

NO. 10

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



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

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**WEDNESDAY, JANUARY 26, 2022**

**Wednesday, January 26, 2022**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Job 34:4

As the book of Job instructs us: "Let us choose what is right; let us determine among ourselves what is good."

Join me as we pray: Holy and gracious God, we call upon You this day to bestow a genuinely special blessing upon each leader here in this Senate. Allow these servants -- each one of them -- to trust You wholly while You guide them in their work. And as they indeed labor for the good of the people of South Carolina, may they determine the very best and the most meaningful means and ways to resolve the issues that are before us during this legislative session. Moreover, Lord, we further ask that You will likewise guide and lead all of our other leaders as well, those women and men who serve in elected and appointed roles of government all across this land. We humbly ask all of this in Your wondrous name, dear Lord. Amen.

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

**Point of Quorum**

At 1:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**Doctor of the Day**

Senator McELVEEN introduced Dr. Mayes DuBose of Sumter, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 248 Sen. Massey

S. 947 Sen. Garrett

S. 1010 Sens. Alexander and Garrett

**RECALLED AND ADOPTED**

S. 954 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA SYSTEM FOR ITS MANY AND SIGNIFICANT CONTRIBUTIONS TO THE EDUCATION AND CULTURE OF OUR CITIZENS AND TO DECLARE JANUARY 26, 2022, AS "CAROLINA DAY" AT THE STATE HOUSE.

Senator SETZLER asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

Senator SETZLER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

The Resolution was adopted and ordered sent to the House.

**RECALLED**

S. 1000 -- Senator K. Johnson: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DONALD "DON" WESLEY DROSE, SR., TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS, AND TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE FIRST WATER ON SOUTH CAROLINA HIGHWAY 260 MANNING IN CLARENDON COUNTY, CURRENTLY KNOWN AS "THE CAUSEWAY," "DON DROSE CAUSEWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

S. 1012 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 21 IN THE TOWN OF BRANCHVILLE TO THE ORANGEBURG/DORCHESTER

COUNTY LINE "BETTY HENDERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

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

#### **RECALLED**

H. 4815 -- Rep. G.M. Smith: A JOINT RESOLUTION TO SUSPEND SECTION 1-11-705(I)(2), CODE OF LAWS OF SOUTH CAROLINA, 1976, FOR FISCAL YEAR 2021-2022 RELATING TO A TRANSFER OF FUNDS TO THE SOUTH CAROLINA RETIREE HEALTH INSURANCE TRUST FUND.

Senator PEELER asked unanimous consent to make a motion to recall the Resolution from the Committee on Finance.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1013 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE DANIEL HIGH SCHOOL FOOTBALL TEAM FOR THEIR WINNING RECORD AND TO CONGRATULATE COACH JEFF FRUSTER FOR BEING NAMED THE CAROLINA PANTHERS HIGH SCHOOL FOOTBALL COACH OF THE YEAR.

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The Senate Resolution was adopted.

S. 1014 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE COACH JEFF FRUSTER FOR BEING NAMED THE CAROLINA PANTHERS HIGH SCHOOL FOOTBALL COACH OF THE YEAR AND FOR BEING NOMINATED FOR THE DON SHULA NFL HIGH SCHOOL COACH OF THE YEAR AWARD.

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The Senate Resolution was adopted.

S. 1015 -- Senator Grooms: A SENATE RESOLUTION TO HONOR AND CONGRATULATE FAYE AND FRANK MORRIS UPON THE

OCCASION OF THEIR SIXTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSINGS TOGETHER.

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The Senate Resolution was adopted.

S. 1016 -- Senators Kimpson and Matthews: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ABRAHAM "ABE" JENKINS, JR., OF CHARLESTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

Senator KIMPSON spoke on the Resolution.

#### **Remarks to be Printed**

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator KIMPSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

S. 1017 -- Senator Adams: A BILL TO AMEND TITLE 20 OF THE 1976 CODE, RELATING TO DOMESTIC RELATIONS, TO ENACT THE "MULTIFAMILY DWELLING SAFETY ACT" BY ADDING CHAPTER 21 TO PROVIDE NECESSARY DEFINITIONS, TO REQUIRE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO ADOPT A MULTIFAMILY DWELLING BALCONY CODE ESTABLISHING MINIMUM STANDARDS FOR BALCONY RAILINGS THAT ARE PRIMARILY CONSTRUCTED OF WOOD AND ARE LOCATED IN MULTIFAMILY DWELLINGS, TO REQUIRE THE DEPARTMENT TO PERIODICALLY CONDUCT INSPECTIONS OF SUCH BALCONIES TO ASCERTAIN COMPLIANCE WITH THE CODE, AND TO PROVIDE REMEDIES FOR VIOLATIONS, AMONG OTHER THINGS

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

S. 1018 -- Senator Massey: A BILL TO AMEND SECTION 12-37-220(B) OF THE 1976 CODE, RELATING TO GENERAL EXEMPTIONS FROM TAXES, TO ADD AN APPROPRIATELY NUMBERED NEW ITEM TO PROVIDE AN EXEMPTION FOR A

PRIVATE PASSENGER MOTOR VEHICLE OWNED OR LEASED BY A MEMBER OF THE ARMED FORCES OF THE UNITED STATES STATIONED OUTSIDE OF THIS STATE WHEN THAT SERVICE MEMBER'S HOME OF RECORD IS IN SOUTH CAROLINA AND THE VEHICLE IS REGISTERED IN SOUTH CAROLINA; AND TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY REQUIRE DOCUMENTATION IT DETERMINES NECESSARY TO DETERMINE ELIGIBILITY FOR THE EXEMPTION.

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

S. 1019 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "CHARTER SCHOOL ACCOUNTABILITY ACT"; TO AMEND SECTION 59-40-30, RELATING TO THE INTENT OF THE GENERAL ASSEMBLY IN THE CHARTER SCHOOLS ACT, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; TO AMEND SECTION 59-40-40, RELATING TO DEFINITIONS CONCERNING CHARTER SCHOOLS, SO AS TO REVISE DEFINITIONS; TO AMEND SECTION 59-40-55, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; TO AMEND SECTION 59-40-75, AS AMENDED, RELATING TO THE REMOVAL OF CHARTER SCHOOL GOVERNING BODY MEMBERS AND SPONSORS, SO AS TO REMOVE REFERENCES TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT AND MAKE CERTAIN PROVISIONS APPLICABLE TO SPONSORS; TO AMEND SECTION 59-40-115, RELATING TO THE TERMINATION OF SPONSOR CONTRACTS BY CHARTER SCHOOLS, SO AS TO REVISE CRITERIA FOR VOLUNTARY TERMINATIONS AND PROVIDE PROCEDURES AND REQUIREMENTS FOR TRANSFERS TO OTHER SPONSORS; TO AMEND SECTION 59-40-150, RELATING TO DUTIES OF THE STATE DEPARTMENT OF EDUCATION CONCERNING CHARTER SCHOOLS, SO AS TO INCLUDE PROVISIONS CONCERNING CHARTER SCHOOL SPONSORS; AND TO AMEND SECTION 59-40-180, RELATING TO THE PROMULGATION OF REGULATIONS CONCERNING CHARTER SCHOOLS BY THE DEPARTMENT, SO AS TO PROVIDE REQUIREMENTS CONCERNING SPONSORS AND REVISE OTHER REQUIREMENTS.

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

S. 1020 -- Senator Fanning: A BILL TO AMEND TITLE 4 OF THE 1976 CODE, RELATED TO COUNTIES, BY ADDING CHAPTER 2, TO PROVIDE THAT COUNTY COUNCIL ELECTIONS MAY BE CONDUCTED ON A PARTISAN OR NON-PARTISAN BASIS, TO PROVIDE THAT PARTISAN ELECTIONS FOR COUNTY COUNCIL ARE THE DEFAULT, TO PROVIDE FOR TWO METHODS BY WHICH NON-PARTISAN COUNTY COUNCIL ELECTIONS MAY BE IMPOSED, AND TO PROVIDE FOR THE MANNER IN WHICH THE NON-PARTISAN ELECTIONS ARE HELD AND HOW CANDIDATES GAIN ACCESS TO THE BALLOT.

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

S. 1021 -- Senators Campsen and Grooms: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1022 -- Senator Fanning: A CONCURRENT RESOLUTION TO CONGRATULATE MARGARET U. HOLMES, CHAIR OF THE MIDLANDS TECHNICAL COLLEGE COMMISSION, UPON THE OCCASION OF HER RETIREMENT AFTER SIX YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

S. 1023 -- Senator Garrett: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF DR. BENNIE JAMES DOVER OF GREENWOOD COUNTY AND TO EXTEND DEEPEST SYMPATHY TO HIS LOVING FAMILY AND FRIENDS.

The Senate Resolution was adopted.

### **REPORT OF STANDING COMMITTEE**

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

H. 3590 -- Reps. Allison and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1115 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY HIRE NONCERTIFIED TEACHERS FOR ANY SCHOOLS AND CAREER AND TECHNOLOGY CENTERS THAT HAVE VACANT TEACHING POSITIONS FIVE BUSINESS DAYS BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE THESE NONCERTIFIED TEACHERS MAY COMPRISE NO MORE THAN TWENTY-FIVE PERCENT OF THE ENTIRE TEACHING STAFF OF A SCHOOL OR CAREER AND TECHNOLOGY CENTER, TO PROVIDE ACADEMIC AND EXPERIENCE REQUIREMENTS FOR THESE NONCERTIFIED TEACHERS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING THE REGISTRATION AND TERMINATION OF THESE NONCERTIFIED TEACHERS.

Ordered for consideration tomorrow.

### **Appointment Reported**

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

#### **Statewide Appointment**

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

#### At-Large:

Doug A. Snyder, 178A Queen Street, Charleston, SC 29401-1969  
*VICE* Devron H. Edwards

Received as information.

### **Message from the House**

Columbia, S.C., January 26, 2022

Mr. President and Senators:

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



S. 865 -- Senators Rankin, Campsen, Young, Sabb, Matthews, Talley and Harpootlian: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION; AND TO REPEAL SECTION 7-19-35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

#### **HOUSE CONCURRENCE**

S. 1022 -- Senator Fanning: A CONCURRENT RESOLUTION TO CONGRATULATE MARGARET U. HOLMES, CHAIR OF THE MIDLANDS TECHNICAL COLLEGE COMMISSION, UPON THE OCCASION OF HER RETIREMENT AFTER SIX YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

#### **RECOMMITTED**

S. 966 -- Senators Rankin, Campsen, Sabb, Matthews, Talley and Harpootlian: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE

MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION; TO REPEAL SECTION 7-19-35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

On motion of Senator RANKIN, the Bill was recommitted to the Committee on Judiciary.

### **HOUSE BILL RETURNED**

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

H. 3255 -- Reps. West, Kirby, Erickson and Bradley: A BILL TO AMEND SECTION 40-60-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS FROM LICENSURE REQUIREMENTS FOR REAL ESTATE APPRAISERS, SO AS TO MODIFY EXEMPTIONS FOR LICENSEES OF THE REAL ESTATE COMMISSION; TO AMEND SECTION 40-60-31, RELATING TO REQUIREMENTS FOR LICENSURE BY THE BOARD OF REAL ESTATE APPRAISERS, SO AS TO REVISE AND PROVIDE COLLEGE EDUCATION REQUIREMENTS AND ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS, RESIDENTIAL APPRAISERS, AND GENERAL APPRAISERS, AND TO EXEMPT CERTAIN MASS APPRAISERS FROM COLLEGE EDUCATION REQUIREMENTS; TO AMEND SECTION 40-60-33, RELATING TO ADDITIONAL EDUCATIONAL AND APPLICABLE EXPERIENCE REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REVISE VARIOUS REQUIREMENTS AND REVISE QUALIFICATIONS FOR CERTAIN LICENSED MASS APPRAISERS; TO AMEND SECTION 40-60-34, RELATING TO REQUIREMENTS CONCERNING APPRENTICE APPRAISERS AND APPRAISER SUPERVISING APPRENTICES, SO AS TO REVISE VARIOUS REQUIREMENTS; TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO IMPOSE CERTAIN

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

#### **OBJECTION**

S. 376 -- Senators Talley, Hembree and Setzler: A BILL TO ENACT THE "STATE INSTITUTION OF HIGHER EDUCATION EFFICIENCY ACT"; TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO ALLOW THE BOARD OF TRUSTEES OF AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH BY RESOLUTION AN AUXILIARY DIVISION AS PART OF THE COLLEGE OR UNIVERSITY, TO PROVIDE THAT THE AUXILIARY DIVISION IS EXEMPT FROM VARIOUS STATE LAWS, TO REQUIRE THAT CERTAIN PERMANENT IMPROVEMENT PROJECTS MUST BE SUBMITTED TO THE JOINT BOND REVIEW COMMITTEE AND THE EXECUTIVE BUDGET OFFICE, TO PROVIDE THAT A BOARD OF TRUSTEES MAY ADOPT FOR AN AUXILIARY

DIVISION A PROCUREMENT POLICY, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 8-11-260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM CERTAIN REQUIREMENTS FOR STATE OFFICERS AND EMPLOYEES, TO PROVIDE THAT EMPLOYEES OF CERTAIN RESEARCH UNIVERSITIES AND NON-RESEARCH, FOUR-YEAR COLLEGES AND UNIVERSITIES ARE EXEMPT; TO AMEND SECTION 11-35-710(A)(6) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY MAY EXEMPT PRIVATE GIFTS, AUXILIARY DIVISIONS, AND OTHER SALES AND SERVICES; AND TO DEFINE NECESSARY TERMS.

Senator MALLOY objected to the consideration of the Bill.

#### **OBJECTION**

S. 230 -- Senators Shealy, Hutto, Jackson and Gustafson: 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.

Senator MALLOY objected to the consideration of the Bill.

#### **POINT OF ORDER**

S. 248 -- Senators Young, Hembree, Turner, McElveen and Bennett: A BILL TO ENACT THE "SOUTH CAROLINA HANDS-FREE ACT"; TO AMEND SECTION 56-5-3890 OF THE 1976 CODE, RELATING TO THE UNLAWFUL USE OF A WIRELESS TELECOMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, TO REVISE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS TELECOMMUNICATIONS DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; TO AMEND SECTION 56-1-720 OF THE 1976 CODE, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON'S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO-POINT VIOLATION; TO PROVIDE THAT

THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY MOTORISTS OF THE HANDS-FREE REQUIREMENTS AT CERTAIN POINTS ALONG THE STATE'S INTERSTATE HIGHWAYS; AND TO DEFINE NECESSARY TERMS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 908 -- Senators Rankin and Grooms: A BILL TO AMEND SECTION 56-5-4445 OF THE 1976 CODE, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 947 -- Senators Grooms, Climer and Garrett: A BILL TO AMEND SECTION 56-23-20 OF THE 1976 CODE, RELATING TO DRIVER TRAINING SCHOOLS, TO PROVIDE THAT ASSOCIATIONS FORMED BY GROUPS OF ELECTRIC COOPERATIVES PURSUANT TO SECTION 33-49-160 ARE PERMITTED TO PROVIDE DRIVER EDUCATION TRAINING.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3211 -- Reps. Bernstein, Collins and Kimmons: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**ADOPTED**

H. 4746 -- Reps. G.M. Smith, Rutherford and J.E. Johnson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 2, 2022, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEATS 5 AND 9; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT, SEATS 1 AND 2; SECOND JUDICIAL CIRCUIT, SEAT 1; THIRD JUDICIAL CIRCUIT, SEAT 1; FOURTH JUDICIAL CIRCUIT, SEAT 1; FIFTH JUDICIAL CIRCUIT, SEAT 2; SIXTH JUDICIAL CIRCUIT, SEAT 1; EIGHTH JUDICIAL CIRCUIT, SEAT 1; THIRTEENTH JUDICIAL CIRCUIT, SEATS 1 AND 4; SIXTEENTH JUDICIAL CIRCUIT, SEATS 1 AND 2; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 2; SECOND JUDICIAL CIRCUIT, SEAT 1; THIRD JUDICIAL CIRCUIT, SEAT 1; FOURTH JUDICIAL CIRCUIT, SEATS 1 AND 3; FIFTH JUDICIAL CIRCUIT, SEATS 1 AND 4; SEVENTH JUDICIAL CIRCUIT, SEAT 3; NINTH JUDICIAL CIRCUIT, SEATS 1 AND 3; TENTH JUDICIAL CIRCUIT, SEAT 2; ELEVENTH JUDICIAL CIRCUIT, SEAT 1; TWELFTH JUDICIAL CIRCUIT, SEAT 3; THIRTEENTH JUDICIAL CIRCUIT, SEATS 3, 4, AND 6; FOURTEENTH JUDICIAL CIRCUIT, SEAT 2; FIFTEENTH JUDICIAL CIRCUIT, SEATS 2 AND 3; SIXTEENTH JUDICIAL CIRCUIT, SEAT 1; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 2. (ABBREVIATED TITLE)

The Senate proceeded to a consideration of the Resolution.

Senator MARTIN proposed the following amendment (4746R002.SP.SRM), which was withdrawn:

Amend the concurrent resolution, as and if amended, on page 4, by striking lines 4 through 9 and inserting:

/That in the absence of Joint Rules, the General Assembly, by this resolution, agrees to bind itself subject to the terms of this resolution and to the requirements of Art. III Section 20 and Section 22 of the South Carolina Constitution, 1895, and the provisions of Chapter 19, Title 2 of the South Carolina Code of Laws, 1976, relating to elections of members of the judiciary, provided that the vote to elect any judge under the provisions of this resolution, whether the election is contested or not, must be a recorded roll call vote. For purposes of this subsection, 'recorded roll call vote' means a vote recorded in the journals of the respective houses of the General Assembly, which must be by yeas and nays and recorded by name. The House of Representatives may use the electronic roll call system as provided by House Rule 7 without unanimous consent. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

On motion of Senator MARTIN, the amendment was withdrawn.

The question then being the adoption of the Resolution.

There being no further amendments, the Resolution was adopted, ordered returned to the House.

#### **ADOPTED**

S. 917 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE US 701 BRIDGE OVER THE GREAT PEE DEE RIVER THE "CHARLES A. HINSON MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 1001 -- Senators Scott, Harpootlian, Jackson, McElveen and McLeod: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 215 (MONTICELLO ROAD) IN RICHLAND COUNTY FROM ITS INTERSECTION WITH ELLIOTT AVENUE TO ITS INTERSECTION WITH COLUMBIA COLLEGE DRIVE "GEORGE E. GLYMPH MEMORIAL HIGHWAY" AND

ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

**AMENDED AND ADOPTED**

S. 1002 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE ENTIRE LENGTH OF QUAKER ROAD IN DORCHESTER COUNTY "JACK AND EMMA LEE GRUBER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Resolution.

Senator GROOMS proposed the following amendment (1002R001.LKG), which was adopted:

Amend the concurrent resolution, as and if amended, on page 1, by striking line 22 and inserting:

/ Whereas, while Jack departed his earthly life in 2002 and Emma Lee /

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

The amendment was adopted.

The Resolution, as amended, was ordered sent to the House.

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

**MOTION ADOPTED**

At 1:41 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**Motion to Ratify Adopted**

At 1:43 P.M., Senator MASSEY asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.



## **RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 26, 2022, at 3:00 P.M. and the following Acts and Joint Resolutions were ratified:

(R119, S. 525) -- Senators Gambrell, Verdin, Massey, Loftis, Garrett and Gustafson: AN ACT TO AMEND SECTIONS 44-96-40 AND 44-96-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, SO AS TO DEFINE NECESSARY TERMS PERTAINING TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES; TO AMEND SECTION 44-96-290, RELATING TO SOLID WASTE MANAGEMENT PERMITTING, SO AS TO REQUIRE ADVANCED RECYCLING FACILITIES TO DEMONSTRATE FINANCIAL RESPONSIBILITY AS A CONDITION OF PERMITTING; TO AMEND SECTION 48-1-50, RELATING TO POWERS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REGULATION OF ADVANCED RECYCLING FACILITIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO SUBMIT CERTAIN REGULATIONS AND REPORTS PERTAINING TO END-OF-LIFE MANAGEMENT OF SOLAR PANELS AND THE DECOMMISSIONING OF CERTAIN SOLAR PROJECTS; TO PROVIDE SUNSET PROVISIONS FOR CERTAIN SECTIONS OF THE ACT; AND FOR OTHER PURPOSES.

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(R120, S. 836) -- Senators Martin, Peeler and Cromer: AN ACT TO AMEND ACT 124 OF 1969, AS AMENDED, RELATING TO THE CREATION OF THE SCHOOL DISTRICT OF UNION COUNTY, SO AS TO REQUIRE THE SCHOOL DISTRICT OF UNION COUNTY TO RECOGNIZE MEMORIAL DAY AS A HOLIDAY AND ALL DISTRICT SCHOOLS AND OFFICES MUST BE CLOSED ON THAT DATE.

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(R121, S. 865) -- Senators Rankin, Campsen, Young, Sabb, Matthews, Talley and Harpootlian: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2022 GENERAL

ELECTION; AND TO REPEAL SECTION 7-19-35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

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(R122, S. 948) -- Senator Williams: A JOINT RESOLUTION TO MOVE THE DATE OF THE 2022 ELECTION FOR THE MARION COUNTY BOARD OF EDUCATION FROM THE SECOND TUESDAY IN APRIL OF 2022 TO THE SECOND TUESDAY IN MAY OF 2022, AND TO ADJUST THE CANDIDATE FILING PERIOD ACCORDINGLY.

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**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER**

S. 150 -- Senators Davis, Hutto, Malloy, Rankin, Goldfinch, Harpootlian, Fanning, Matthews, Kimpson, Jackson, Leatherman, Grooms, Stephens, Shealy and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; TO AMEND CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; TO AMEND SECTION 12-36-2120(69) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT CANNABIS SOLD BY A DISPENSARY TO A CARDHOLDER IS EXEMPT FROM A CERTAIN SALES TAX; TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

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

The Committee on Medical Affairs proposed the following amendment (150R001.SP.TD), which was adopted:

Amend the bill, as and if amended, on page 3, by striking lines 31 through 33 and inserting:

/ (iv) a product approved as a prescription medication by the United States Food and Drug Administration; or /

Amend the bill further, as and if amended, on page 8, by striking lines 33 through 43, and on page 9, by striking lines 1 through 15 and inserting:

/ (B) Revenues generated in excess of the amount needed to implement, administer, and enforce this article must be annually distributed as follows:

(1) three percent for research conducted by the University of South Carolina School of Medicine, the Medical University of South Carolina, or both for research to improve detection and training methods to detect drivers impaired by cannabis, prescription medications, and other drugs, until SLED affirms that no additional research is needed;

(2) two percent to local providers operating under the auspices of Act 301 of 1973 for purposes related to alcohol and drug abuse prevention, education, early intervention, and treatment services;

(3) three percent to SLED;

(4) two percent to the South Carolina Department of Education to be used for drug safety education;

(5) eighty-five percent to the state general fund; and

(6) five percent for research conducted by the University of South Carolina School of Medicine, the Medical University of South Carolina, or both to be used in connection with medical cannabis research and development, including use for:

(a) clinical trials regarding the effectiveness of cannabis products at treating symptoms and conditions that are not debilitating medical conditions pursuant to this article;

(b) data collection from qualifying patients who voluntarily provide information related to dosage, efficacy, and side effects;

(c) clinical trials, observational studies, or both on the dosage, efficacy, and side effects of medical cannabis; and

(d) the publication of dosage recommendations based upon medical conditions or symptoms, modes of administration, and cannabinoid profiles. /

Amend the bill further, as and if amended, on page 11, by striking lines 1 through 7 and inserting:

/ Section 44-53-2070. Nothing in this article may be construed to require a health insurance provider, health care plan, property and casualty insurer, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis. Consultations in which physicians diagnose debilitating medical conditions and complete written certifications shall be reimbursed consistent with a qualifying patient's health plan design. /

Amend the bill further, as and if amended, on page 16, by striking lines 41 through 43, and on page 17, by striking lines 1 through 8 and inserting:

/ Section 44-53-2120. A valid registry identification card, or its equivalent, that is issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in its jurisdiction of issuance, a nonresident cardholder to possess cannabis products for medical use has the same force and effect as a valid registry identification card issued by the department in this State, provided that the nonresident cardholder provides to the department a statement from a physician that materially conforms with the requirements of Section 44-53-2010(34) stating that the person has a debilitating medical condition, submits any other documentation required by the department, and has received confirmation from the department. /

Amend the bill further, as and if amended, on page 50, by striking lines 16 through 27 and inserting:

/ Section 44-53-2470. (A) Each dispensary must contract with or employ at least one pharmacist, physician assistant, or clinical practice nurse who is licensed by the State and who has completed a medical cannabis continuing education course approved by the South Carolina Board of Medical Examiners. The continuing education course must include best practices regarding dosage, based upon medical conditions or symptoms, modes of administration, and cannabinoid profiles. The pharmacist, physician assistant, or clinical practice nurse must be reasonably available during business hours to advise and educate patients, in person or by telemedicine and, in connection with providing such advice and education, shall be subject to being sued by a patient for negligence in the event that the pharmacist, physician assistant, or clinical practice nurse violates the applicable standard of care. A pharmacist, physician assistant, or clinical practice nurse may contract with multiple dispensaries. /

Amend the bill further, as and if amended, on page 55, at line 30, by inserting an appropriately numbered new SECTION to read:

/SECTION \_\_. SECTIONS 1 through 8 shall be repealed by operation of law if a federal court, pursuant to a filing by the United

States of America or one of its authorized executive agencies, issues a final order declaring that those SECTIONS have been preempted by the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the "Controlled Substances Act." /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The committee amendment was adopted.

Senator DAVIS spoke on the Bill.

On motion of Senator MASSEY, with unanimous consent and with Senator DAVIS retaining the floor, the Bill was carried over.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William Jerry Wood of Lexington, S.C. Jerry worked for Eastman Chemical Company. He taught machine tool technology classes at Midlands Technical College for more than 15 years and was pleased to have the Midlands Technical College Life Skills Center named in his honor. Jerry was a member of the Lions Club and the South Carolina chapter of the Antique Car Club of America. Jerry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. June Gottlieb Safran of Columbia, S.C. June graduated from Dreher High School and attended the University of South Carolina. She was a dedicated member of Beth Shalom Synagogue. June was a passionate Gamecock sports fan, enjoyed traveling and attending the events of her children and grandchildren. June was a loving mother and devoted grandmother who will be dearly missed.

**ADJOURNMENT**

At 5:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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