickson, S. Williams and Rivers: A BILL TO AMEND SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA,

WEDNESDAY, MAY 5, 2021

1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3194 -- Reps. Lucas, G.M. Smith, Simrill, Rutherford, Thigpen, McCravy, McGarry, B. Newton, Long, Yow and Carter: A BILL TO AUTHORIZE THE SALE OF THE ASSETS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE ASSUMPTION OR DEFEASMENT OF ITS LIABILITIES OR THE MANAGEMENT OF THE OPERATIONS OF THE PUBLIC SERVICE AUTHORITY BY A THIRD PARTY OR ENTITY; TO CREATE A SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY TO FURTHER NEGOTIATE THE TERMS AND CONDITIONS OF THE PREFERRED SALE RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY AND THE PREFERRED MANAGEMENT RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY, TO PROVIDE THAT THE SPECIAL COMMITTEE SHALL REPORT ONE RECOMMENDATION TO EACH HOUSE OF THE GENERAL ASSEMBLY FOR ITS APPROVAL, AND TO PROVIDE FOR THE MANNER IN WHICH THE SELECTED PROPOSAL SHALL TAKE EFFECT; AND TO AMEND CHAPTER 31, TITLE 58, CODE LAWS OF SOUTH CAROLINA, 1976,

WEDNESDAY, MAY 5, 2021

RELATING TO THE PUBLIC SERVICE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE GOVERNANCE AND OPERATIONS OF THE AUTHORITY IN CERTAIN PARTICULARS.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

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

Senator MASSEY explained the amendments.

On motion of Senator MASSEY, the Senate nonconcurred in the House amendments to H. 3194 and a message was sent to the House accordingly.

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

SECOND READING BILL

S. 771 -- Senator Hutto: A BILL TO CONSOLIDATE BAMBERG-EHRHARDT SCHOOL DISTRICT ONE (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT ONE) AND DENMARK-OLAR SCHOOL DISTRICT TWO (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT TWO) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BAMBERG-EHRHARDT SCHOOL DISTRICT ONE AND DENMARK-OLAR SCHOOL DISTRICT TWO ON JULY 1, 2022; TO PROVIDE THAT THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF

WEDNESDAY, MAY 5, 2021

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

On motion of Senator HUTTO.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

H. 3094 -- Reps. B. Cox, White, Lucas, Burns, Jones, Allison, Caskey, Chumley, Collins, Crawford, Daning, Davis, Elliott, Erickson, Felder, Forrest, Fry, Gagnon, Gatch, Gilliam, Haddon, Hardee, Hewitt, Hiott, Hixon, Huggins, Jordan, Kimmons, Ligon, Long, Magnuson, McCravy, Morgan, Murphy, B. Newton, W. Newton, Nutt, Oremus, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stringer, Taylor, Thayer, Trantham, West, Whitmire, Willis, Wooten, Yow, McGarry, Bryant, V.S. Moss, McCabe, Hosey, T. Moore, W. Cox, Bailey, Lowe, Atkinson, J.E. Johnson, Brittain, Bennett, Hyde, McGinnis, Martin and Bradley: A BILL TO AMEND SECTION 23-31-210, CODE OF LAWS OF SOUTH CAROLINA, 1976,

WEDNESDAY, MAY 5, 2021

RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ENACT THE “OPEN CARRY WITH TRAINING ACT” BY REVISING THE DEFINITION OF THE TERM “CONCEALABLE WEAPON” TO ALLOW A PERMIT HOLDER TO CARRY A CONCEALABLE WEAPON OPENLY ON HIS PERSON; AND TO AMEND SECTION 16-23-20, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE A PERSON WHO POSSESSES A CONCEALED WEAPON PERMIT MAY CARRY IT OPENLY ON OR ABOUT HIS PERSON IN A VEHICLE.

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

Senator YOUNG explained the Bill.

Amendment No. 1A

Senators MASSEY, RICE, TALLEY, TURNER, CASH and GUSTAFSON proposed the following amendment (3094R026.KMM.ASM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 and SECTION 5 in their entirety and inserting:

/SECTION 4. Section 23-31-220 of the 1976 Code is amended to read:

“Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon, whether concealed or openly carried, upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating ‘No Concealable Weapons Allowed’ shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who brings a concealable weapon, whether concealed or openly carried, onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of

WEDNESDAY, MAY 5, 2021

Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).

(C) In addition to the provisions of subsection (B), a public or private employer or the owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.”

SECTION 5. Section 23-31-235 of the 1976 Code is amended to read:

“Section 23-31-235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon, whether concealed or openly carried, upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;
- (3) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;
- (5) a diameter of a circle; and
- (6) placed not less than forty inches and not more than sixty inches from the bottom of the building’s entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

- (1) thirty-six inches wide by forty-eight inches tall in size;
- (2) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black three-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle

WEDNESDAY, MAY 5, 2021

from the horizontal and must be a diameter of a circle whose circumference is two inches wide;

(4) placed not less than forty inches and not more than ninety-six inches above the ground;

(5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.” /

Amend the bill further, as and if amended, by striking SECTION 7 in its entirety and inserting:

/SECTION 7. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article may carry a concealable weapon, whether concealed or openly carried, on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

(1) The provisions contained in this section apply:

(a) only during those times that the church has the use and enjoyment of the school property pursuant to its lease with the school; and

(b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

(2) A school district may request that a church utilizing school property for its services disclose and notify the school district if persons are, or may be, carrying concealed weapons on the school property.

(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school-sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun-Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are leased to a church are not considered a school during the hours that the church has the use and enjoyment of the school property pursuant to this section.” /

Amend the bill further, as and if amended, by adding and appropriately numbered new SECTION to read:

WEDNESDAY, MAY 5, 2021

/ /SECTION __. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-250. (A) The State of South Carolina, and its political subdivisions, can not be compelled by the federal government to take any legislative or executive action to implement or enforce a federal law, treaty, executive order, rule, or regulation related to an individual’s right to keep and bear arms enshrined in the Second Amendment to the United States Constitution that limits or proscribes carrying concealable weapons, whether concealed or openly carried, as provided in this chapter.

(B) Any federal law, treaty, executive order, rule, or regulation related to limiting or proscribing the carry of concealable weapons must be evaluated by the Attorney General. The Attorney General shall issue a written opinion of whether the law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A).

(C) If the Attorney General renders an opinion that a federal law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A), then:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation;

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation; and

(3) no official, agent, or employee of the State of South Carolina, or any political subdivision of it, shall implement, attempt to implement, enforce, or attempt to enforce that federal law, treaty, executive order, rule, or regulation.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

Senator K. JOHNSON spoke on the amendment.

Senator MASSEY spoke on the amendment.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 21 that the amendment had been under debate less than 10 minutes and therefore a

WEDNESDAY, MAY 5, 2021

motion could be made to recommit the Bill to the Committee on Judiciary.

Senator MARTIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator MATTHEWS moved that the Bill be recommitted to the Committee on Judiciary.

Senator CLIMER moved to table the motion to recommit the Bill to the Committee on Judiciary.

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

Ayes 28; Nays 14

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Martin	Massey	Peeler
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McLeod
Sabb	Scott	Setzler
Stephens	Williams	

Total--14

The motion to recommit was tabled.

The question then was the adoption of the amendment.

WEDNESDAY, MAY 5, 2021

Senator MATTHEWS moved to lay the amendment on the table.

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

Ayes 14; Nays 28

AYES

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McLeod
Sabb	Scott	Setzler
Stephens	Williams	

Total--14

NAYS

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Martin	Massey	Peeler
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

The motion to table failed.

Point of Order

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

Senator MASSEY spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of the amendment.

The amendment was adopted.

WEDNESDAY, MAY 5, 2021

Amendment No. 2B

Senators MASSEY, MALLOY, CAMPSER, HEMBREE, RICE, DAVIS, WILLIAMS and GUSTAFSON proposed the following amendment (JUD3094.007), which was adopted:

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

/ SECTION __.A. Section 14-17-325 of the 1976 Code is amended to read:

“Section 14-17-325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within ~~thirty~~ five days of disposition, weekends and holidays excluded.

(B) Every clerk of court shall also report to the State Law Enforcement Division, within five days, the issuance, rescission, or termination of any:

- (1) criminal indictments;
- (2) permanent restraining orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and
- (4) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The disposition report reporting required by this section must be in a format approved by ~~representatives of the State Law Enforcement Division and the office of court administration~~ Court Administration. ~~With the approval of the State Law Enforcement Division and the office of court administration, this reporting requirement may be satisfied by use of General Sessions docket information transmitted to the office of the court administration.~~”

B. Chapter 1, Title 22 of the 1976 Code is amended by adding:

“Section 22-1-200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) Magistrates shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

WEDNESDAY, MAY 5, 2021

- (1) restraining orders and emergency restraining orders;
- (2) magistrate court orders of protection from domestic abuse act orders;

(3) orders of state firearms prohibition pursuant to Section 16-25-30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate magistrate. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the magistrate may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

C.Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14-25-250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) A municipal judge shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

- (1) restraining orders and emergency restraining orders;
- (2) municipal court orders of protection from domestic abuse act orders;

(3) orders of state firearms prohibition pursuant to Section 16-25-30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

WEDNESDAY, MAY 5, 2021

D. Article 5, Chapter 3, Title 63 of the 1976 Code is amended by adding:

“Section 63-3-545. (A) The clerk of the family court shall report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) permanent restraining orders;
(2) family court orders of protection from domestic abuse act orders; or

(3) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, including any and all orders referenced in Section 16-25-30, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select when appropriate to order the clerk to transmit the appropriate information to SLED.

(B) The reporting required by this section must be made in a format approved by the State Law Enforcement Division and Court Administration.”

E. The provisions of this SECTION take effect October 1, 2021. /

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

/ SECTION __. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Amend the bill further, as and if amended, page 6, lines 13 and 14, by striking SECTION 9, in its entirety and inserting:

/ SECTION 9. Unless otherwise provided, this act takes effect sixty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

WEDNESDAY, MAY 5, 2021

Senator HARPOOTLIAN spoke on the amendment.

Senator HARPOOTLIAN moved to carry over the amendment.

Senator MALLOY moved to table the motion to carry over the amendment.

The motion to carry over the amendment was tabled.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 3B

Senators MARTIN, VERDIN, CASH, KIMBRELL, ADAMS, CORBIN and RICE proposed the following amendment (3094R037.KMM.SRM), which was tabled:

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

/SECTION 1. This act must be known and may be cited as the “South Carolina Constitutional Carry Act of 2021”.

SECTION 2. Section 10-11-320 of the 1976 Code is amended to read:

“Section 10-11-320. (A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not apply to a person who possesses a ~~concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23~~ firearm and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.”

SECTION 3. Section 16-23-20 of the 1976 Code is amended to read:

“Section 16-23-20. (A) It is unlawful, whether or not a person has a concealed weapon permit, for ~~anyone~~ the person to carry about ~~the~~ his person any handgun, whether concealed or not, ~~except as follows~~, unless otherwise specifically ~~prohibited~~ authorized by law, into a:

WEDNESDAY, MAY 5, 2021

~~(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;~~

~~(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;~~

~~(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;~~

~~(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;~~

~~(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;~~

~~(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;~~

~~(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;~~

~~(8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;~~

~~(9) a person in a vehicle if the handgun is:~~

~~(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4,~~

WEDNESDAY, MAY 5, 2021

Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

~~(b) concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

~~(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;~~

~~(11) a prison guard while engaged in his official duties;~~

~~(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);~~

~~(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;~~

~~(14) a person engaged in firearms related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

~~(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.~~

~~(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.~~

~~(1) law enforcement, correctional, or detention facility;~~

~~(2) courthouse or courtroom;~~

~~(3) polling place on election day;~~

~~(4) business meeting or office of the governing body of a county, public school district, municipality, or special purpose district;~~

~~(5) school or college athletic event not related to firearms;~~

WEDNESDAY, MAY 5, 2021

(6) daycare facility or preschool facility;

(7) place where the carrying of firearms is prohibited by federal law;

(8) church or other established religious sanctuary;

(9) medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer;

(10) residence or dwelling place of another person; or

(11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section 23-31-235. A person who violates a provision of this item, whether the violation is wilful or not, may only be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

(B) The provisions of subsection (A) do not apply to:

(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, or law enforcement officers or other authorized personnel of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, or retired commissioned law enforcement officers employed as private detectives or private investigators;

(2) employees of a law enforcement facility, correctional facility, detention facility, or courthouse while in the course of their employment and where the employment requires the possession of a firearm;

(3) members of the armed forces of the United States, National Guard, organized reserves, or State Militia when on duty;

(4) subject to the limitations of Section 23-31-600(D), a person who meets the definition of 'qualified retired law enforcement officer' contained in Section 23-31-600;

(5) a person carrying as authorized by Section 23-31-240; or

(6) a person given permission to carry a firearm by a property owner or person in control of a premises or an agent of the owner or person in control of the premises with the authority to give such permission, whether or not the property is posted pursuant to Section 23-31-235.

(C) Nothing contained in this section may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-30, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, and 51-3-145, or the

WEDNESDAY, MAY 5, 2021

ability for a person to obtain a concealed weapon permit as provided for in Section 23-31-215.”

SECTION 4. Section 16-23-50(A)(2) of the 1976 Code is amended to read:

“(2) A person violating the provisions of Section 16-23-20, except for a violation of Section 16-23-20(A)(11), is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.”

SECTION 5. Section 16-23-420 of the 1976 Code is amended to read:

“Section 16-23-420. (A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply ~~to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23~~ when the ~~weapon~~ firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(B) It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a ~~weapon~~ firearm in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

(E) For purposes of this section, the terms ‘premises’ and ‘property’ do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school,

WEDNESDAY, MAY 5, 2021

college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to a person ~~who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23~~ when upon any premises, property, or building that is part of an interstate highway rest area facility.”

SECTION 6. Section 16-23-430 of the 1976 Code is amended to read:

“Section 16-23-430. (A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply ~~to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23~~ when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 7. Section 16-23-465 of the 1976 Code is amended to read:

“Section 16-23-465. (A)(1) In addition to the penalties provided for by Sections 16-11-330, 16-11-620, ~~16-23-460~~, 23-31-220, and Article 1, Chapter 23, Title 16, a person convicted of knowingly carrying a firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(2) In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23 must have his concealed weapon permit revoked for a period of five years.

(B)(1) This section does not apply to a person otherwise lawfully carrying a ~~concealable weapon pursuant to and in compliance with~~

WEDNESDAY, MAY 5, 2021

~~Article 4, Chapter 31, Title 23; however, the person shall firearm who does not consume alcoholic liquor, beer, or wine while carrying the concealable weapon firearm on the business' premises. A person who violates this item may be charged with a violation of subsection (A).~~

(2) A property owner, holder of a lease interest, or operator of a business may prohibit the carrying of concealable weapons into the business by posting a 'NO CONCEALABLE WEAPONS ALLOWED' sign in compliance with Section 23-31-235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23-31-235 may be charged with a violation of subsection (A).

(3) A property owner, holder of a lease interest, or operator of a business may request that a person carrying a concealable weapon leave the business' premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business' premises, or any portion of the premises. A person carrying a concealable weapon who refuses to leave a business' premises or portion of the premises when requested or refuses to remove the concealable weapon from a business' premises or portion of the premises when requested may be charged with a violation of subsection (A)."

SECTION 8. A. Section 23-31-215(K), (M), and (O) of the 1976 Code is amended to read:

~~"(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:~~

- ~~(1) identifies himself as a law enforcement officer; and~~
- ~~(2) requests identification or a driver's license from a permit holder.~~

A permit holder ~~immediately~~ must report the loss or theft of a permit identification card to SLED headquarters within forty-eight hours of the time the permit holder knew or reasonably should have known of the loss or theft. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars."

~~"(M)(1) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a: any place listed in Section 16-23-20(A) except as otherwise permitted by law~~

- ~~(1) law enforcement, correctional, or detention facility;~~
- ~~(2) courthouse or courtroom;~~

WEDNESDAY, MAY 5, 2021

- ~~(3) polling place on election days;~~
- ~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;~~
- ~~(5) school or college athletic event not related to firearms;~~
- ~~(6) daycare facility or preschool facility;~~
- ~~(7) place where the carrying of firearms is prohibited by federal law;~~
- ~~(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;~~
- ~~(9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or~~
- ~~(10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.~~

~~Except as provided for in item (10), a person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.~~

(2) Except as provided in Section 16-23-20(A)(11), a person who wilfully violates a provision of this subsection may be charged with a violation of Section 16-23-20 and, in addition to the penalties provided in Section 16-23-20, at the discretion of the court, may have his permit revoked for up to five years.

(3) Nothing contained in this subsection may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145."

"(O)(1) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16-23-20, items (1) through (5) and items (7) through (11);

(2)(a) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as 'pepper gas';
or

WEDNESDAY, MAY 5, 2021

~~(3)(b)~~ carrying a concealable weapon in a manner not prohibited by law.

(2) The availability of a permit to carry a concealable weapon under this section must not be construed to prohibit the permitless transport or carrying of a firearm in a vehicle or on or about one's person, whether openly or concealed, loaded or unloaded, in a manner not prohibited by law."

B. Section 23-31-215(U) of the 1976 Code is deleted.

SECTION 9. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is ~~licensed under this article~~ otherwise not prohibited by law from possessing a handgun from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business; or

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating 'No Concealable Weapons Allowed' shall constitute notice to a person ~~holding a permit issued pursuant to this article~~ that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who knowingly brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, ~~item (B)(1)~~."

SECTION 10. Section 23-31-235(B) of the 1976 Code is amended to read:

(B) All signs must be posted at each entrance into a building where carrying by a concealable weapon permit holder is prohibited ~~from carrying a concealable weapon~~ and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;

WEDNESDAY, MAY 5, 2021

(3) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;

(5) a diameter of a circle; and

(6) placed not less than forty inches and not more than sixty inches from the bottom of the building’s entrance door.”

SECTION 11. Sections 16-23-460, 23-31-225, and 23-31-230 of the 1976 Code are repealed.

SECTION 12. The provisions contained in this act shall not be construed to repeal Article 4, Chapter 31, Title 23, relating to concealed weapon permits. Rather, the provisions of this act are to be construed to allow for a person to openly carry a firearm as provided herein or to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23, as amended by this act.

SECTION 13. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-232. (A) “Section 23-31-232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, an individual may carry about his person a concealable weapon on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities. If the weapon the individual is carrying is concealed, then he must have a valid permit issued pursuant to this article.

(1) The provisions contained in this section apply:

(a) only during those times that the church has the use and enjoyment of the property pursuant to its lease with the school; and

(b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

(2) A school district may request that a church utilizing school property for its services disclose and notify the district that persons are, or may be, carrying concealable weapons on the property.

(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school-sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun-Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are

WEDNESDAY, MAY 5, 2021

leased to a church are not considered a school during the hours that the church has the use and enjoyment of the property pursuant to this section.”

SECTION 14. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-250. (A) The State of South Carolina, and its political subdivisions, can not be compelled by the federal government to take any legislative or executive action to implement or enforce a federal law, treaty, executive order, rule, or regulation related to an individual’s right to keep and bear arms enshrined in the Second Amendment to the United States Constitution that limits or proscribes carrying concealable weapons, whether concealed or openly carried, as provided in this chapter.

(B) Any federal law, treaty, executive order, rule, or regulation related to limiting or proscribing the carry of concealable weapons must be evaluated by the Attorney General. The Attorney General shall issue a written opinion of whether the law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A).

(C) If the Attorney General renders an opinion that a federal law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A), then:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation;

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation; and

(3) no official, agent, or employee of the State of South Carolina, or any political subdivision of it, shall implement, attempt to implement, enforce, or attempt to enforce that federal law, treaty, executive order, rule, or regulation.”

SECTION 15. A. Section 14-17-325 of the 1976 Code is amended to read:

“Section 14-17-325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within ~~thirty~~ five days of disposition, weekends and holidays excluded.

WEDNESDAY, MAY 5, 2021

(B) Every clerk of court shall also report to the State Law Enforcement Division, within five days, the issuance, rescission, or termination of any:

- (1) criminal indictments;
- (2) permanent restraining orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and
- (4) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The ~~disposition report~~ reporting required by this section must be in a format approved by ~~representatives of the State Law Enforcement Division and the office of court administration~~ Court Administration. ~~With the approval of the State Law Enforcement Division and the office of court administration, this reporting requirement may be satisfied by use of General Sessions docket information transmitted to the office of the court administration.~~”

B. Chapter 1, Title 22 of the 1976 Code is amended by adding:

“Section 22-1-200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) Magistrates shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

- (1) restraining orders and emergency restraining orders;
- (2) magistrate court orders of protection from domestic abuse act orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and
- (4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate magistrate. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a

WEDNESDAY, MAY 5, 2021

checked box option that the magistrate may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

C.Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14-25-250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) A municipal judge shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) restraining orders and emergency restraining orders;
(2) municipal court orders of protection from domestic abuse act orders;

(3) orders of state firearms prohibition pursuant to Section 16-25-30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

D.Article 5, Chapter 3, Title 63 of the 1976 Code is amended by adding:

“Section 63-3-545. (A) The clerk of the family court shall report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) permanent restraining orders;
(2) family court orders of protection from domestic abuse act orders; or

(3) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, including any and all orders referenced in Section 16-25-30, but only upon being directed to transmit such orders by the appropriate

WEDNESDAY, MAY 5, 2021

judge. For any form orders provide by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select when appropriate to order the clerk to transmit the appropriate information to SLED.

(B) The reporting required by this section must be made in a format approved by the State Law Enforcement Division and Court Administration.”

E. The provisions of this SECTION take effect October 1, 2021.

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 16. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 17. This act takes effect ninety days after the approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator ALEXANDER assumed the Chair.

WEDNESDAY, MAY 5, 2021

Senator MARTIN continued speaking on the amendment.

PRESIDENT PRESIDES

At 4:26 P.M., the PRESIDENT assumed the Chair.

Senator MARTIN continued speaking on the amendment.

Senator MASSEY spoke on the amendment.

Senator VERDIN spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

Ayes 25; Nays 21

AYES

Allen	Bennett	Campsen
Fanning	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimpson
Leatherman	Malloy	Massey
Matthews	McElveen	McLeod
Rankin	Sabb	Scott
Senn	Setzler	Stephens
Williams		

Total--25

NAYS

Adams	Alexander	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Kimbrell
Loftis	Martin	Peeler
Rice	Shealy	Talley
Turner	Verdin	Young

Total--21

The amendment was laid on the table.

WEDNESDAY, MAY 5, 2021

Amendment No. 5

Senators MASSEY, TURNER and TALLEY proposed the following amendment (3094R008.KMM.ASM), which was ruled out of order:

Amend the bill, as and if amended, page 6, by adding an appropriately numbered new SECTION to read:

/SECTION __. A. Section 23-31-215(A)(5), (6), and (7) of the 1976 Code is amended to read:

“(5) proof of training; ~~and~~

~~(6) payment of a fifty dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and~~

~~(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant's fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.”~~

B. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3810. A resident taxpayer is allowed a refundable individual income tax credit of no more than one hundred dollars for successfully completing a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety that is sufficient to satisfy the training requirements for a concealable weapon permit pursuant to Article 4, Chapter 31, Title 23 of the 1976 Code.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

Point of Order

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

Senator HARPOOTLIAN spoke on the Point of Order.

Senator MASSEY spoke on the Point of Order.

WEDNESDAY, MAY 5, 2021

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 6

Senators Alexander and CROMER proposed the following amendment (JUD3094.008), which was adopted:

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

/ SECTION __. Section 23-31-240 of the 1976 Code is amended to read:

“Section 23-31-240. Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State, ~~when carrying out the duties of their office:~~

- (1) active Supreme Court justices;
- (2) active judges of the court of appeals;
- (3) active circuit court judges;
- (4) active family court judges;
- (5) active masters-in-equity;
- (6) active probate court judges;
- (7) active magistrates;
- (8) active municipal court judges;
- (9) active federal judges;
- (10) active administrative law judges;
- (11) active solicitors and assistant solicitors; and
- (12) active workers' compensation commissioners.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER spoke on the amendment.

The amendment was adopted.

Amendment No. 7A

Senator SENN proposed the following amendment (3094R033.KM.SS), which was carried over:

Amend the bill, as and if amended, by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

WEDNESDAY, MAY 5, 2021

“Section 23-31-520. (A) This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.

(B) Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm at a public protest, demonstration, picket line, rally, fair, parade, festival, or other organized event. A person or entity hosting a public protest, demonstration, picket line, rally, fair, parade, festival, or other organized event must post signs, either approved or provided by the governing body, at the event when open carrying is allowed or not allowed at the event.

(C) A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event.

(D) A governing body may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest.” /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

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

Amendment No. 8

Senator SENN proposed the following amendment (3094R020.KM.SS), which was adopted:

Amend the bill, as and if amended, by striking SECTION 9 in its entirety and inserting:

/SECTION 9. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WEDNESDAY, MAY 5, 2021

Senator SENN spoke on the amendment.

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

Ayes 32; Nays 11

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Michael</i>	Kimpson
Malloy	Massey	Matthews
McElveen	McLeod	Rankin
Rice	Sabb	Scott
Senn	Setzler	Stephens
Williams	Young	

Total--32

NAYS

Climer	Corbin	Grooms
Kimbrell	Loftis	Martin
Peeler	Shealy	Talley
Turner	Verdin	

Total--11

The amendment was adopted.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Bill was read the second time, carrying over all amendments, and the provisions of Rule 26B were waived in order to allow amendments to be considered on third reading.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

WEDNESDAY, MAY 5, 2021

Initial Appointment, Spartanburg County Master-in-Equity, with the term to commence June 30, 2021, and to expire June 30, 2027

Shannon M. Phillips, 251 Coggins Shore Road, Inman, SC 29349

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2021, and to expire June 30, 2027

Teasa Kay Weaver, 917 Snow Prince Lane, York, SC 29745

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

Paulette Edwards, 471 Guard Tower Lane, Columbia, SC 29209-3174
VICE Roger Myers

Reappointment, Greenville County Master-in-Equity, with the term to commence January 1, 2021, and to expire December 31, 2027

Charles B. Simmons Jr., 11 West Hillcrest Drive, Greenville, SC 29609

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Christina Pope, 216 Elders Pond Dr., Columbia, SC 29229

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie Bess, 520 Wild Hickory Lane, Columbia, SC 29216-8038

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Joseph David Teague, Sr., 255 Boone Lane, Swansea, SC 29160 *VICE*
Hon. Daniel Rickenbaker, Sr. (resigned)

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

Latonya B. Derrick, 105 Hyer Court, Columbia, SC 29223-4611 *VICE*
Ethel Brewer

Motion Adopted

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

WEDNESDAY, MAY 5, 2021

ADJOURNMENT

At 7:18 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, MAY 5, 2021

SENATE JOURNAL INDEX

Amendment No. 1A.....	35	S. 794.....	5
Amendment No. 2B.....	41	S. 795.....	5
Amendment No. 5.....	59	S. 796.....	6
Amendment No. 6.....	60		
Amendment No. 7A.....	60	H. 3094	34
Amendment No. 8.....	61	H. 3194	32
S. 36.....	29	H. 3354	8
S. 152.....	7	H. 3416	6
S. 224.....	7	H. 3482	9
S. 230.....	8	H. 3539	28
S. 425.....	30	H. 3575	9
S. 435.....	30	H. 3605	9
S. 545.....	31	H. 3620	9
S. 591.....	8	H. 3694	10
S. 699.....	13	H. 3696	10
S. 771.....	33	H. 3786	11
S. 788.....	3	H. 3865	12
S. 789.....	4	H. 3899	12
S. 790.....	4	H. 3991	31
S. 791.....	4	H. 4006	12
S. 792.....	4	H. 4017	13
S. 793.....	5	H. 4314	6