

JOURNAL

OF THE

SENATE

OF THE

FIRST SESSION OF THE

125th GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA

BEING THE

REGULAR SESSION BEGINNING
TUESDAY, JANUARY 10, 2023

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Tuesday, January 10, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Ezekiel 36:26a

We read in Ezekiel that the Lord God says: "A new heart I will give you, and a new spirit I will put within you. . ."

My friends, please bow with me in prayer. Gracious and most glorious God, we have gathered here in this historic Senate Chamber to commence the first Regular Session of the 125th South Carolina General Assembly. And on this occasion it seems to me imperative, Lord, that we invoke Your blessed name and call upon You to embrace each leader in this place within Your loving arms and care. Each Senator, every staff aide, each support person wants so very much for this to be a session which makes clear to all South Carolinians that the needs of each one of them will indeed be the focus of this Body's work during these incredibly challenging days. May it be so, O God. Now, to that end fill the hearts of these servants with renewed determination to strive always to show how much they genuinely and truly care for the well-being of all. And of course, Lord, we continue to hold in our thoughts and prayers Senator Brian Adams and his family in the death of the Senator's father just several weeks ago. All of this we pray in Your loving name, O Lord. Amen.

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

REGULATIONS RECEIVED

The following were received and referred to the appropriate committees for consideration:

Document No. 5108

Agency: Clemson University

Chapter: 27

Statutory Authority: 1976 Code Section 59-119-320

SUBJECT: Parking, Traffic, and Public Safety Regulations

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Received by President of the Senate January 10, 2023
Referred to Committee on Education

Document No. 5109
Agency: Department of Social Services
Chapter: 114
Statutory Authority: 1976 Code Section 63-11-30
SUBJECT: Licensure of Residential Group Care Facilities for Children
Received by President of the Senate January 10, 2023
Referred to Committee on Family and Veterans' Services

Document No. 5110
Agency: Department of Social Services
Chapter: 114
Statutory Authority: 1976 Code Section 43-1-80
SUBJECT: Licensure of Family Foster Homes and Approval of
Adoptive Homes for Children in Foster Care
Received by President of the Senate January 10, 2023
Referred to Committee on Family and Veterans' Services

Document No. 5116
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.
SUBJECT: Classified Waters
Received by President of the Senate January 10, 2023
Referred to Committee on Agriculture and Natural Resources

Document No. 5118
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Sections 44-63-10 et seq.
SUBJECT: Vital Statistics
Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5119
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.
SUBJECT: Water Classifications and Standards

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Received by President of the Senate January 10, 2023
Referred to Committee on Agriculture and Natural Resources

Document No. 5120
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Section 43-5-930
SUBJECT: WIC Vendors
Received by President of the Senate January 10, 2023
Referred to Committee on Family and Veterans' Services

Document No. 5121
Agency: Department of Labor, Licensing and Regulation-Board of
Veterinary Medical Examiners
Chapter: 120
Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-
70
SUBJECT: Definitions; Practice Standards for Licensed Veterinary
Technicians and Unlicensed Veterinary Aides; Licensure and
Examinations for Veterinarians
Received by President of the Senate January 10, 2023
Referred to Committee on Agriculture and Natural Resources

Document No. 5124
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Denial of Certification for Misconduct
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5125
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Denial of Operator Certification
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5126
Agency: South Carolina Criminal Justice Academy
Chapter: 37

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Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Final Agency Decisions
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5127
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Holding Contested Case Hearings
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5128
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Withdrawal of Certification of Law Enforcement Officers
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5129
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Withdrawal of Operator Certification
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5130
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-18-110, 59-18-310, 59-29-10, et seq., 20 U.S.C 1232(g), and Pub. L. No. 114-95
SUBJECT: Defined Program, Grades 9-12 and Graduation Requirements
Received by President of the Senate January 10, 2023
Referred to Committee on Education

Document No. 5131
Agency: Workers' Compensation Commission
Chapter: 67

TUESDAY, JANUARY 10, 2023

Statutory Authority: 1976 Code Section 42-3-30

SUBJECT: Continuing Obligation to Update, Request for Hearing, and Answer

Received by President of the Senate January 10, 2023

Referred to Committee on Judiciary

Document No. 5132

Agency: Department of Labor, Licensing and Regulation-Panel for Massage/Bodywork

Chapter: 77

Statutory Authority: 1976 Code Sections 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140, 40-30-150, 40-30-160, 40-30-180, and 40-30-190

SUBJECT: Updating Regulation to Conform with the Enactment of S.227

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5133

Agency: Department of Labor, Licensing and Regulation-Board of Landscape Architectural Examiners

Chapter: 76

Statutory Authority: 1976 Code Sections 40-1-70, 40-28-30, 40-28-80(a), 40-28-120, and 40-28-140

SUBJECT: Board of Landscape Architectural Examiners

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5134

Agency: South Carolina Aeronautics Commission

Chapter: 4

Statutory Authority: 1976 Code Sections 55-1-1 et seq., 55-5-80(A), 55-5-80(N), and 55-5-280(D)

SUBJECT: Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports

Received by President of the Senate January 10, 2023

Referred to Committee on Transportation

Document No. 5136

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-340

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SUBJECT: Certification of Need for Health Facilities and Services
Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5137
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.
SUBJECT: Water Pollution Control Permits
Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5138
Agency: Department of Health and Environmental Control
Chapter: 61
Statutory Authority: 1976 Code Sections 13-7-40 et seq.
SUBJECT: X-Rays (Title B)
Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5140
Agency: State Board of Financial Institutions - Consumer Finance
Division
Chapter: 15
Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130
SUBJECT: Check Cashing Service
Received by President of the Senate January 10, 2023
Referred to Committee on Banking and Insurance

Document No. 5141
Agency: State Board of Financial Institutions - Consumer Finance
Division
Chapter: 15
Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130
SUBJECT: Check Cashing Service: Purchase of Goods or Services
Received by President of the Senate January 10, 2023
Referred to Committee on Banking and Insurance

Document No. 5142
Agency: State Board of Financial Institutions - Consumer Finance
Division
Chapter: 15

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Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130
SUBJECT: Check Cashing Service: Record Keeping Requirements
Received by President of the Senate January 10, 2023
Referred to Committee on Banking and Insurance

Document No. 5145
Agency: Department of Social Services
Chapter: 114
Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D),
and 45 CFR 302.56
SUBJECT: Child Support Guidelines
Received by President of the Senate January 10, 2023
Referred to Committee on Judiciary

Document No. 5146
Agency: Department of Employment and Workforce
Chapter: 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230
SUBJECT: Benefit Ratio for Zero Taxable Wages
Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5147
Agency: Department of Employment and Workforce
Chapter: 47
Statutory Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-
400, and 41-41-40
SUBJECT: Contributions: Interest
Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5148
Agency: Department of Employment and Workforce
Chapter: 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230
SUBJECT: Public Employment Office
Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5149
Agency: Department of Labor, Licensing and Regulation-Board of
Accountancy

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Chapter: 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

SUBJECT: Updating Regulations to Conform with the Enactment of S.812

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5150

Agency: Department of Labor, Licensing and Regulation-State Board of Medical Examiners

Chapter: 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40

SUBJECT: Establishing Continuing Education for Academic Licenses

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Document No. 5151

Agency: Department of Labor, Licensing and Regulation-State Board of Nursing

Chapter: 91

Statutory Authority: 1976 Code Section 40-33-10(E)

SUBJECT: Handling Patient Records Upon the Death, Disappearance, or Incapacity of a Licensee

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Document No. 5152

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Section 40-1-50

SUBJECT: Corporate Self-Representation at Hearings Before the Department's Professional and Occupational Licensing Boards

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5153

Agency: Department of Labor, Licensing and Regulation-State Athletic Commission

Chapter: 20

Statutory Authority: 1976 Code Section 40-81-70(A)(3), (6)

SUBJECT: Code of Ethics

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Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5154

Agency: Department of Labor, Licensing and Regulation-Board of Barber Examiners

Chapter: 17

Statutory Authority: 1976 Code Sections 40-7-50 and 40-7-60

SUBJECT: Barber Schools, Managers, Teachers and Instructors

Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5155

Agency: Department of Labor, Licensing and Regulation-Panel for Dietetics

Chapter: 40

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50

SUBJECT: Continuing Education, Licensing, Renewal, and Reinstatement

Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5156

Agency: Department of Labor, Licensing and Regulation-Board of Pharmacy

Chapter: 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

SUBJECT: Board of Pharmacy

Received by President of the Senate January 10, 2023
Referred to Committee on Medical Affairs

Document No. 5157

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Fee Schedule for R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, and R.10-41

Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

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Document No. 5158

Agency: Department of Labor, Licensing and Regulation-Board of Examiners in Optometry

Chapter: 95

Statutory Authority: 1976 Code Sections 40-1-70, 40-37-40(A)(7), and 40-37-320

SUBJECT: Optometrists' Offices and Code of Professional Ethics

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Document No. 5159

Agency: Department of Labor, Licensing and Regulation-Commissioners of Pilotage

Chapter: 136

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

SUBJECT: Commissioners of Pilotage

Received by President of the Senate January 10, 2023

Referred to Committee on Transportation

Document No. 5160

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, and R.10-42

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5161

Agency: Department of Labor, Licensing and Regulation-Office of State Fire Marshal

Chapter: 71

Statutory Authority: 1976 Code Section 23-9-20

SUBJECT: Office of State Fire Marshal

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5162

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

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SUBJECT: Filing Claims for Benefits and Registration for Work
Received by President of the Senate January 10, 2023
Referred to Committee on Labor, Commerce and Industry

Document No. 5163

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130

SUBJECT: Offers of Work

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5164

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760

SUBJECT: Representation before Appeal Tribunal and the Appellate Panel

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5165

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

SUBJECT: Wildlife Management Area Regulations; Bear Hunting Rules and Seasons

Received by President of the Senate January 10, 2023

Referred to Committee on Fish, Game and Forestry

Document No. 5166

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

SUBJECT: Use of Electric-Assisted Bicycles (e-bikes) in Certain Areas of SCDNR-Owned and SCDNR-Managed Lands

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Received by President of the Senate January 10, 2023

Referred to Committee on Fish, Game and Forestry

Document No. 5169

Agency: Department of Consumer Affairs

Chapter: 28

Statutory Authority: 1976 Code Sections 37-2-307(E), 37-6-104, and 37-6-506

SUBJECT: Motor Vehicle Closing Fees

Received by President of the Senate January 10, 2023

Referred to Committee on Banking and Insurance

Document No. 5170

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Board of Accountancy

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Document No. 5171

Agency: Department of Labor, Licensing and Regulation-South Carolina

Board of Long-Term Health Care Administrators

Chapter: 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-40, 40-35-45, 40-35-50, and 40-35-60

SUBJECT: South Carolina Board of Long-Term Health Care Administrators

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Document No. 5172

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Section 50-11-2200

SUBJECT: Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources

Received by President of the Senate January 10, 2023

Referred to Committee on Fish, Game and Forestry

TUESDAY, JANUARY 10, 2023

Election of Senate Officers

The Senate proceeded to the election of Clerk of the Senate, the Reading Clerk, Chaplain and the Sergeant-at-Arms, *en banc*.

Senator MASSEY placed the names of Mr. Jeffrey Stephen Gossett in nomination as Clerk of the Senate, Mr. John Othniel Wienges as Reading Clerk, Reverend Dr. James I. St. John as Chaplain and Mr. Charles D. Williams, Jr. as Sergeant-at-Arms.

Senator MASSEY moved that the nominations be closed and that Mr. Jeffrey Stephen Gossett be elected as Clerk of the Senate, Mr. John Othniel Wienges be elected as Reading Clerk, Reverend Dr. James I. St. John be elected as the Chaplain and Mr. Charles D. Williams, Jr. be elected as Sergeant-at-Arms by acclamation.

The PRESIDENT announced that Mr. Jeffrey Stephen Gossett was elected Clerk of the Senate, Mr. John Othniel Wienges was elected Reading Clerk, Reverend Dr. James I. St. John was elected Chaplain and Mr. Charles D. Williams, Jr. was elected Sergeant-at-Arms by acclamation.

Administration of the Oath of Office

The Clerk, Reading Clerk, Chaplain and Sergeant-at-Arms presented themselves at the Bar, and the Oath of Office was administered to them by the PRESIDENT.

Clerk's Appointments

The Clerk announced the following appointments:

Mr. Kenneth M. Moffitt	Assistant Clerk
Ms. Jessica Godwin	Counsel to the Clerk
Mrs. Michele Neal	Journal Clerk
Mrs. Cynthia Alston	Journal Clerk
Ms. Agnes H. Walker	General Desk Clerk
Mrs. Lesley Stone	Calendar Clerk
Mrs. Betty Graham	Chief Administrative Assistant to the Clerk of the Senate
Mrs. Ann John	Records Management Clerk
Mrs. Beth Dworjany	Director of Senate Finance
Mrs. Jean Tisdale	Accounts Manager
Mrs. Anna Rushing	Payroll/Personnel Manager
Ms. Alicia Eatmon	Bill Clerk
Mrs. Jayme Dyrdek	Assistant Bill Clerk
Ms. Alexandra Zimmer	Page Supervisor

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Doctor of the Day

Senator McELVEEN introduced Dr. Chris Yeakel of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GROOMS, at 12:08 P.M., Senator CAMPSSEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator M. JOHNSON, at 12:08 P.M., Senator YOUNG was granted a leave of absence for today.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:30 A.M.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned on Wednesday, January 11, 2023, that it will stand adjourned to meet Thursday, January 12, 2023, at 11:00 A.M. under the provisions of Rule 1B for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks by Senator KIMPSON

There's a hymn we sang in church when I was growing up as a little boy -- "May the work I've done, speak for me." The work David Aylor did while he was here on this earth speaks volumes. I think he deserves a round of applause and a standing ovation for his works.

As a city, a county, and a State we are much better off because he lived. How can we say thank you for his unselfish giving in our community -- to those in need, feeding thousands of people, coordinating hundreds of clothes drives, bike give-a-ways, and sponsoring sports teams? How can we say thank you for his zealous advocacy for those needing a defense, championing the cause of the underdog -- those who through no fault of their own were sick, poor and needy? How can we say thank you for his commitment to family and friends? David Aylor was charismatic, gregarious and personable. As the poet, Rudyard

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Kipling, said, "To walk with kings but not lose the common touch." That is just the type of man he was.

On a lighter note, I just got back from the White House -- I had the opportunity to be invited to the White House Christmas party. I saw many leaders from across the country -- some representing their cities, some representing their states. There were many South Carolina citizens in attendance -- including Senator DICK HARPOOTLIAN. I wasn't able to get a word in as he talked most of the time -- touting his ability in the courtroom. Of course, our President Joe Biden was there -- the President who was elected with the most votes in our history. He has passed true bipartisan legislation -- we have received infrastructure dollars and COVID relief funds. I think he would expect me to wish us a good year in South Carolina. He has proven that he has set the tone for true bipartisanship. Just a few weeks ago, he and U.S. Senator Mitch McConnell made a trip to Kentucky to discuss infrastructure needs that have been needed for decades. Similarly, I have extended the right hand of fellowship to Senator RICHARD CASH for us to let the tone of Washington D.C., under the leadership of this President, be the same tone that we have in the South Carolina General Assembly.

On motion of Senator SABB, with unanimous consent, the remarks of Senator KIMPSON, were ordered printed in the Journal.

CO-SPONSORS ADDED

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

- S. 1 Sens. Senn, Young, Gustafson, Peeler and Setzler
- S. 6 Sen. K. Johnson
- S. 8 Sen. K. Johnson
- S. 13 Sen. K. Johnson
- S. 22 Sen. K. Johnson
- S. 26 Sen. K. Johnson
- S. 28 Sen. K. Johnson
- S. 31 Sen. K. Johnson
- S. 40 Sen. Setzler
- S. 43 Sen. Gustafson
- S. 59 Sen. K. Johnson
- S. 83 Sen. Gustafson
- S. 96 Sen. Davis
- S. 125 Sen. Young
- S. 117 Sen. Gustafson
- S. 119 Sen. Gustafson

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S. 134 Sen. Gustafson
S. 140 Sen. Gustafson
S. 142 Sens. Gustafson and Goldfinch
S. 143 Sen. Goldfinch
S. 145 Sen. Goldfinch
S. 146 Sen. Goldfinch
S. 147 Sens. Gustafson, Senn and Goldfinch
S. 148 Sen. Goldfinch
S. 149 Sens. Gustafson, Senn and Goldfinch
S. 153 Sens. Gustafson and Senn
S. 154 Sen. Senn
S. 163 Sen. Gustafson
S. 164 Sens. Gustafson, Kimbrell and Senn
S. 171 Sen. Gustafson
S. 176 Sen. Gustafson
S. 234 Sen. Adams
S. 235 Sen. Gustafson
S. 236 Sen. Gustafson
S. 238 Sen. Gustafson
S. 242 Sen. Gustafson
S. 251 Sen. Gustafson
S. 259 Sen. Hutto
S. 285 Sen. Fanning
S. 290 Sens. Davis, Young and Senn
S. 299 Sen. Goldfinch
S. 300 Sens. Senn and Goldfinch
S. 301 Sen. Goldfinch
S. 302 Sen. Goldfinch
S. 303 Sen. McElveen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO

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SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

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Prefiled and referred to the Committee on Judiciary.

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

S. 2 -- Senator Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING CHAPTER 59 TO TITLE 11 SO AS TO PROVIDE FISCAL ACCOUNTABILITY OF QUASI-STATE AGENCIES BY THE SENATE FINANCE COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, TO REQUIRE SUCH AGENCIES TO PROVIDE CERTAIN FINANCIAL INFORMATION, OPERATING PLANS, BONDING INFORMATION, AND CERTAIN INFORMATION RELATING TO REAL ESTATE TRANSACTIONS.

smin-0014mw23.docx : 00e7d6b1-c4a5-44af-bd35-0e2f414b44cf

Prefiled and referred to the Committee on Finance.

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

S. 3 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

smin-0030mw23.docx : ff623c1d-3a5e-4145-ae2a-4699e24e4563

Prefiled and referred to the Committee on Judiciary.

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

S. 4 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-39-10, SECTION 6-39-20, AND SECTION 6-39-30 SO AS TO REDUCE CERTAIN ADMINISTRATIVE AND PERMITTING COSTS AND BARRIERS TO THE CONSTRUCTION OF HOUSING WHILE MAINTAINING SAFETY, PUBLIC HEALTH, AND THE GENERAL WELFARE WITH RESPECT TO CONSTRUCTION AND OCCUPANCY; BY ADDING SECTION 6-39-20; BY ADDING SECTION 6-39-30; BY AMENDING SECTION 5-25-120, RELATING TO INSPECTORS OF BUILDINGS, SO AS TO ALLOW A BUILDER

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TO HIRE A CERTIFIED THIRD-PARTY INSPECTOR TO PERFORM THE DUTIES OF THE LOCAL INSPECTOR OF BUILDINGS AS THEY RELATE TO THAT BUILDER; AND BY AMENDING SECTION 40-3-290, RELATING TO EXCEPTIONS FROM COVERAGE OF CHAPTER 40, SO AS TO REVISE AN EXEMPTION FOR PLANS AND SPECIFICATIONS FOR CERTAIN DWELLINGS.

sr-0130km23.docx : fc11a6bb-3b19-4a0e-95d5-3990dda92ed3

Prefiled and referred to the Committee on Judiciary.

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

S. 5 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RED FLAGS ACT" BY ADDING ARTICLE 12 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE FOR THE AUTHORITY OF LAW ENFORCEMENT OFFICERS TO SEIZE A PERSON'S FIREARMS AND AMMUNITION IF THE PERSON POSES A RISK OF IMMINENT PERSONAL INJURY TO HIMSELF OR OTHER INDIVIDUALS; TO ESTABLISH CRITERIA ADDRESSING APPLICATION FOR AND ISSUANCE OF A WARRANT; TO REQUIRE THE PROBATE COURT TO HOLD A HEARING WITHIN SEVEN DAYS OF EXECUTION OF THE WARRANT TO DETERMINE WHETHER THE FIREARMS AND AMMUNITION MAY BE RETURNED TO THE PERSON; AND FOR OTHER PURPOSES.

lc-0015vr23.docx : 376f9ba4-f13e-4aab-b860-efb0941b5fcb

Prefiled and referred to the Committee on Judiciary.

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

S. 6 -- Senators Jackson and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-5-320, RELATING TO APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE AND VOTER REGISTRATION, SO AS TO PROVIDE THAT EACH STATE IDENTIFICATION CARD APPLICATION OR MOTOR VEHICLE DRIVER'S LICENSE APPLICATION, INCLUDING RENEWAL APPLICATIONS, SUBMITTED TO THE DEPARTMENT OF MOTOR VEHICLES SHALL SERVE AS AN APPLICATION FOR VOTER REGISTRATION, TO ELIMINATE THE REQUIREMENT THAT THE APPLICANT SIGN A SEPARATE VOTER REGISTRATION PORTION OF THE APPLICATION IN ORDER TO REGISTER, TO PROVIDE THAT THE APPLICANT SHALL CONSENT TO THE USE OF HIS SIGNATURE FROM HIS STATE IDENTIFICATION

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CARD OR DRIVER'S LICENSE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES FOR VOTER REGISTRATION PURPOSES, AND TO PROVIDE A PROCEDURE FOR AN INDIVIDUAL TO DECLINE REGISTRATION.

smin-0014aa23.docx : 39541c90-fed0-4e10-a73a-083369b25ba7

Prefiled and referred to the Committee on Judiciary.

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

S. 7 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 53-5-10, RELATING TO LEGAL HOLIDAYS ENUMERATED; HOLIDAY SCHEDULES OF PUBLIC COLLEGES AND UNIVERSITIES, SO AS TO ESTABLISH GENERAL ELECTION DAY AS A STATE HOLIDAY.

smin-0013aa23.docx : 445037bb-e72a-4c93-9cc6-44982acbe464

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 8 -- Senators Jackson and K. Johnson: A BILL TO AMEND SECTION 53-5-10, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO STATE LEGAL HOLIDAYS, SO AS TO PROVIDE THE NINETEENTH DAY OF JUNE - JUNETEENTH SHALL BE A STATE LEGAL HOLIDAY.

smin-0029mw23.docx : 4132f327-51db-4e67-82a0-1b4223afe883

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 9 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING ARTICLE 150 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "HEARING IMPAIRED" SPECIAL LICENSE PLATES TO PERSONS WHO ARE HEARING IMPAIRED.

smin-0012aa23.docx : 05a29185-a705-4af1-ae5-5fafbc40c143

Prefiled and referred to the Committee on Transportation.

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

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S. 10 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 4-1-190 SO AS TO PROVIDE THAT THE COUNTY LEGISLATIVE DELEGATION MAY, BY THE ADOPTION OF A RESOLUTION, APPOINT THE MEMBERS OF A COUNTY RECREATION COMMISSION THAT WAS ESTABLISHED AS A SPECIAL PURPOSE DISTRICT PRIOR TO THE ADOPTION OF HOME RULE, AND TO PROVIDE THAT THE MEMBERS OF A COUNTY RECREATION COMMISSION WHO THE COUNTY DELEGATION APPOINTS PURSUANT TO THE PROVISIONS OF THIS ACT SERVE AT THE PLEASURE OF THE COUNTY LEGISLATIVE DELEGATION AND MAY BE REMOVED AT ANY TIME BY THE COUNTY LEGISLATIVE DELEGATION.

smin-0026aa23.docx : 07fe567a-0db6-407c-931d-07e1135af2a5

Prefiled and referred to the Committee on Judiciary.

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

S. 11 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-375, SO AS TO PROVIDE THAT ALL PUBLIC SCHOOLS MUST BE CLOSED ON VETERANS DAY, TO PROVIDE THIS DAY MUST NOT BE CONSIDERED AS ONE OF THE REGULAR SCHOOL DAYS FOR THE YEAR OF PUBLIC SCHOOLS, AND TO EXEMPT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION FROM THIS REQUIREMENT.

smin-0015aa23.docx : c9f36173-9412-4d68-8f86-9cc6f4290d65

Prefiled and referred to the Committee on Education.

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

S. 12 -- Senator Jackson: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW AN EXEMPTION FROM ALL PROPERTY TAX EQUAL TO ONE HUNDRED PERCENT OF THE VALUE SUBJECT TO TAX OF AN OWNER-OCCUPIED RESIDENCE IF THE OWNER HAS ATTAINED THE AGE OF SEVENTY YEARS AND HAS MADE THE PROPERTY HIS RESIDENCE FOR THIRTY YEARS.

smin-0016aa23.docx : c19b0104-47b6-4bcc-904a-0e726e46a4db

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 13 -- Senators Jackson and K. Johnson: A BILL TO AMEND SECTION 63-5-20, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO CHILD SUPPORT OBLIGATIONS, SO AS TO PROVIDE THAT AN OFFENDER SENTENCED TO NINETY OR FEWER DAYS IMPRISONMENT WHO IS EMPLOYED AT THE TIME OF SENTENCING AND IS ABLE TO MAINTAIN EMPLOYMENT MAY SERVE HIS SENTENCE AT A TIME WHEN HE IS NOT WORKING AND THE SENTENCE DOES NOT INTERFERE WITH HIS EMPLOYMENT, AND TO PROVIDE FOR WAGE GARNISHMENT TO SATISFY CHILD SUPPORT PAYMENTS.

smin-0018aa23.docx : c3851979-78ea-4317-ac70-4c5ee82b36e5

Prefiled and referred to the Committee on Judiciary.

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

S. 14 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-6-513 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO UTILIZE FUNDS AND FEES PAID TO THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY ADDING SECTION 37-6-610 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO CARRY FORWARD CERTAIN FUNDS.

smin-0024aa23.docx : 2da7ecf1-f43d-491e-ba38-561331b076ee

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 15 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-2-150 SO AS TO PROHIBIT THE DEPARTMENT OF REVENUE FROM GARNISHING WAGES IN AN AMOUNT MORE THAN TEN PERCENT OF A PERSON'S COMPENSATION FOR A DELINQUENT DEBT TO A PUBLIC HOSPITAL; AND BY AMENDING SECTION 12-54-130, RELATING TO THE DEPARTMENT'S ABILITY TO GARNISH WAGES, SO AS TO MAKE A CONFORMING CHANGE.

smin-0025aa23.docx : ff8f594b-d083-487e-9ca4-7544db1f26d3

Prefiled and referred to the Committee on Finance.

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

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S. 16 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 4-1-190 SO AS TO PROVIDE THAT THE COUNTY LEGISLATIVE DELEGATION MAY, BY THE ADOPTION OF A RESOLUTION, APPOINT THE MEMBERS OF A COUNTY RECREATION COMMISSION THAT WAS ESTABLISHED AS A SPECIAL PURPOSE DISTRICT PRIOR TO THE ADOPTION OF HOME RULE, AND TO PROVIDE THAT THE MEMBERS OF A COUNTY RECREATION COMMISSION WHO THE COUNTY DELEGATION APPOINTS PURSUANT TO THE PROVISIONS OF THIS ACT SERVE AT THE PLEASURE OF THE COUNTY LEGISLATIVE DELEGATION AND MAY BE REMOVED AT ANY TIME BY THE COUNTY LEGISLATIVE DELEGATION.

smin-0026aa23.docx : 07fe567a-0db6-407c-931d-07e1135af2a5

Prefiled and referred to the Committee on Judiciary.

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

S. 17 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-170(B), RELATING TO INSTITUTIONS AND TRANSACTIONS EXEMPT FROM THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT SO AS TO ADD DIABETES SCREENING FACILITIES.

smin-0021aa23.docx : d2678982-e4da-4afe-b21a-1aca3449e1d7

Prefiled and referred to the Committee on Medical Affairs.

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

S. 18 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, BY ADDING SECTION 12-6-3785 SO AS TO ALLOW AN INDIVIDUAL TAXPAYER TO CLAIM AN INCOME TAX CREDIT IF THE INDIVIDUAL SERVES AS A CAREGIVER FOR A PERSON WHO IS AT LEAST SEVENTY-FIVE YEARS OF AGE, AND TO SET THE AMOUNT OF THE CREDIT.

smin-0017aa23.docx : 3cb350cb-f2f0-42d0-b961-ff7d4759e20b

Prefiled and referred to the Committee on Finance.

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

S. 19 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HEALTHY RENTAL HOUSING ACT" BY ADDING SECTION 27-40-635 SO AS TO PROVIDE REMEDIES FOR TENANTS OF RESIDENTIAL RENTAL PROPERTIES WITH MOLD THAT MATERIALLY

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AFFECTS THE HEALTH OR SAFETY OF THE TENANT OR AUTHORIZED OCCUPANT OF THE RENTAL PROPERTY; BY AMENDING SECTION 27-40-210, RELATING TO DEFINITIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE ADDITIONAL NECESSARY TERMINOLOGY; BY AMENDING SECTION 27-40-420, RELATING TO CERTAIN WRITTEN DISCLOSURES THAT LANDLORDS MUST MAKE TO RESIDENTIAL TENANTS, SO AS TO REQUIRE WRITTEN DISCLOSURE OF VISIBLE EVIDENCE OF MOLD IN AREAS READILY ACCESSIBLE WITHIN THE INTERIOR OF THE DWELLING UNIT, AND TO PROVIDE OPTIONS FOR A TENANT TO WHOM THE LANDLORD DISCLOSES THE PRESENCE OF SUCH MOLD; BY AMENDING SECTION 27-40-440, RELATING TO LANDLORD OBLIGATIONS TO MAINTAIN RENTAL UNITS AND PREMISES, SO AS TO PROVIDE LANDLORDS SHALL MAINTAIN THE RENTAL UNITS AND PREMISES IN A CONDITION APPROPRIATE TO PREVENT THE ACCUMULATION OF MOISTURE AND THE GROWTH OF MOLD, AND TO PROVIDE CERTAIN NOTICE REQUIREMENTS WHEN SUCH MOISTURE OR MOLD IS FOUND; AND BY AMENDING SECTION 27-40-510, RELATING TO THE OBLIGATIONS OF TENANTS WITH RESPECT TO RENTAL UNITS AND PREMISES, SO AS TO PROVIDE TENANTS SHALL USE REASONABLE EFFORTS TO MAINTAIN THE PREMISES IN A CONDITION APPROPRIATE TO PREVENT THE ACCUMULATION OF MOISTURE AND THE GROWTH OF MOLD, AND TO PROVIDE CERTAIN NOTICE REQUIREMENTS WHEN SUCH MOISTURE OR MOLD IS FOUND.

lc-0042ph23.docx : 06a782c4-8e94-43ee-adab-4c107c5aa4aa

Prefiled and referred to the Committee on Judiciary.

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

S. 20 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-1140 SO AS TO PROVIDE AN ALLOWABLE DEDUCTION FOR CERTAIN RETIREMENT INCOME THAT RECEIVES A PENALTY FOR PREMATURE DISTRIBUTION.

lc-0024sa23.docx : bf2855c9-fc0b-4aae-8ca0-31bfdcd40251

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 21 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 24 TO TITLE 16 BY ENACTING THE "CHILDREN'S FIREARM ACCIDENT PREVENTION ACT"; TO DEFINE NECESSARY TERMS; TO CREATE THE TIERED OFFENSES OF CRIMINAL STORAGE OF A FIREARM; TO PROVIDE EXCEPTIONS; TO MAKE CERTAIN PROVISIONS FOR WHEN AN INJURED CHILD IS RELATED TO THE PERSON WHO VIOLATES THE CHAPTER; AND TO REQUIRE UPON THE RETAIL SALE OR TRANSFER OF A FIREARM THAT THE SELLER GIVE NOTICE THAT IT IS UNLAWFUL FOR A PERSON TO STORE OR LEAVE A FIREARM WITHIN EASY REACH OF A CHILD.

lc-0016ahb23.docx : f3dc2e2e-dbd9-444c-b0a6-f7b971c9c5e8

Prefiled and referred to the Committee on Judiciary.

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

S. 22 -- Senators Jackson and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-420 AND 16-23-430, RELATING TO POSSESSION OF A FIREARM ON SCHOOL PROPERTY AND CARRYING OF A WEAPON ON SCHOOL PROPERTY, RESPECTIVELY, BOTH SO AS TO INCREASE THE PENALTIES FOR AN OFFENSE.

lc-0017ahb23.docx : da8181d9-9d31-4c6a-97e3-7ac647351ff8

Prefiled and referred to the Committee on Judiciary.

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

S. 23 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "MOTHER LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0016cm-gt23.docx : 5dd65a32-bfa8-48c2-aeaa-d012efa9c769

Prefiled and referred to the Committee on Transportation.

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

S. 24 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-23-160 SO AS TO PROVIDE THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL SHALL ESTABLISH POLICIES,

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PROCEDURES, AND TRAINING COURSES RELATING TO CIRCUMSTANCES UPON WHICH A LAW ENFORCEMENT OFFICER MAY ENGAGE IN VEHICULAR PURSUITS.

lc-0038cm23.docx : 963daa2b-adbf-4795-966f-6f1b03d975d6

Prefiled and referred to the Committee on Judiciary.

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

S. 25 -- Senator Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKFORCE OPPORTUNITY ACT"; AND BY ADDING SECTION 41-1-45 SO AS TO PROVIDE THAT THE STATE MAY NOT INQUIRE, CONSIDER, OR REQUIRE DISCLOSURE OF THE CRIMINAL RECORD OR CRIMINAL HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT IS SELECTED FOR AN INTERVIEW BY THE EMPLOYER OR BEFORE A CONDITIONAL OFFER OF EMPLOYMENT IS MADE TO THE APPLICANT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE RELATED DEFINITIONS AND PROCEDURES, AMONG OTHER THINGS.

lc-0062wab23.docx : d38dedcc-8f3d-4b99-975b-33d0c77ff421

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 26 -- Senators Jackson and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SMOKE A TOBACCO PRODUCT IN A MOTOR VEHICLE IN WHICH A MINOR IS A PASSENGER AND TO PROVIDE A PENALTY.

smin-0006aa23.docx : ec50e3df-42d1-4717-a844-267adff7cf3a

Prefiled and referred to the Committee on Transportation.

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

S. 27 -- Senators Jackson and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-11-150 AND 8-11-155, BOTH RELATING TO PAID PARENTAL LEAVE, SO AS TO INCREASE THE NUMBER OF WEEKS OF PAID PARENTAL LEAVE IN THE EVENT OF THE BIRTH OR ADOPTION OF A CHILD FOR ELIGIBLE STATE EMPLOYEES.

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lc-0018ph23.docx : 4951c246-487d-49f6-98c1-12e896238148

Prefiled and referred to the Committee on Judiciary.

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

S. 28 -- Senators Jackson and K. Johnson: A JOINT RESOLUTION TO PROVIDE FOR A STATEWIDE ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2024 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF THIS STATE FAVOR RAISING THE MINIMUM WAGE.

smin-0020aa23.docx : 147be096-68ac-425d-85de-657c79333c25

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 29 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 140 TO TITLE 44 OF THE SOUTH CAROLINA CODE, TO PROVIDE THAT A WOMAN MAY HAVE AN ABORTION PRIOR TO THE VIABILITY OF HER EMBRYO OR FETUS, TO PROVIDE FOR THE CIRCUMSTANCES IN WHICH A WOMAN MAY HAVE AN ABORTION AFTER THE VIABILITY OF HER FETUS, TO PROVIDE FOR THE PROCESS THROUGH WHICH A MINOR MAY HAVE AN ABORTION, TO PROVIDE THAT ASSISTIVE REPRODUCTIVE TECHNOLOGIES AND CONTRACEPTIVES SHALL BE AVAILABLE IN SOUTH CAROLINA, TO PROVIDE THAT PREGNANT WOMEN ARE ENTITLED TO QUALITY PRENATAL AND POSTNATAL HEALTHCARE, AND TO EXPAND MEDICAID TO FACILITATE THE DELIVERY OF QUALITY PRENATAL AND POSTNATAL HEALTHCARE; BY AMENDING SECTION 40-47-37, RELATING TO PRACTICE OF TELEMEDICINE REQUIREMENTS, SO AS TO PERMIT DOCTORS TO PRESCRIBE ABORTION INDUCING DRUGS VIA TELEMEDICINE; BY ADDING SECTION 38-71-48 SO AS TO PROVIDE THAT HEALTH INSURANCE POLICIES THAT PROVIDE PREGNANCY AND CHILD BIRTH COVERAGE MUST ALSO OFFER COVERAGE FOR ABORTIONS AND RELATED SERVICES AND MEDICAL PROCEDURES INTENDED TO PERMANENTLY PREVENT PREGNANCY INCLUDING, BUT NOT LIMITED TO, TUBAL LIGATION, HYSTERECTOMY, AND VASECTOMY; BY ADDING SECTION 38-71-49 SO AS TO

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PROVIDE THAT HEALTH INSURANCE POLICIES MUST OFFER COVERAGE FOR ASSISTIVE REPRODUCTIVE TECHNOLOGIES; TO AMEND SECTION 59-32-10(2) OF THE SOUTH CAROLINA CODE TO PROVIDE THAT REPRODUCTIVE HEALTH EDUCATION MEANS AGE APPROPRIATE, UNBIASED, COMPREHENSIVE, AND MEDICALLY ACCURATE INSTRUCTION, AND TO FURTHER PROVIDE THAT ABSTINENCE EDUCATION CAN BE TAUGHT BUT NOT TAUGHT AS THE PRIMARY OR ONLY WAY TO PREVENT PREGNANCY; TO AMEND 59-32-10(4) OF THE SOUTH CAROLINA CODE TO PROVIDE THAT ABSTINENCE FROM SEX BEFORE MARRIAGE CAN BE ENCOURAGED AS A WAY TO PREVENT PREGNANCY; AND TO REPEAL CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE, RELATING TO ABORTION.

sr-0126km23.docx : b4ffa9b0-da34-4b35-ae5b-602849e6dafa

Prefiled and referred to the Committee on Medical Affairs.

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

S. 30 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

lc-0079sa23.docx : f62199ec-8934-477c-8763-6535ebb7f589

Prefiled and referred to the Committee on Finance.

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

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

lc-0056ph23.docx : 5777514e-ff60-4daf-aeec-ecdf49e614a9

Prefiled and referred to the Committee on Finance.

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

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S. 32 -- Senators Hutto and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-170, RELATING TO THE REQUIRED CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF THE MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, SO AS TO ALLOW AN INSURED TO SEEK A COURT ORDER FOR A PRESUIT DEPOSITION WHEN THE INSURED IS UNABLE TO OBTAIN AN AFFIDAVIT FROM A WITNESS TO THE ACCIDENT AND TO ALLOW AN INSURED TO SUBMIT ELECTRONIC OR OTHER RECORDING OF THE ACCIDENT TO MEET THE REQUIRED CONDITIONS OF THE UNINSURED MOTORIST PROVISION.

lc-0055ph23.docx : 9201431f-c74d-45af-b2db-fb2df4f93d8a

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

lc-0051ph23.docx : cec54280-c92f-4260-a03a-d7bc747d0489

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 34 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-1-100, RELATING TO THE MINIMUM AGE FOR A VALID MARRIAGE, SO AS TO PROVIDE THAT A MARRIAGE ENTERED INTO BY AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS VOID AB INITIO; BY AMENDING SECTION 20-1-290, RELATING TO THE WILFUL FAILURE OF OFFICERS TO COMPLY WITH

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LAWS RELATED TO THE ISSUANCE OF MARRIAGE LICENSES, SO AS TO REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; AND BY REPEALING SECTIONS 20-1-250 AND 20-1-260, RELATING TO MARRIAGES INVOLVING MINORS.

lc-0019vr23.docx : 49c81a26-e5c2-41a9-b07b-970b1e0d2e30

Prefiled and referred to the Committee on Judiciary.

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

S. 35 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-1440, RELATING TO JUVENILE COMMITMENT, SO AS TO ALLOW A COURT TO ORDER TEMPORARY COMMITMENT TO THE DEPARTMENT OF JUVENILE JUSTICE FOR NOT MORE THAN TEN DAYS FOR EVALUATION.

lc-0047vr23.docx : e9406fa5-c77d-49f5-b53e-6e0690545166

Prefiled and referred to the Committee on Judiciary.

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

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL

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OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE

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DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

lc-0127cm23.docx : 9d5b18c4-5b97-45b2-bfc5-69596dbf2d08

Prefiled and referred to the Committee on Judiciary.

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

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S. 37 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-31-240, RELATING TO PERSONS ALLOWED TO CARRY CONCEALABLE WEAPONS WITHIN THE STATE, TO INCLUDE ACTIVE CIRCUIT PUBLIC DEFENDERS AND PUBLIC DEFENDERS.

smin-0007mw23.docx : cf4a8b04-e8ed-41d0-9b93-a92e5e7dece3

Prefiled and referred to the Committee on Judiciary.

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

S. 38 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-890, RELATING TO PLACE WHERE PROPERTY SHALL BE RETURNED FOR TAXATION, SO AS TO PROVIDE THAT BOATS, BOAT MOTORS, AND WATERCRAFT MUST BE RETURNED TO THE COUNTY IN WHICH THE BOAT, BOAT MOTOR, OR WATERCRAFT IS PRINCIPALLY LOCATED FOR TAXATION; BY AMENDING SECTION 12-37-3220, RELATING TO PROPERTY TAX RETURNS FOR BOATS, BOAT MOTORS, AND WATERCRAFT, SO AS TO PROVIDE THAT PROPERTY TAX RETURNS FOR BOATS, BOAT MOTORS, AND WATERCRAFT MUST BE SUBMITTED TO THE COUNTY IN WHICH THE BOAT, BOAT MOTOR, OR WATERCRAFT IS PRINCIPALLY LOCATED IF THAT IS DIFFERENT THAN THE OWNER'S COUNTY OF REFERENCE; BY AMENDING SECTION 50-23-340, RELATING TO APPLICATION FOR AND ISSUANCE OF NUMBER AND CERTIFICATE FEE, SO AS TO PROVIDE THAT APPLICATIONS FOR MOTORBOAT NUMBERS MUST INCLUDE A DECLARATION OF THE COUNTY IN WHICH THE MOTORBOAT IS PRINCIPALLY LOCATED; AND BY AMENDING SECTION 50-23-370, RELATING TO EXPIRATION AND RENEWAL, SO AS TO PROVIDE THAT CERTIFICATE RENEWAL NOTICES MUST BE SENT TO OWNERS OF WATERCRAFT THAT IS PRINCIPALLY LOCATED IN THE COUNTY.

sr-0016km23.docx : a09405bb-e8e3-4651-bb27-3c979233151e

Prefiled and referred to the Committee on Finance.

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

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120 SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP

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APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140 SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150 SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160 SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170 SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180 SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190 SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200 SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210 SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220 SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

sr-0106km23.docx : 856b3d68-f5e6-4a53-abaf-d0efc7470fb0

Prefiled and referred to the Committee on Education.

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

S. 40 -- Senators Grooms and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3585, RELATING TO INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO PROVIDE FOR AN INCREASE IN THE AGGREGATE CREDIT FROM NINE MILLION TO TWELVE MILLION DOLLARS FOR TAX YEARS AFTER 2022.

sr-0109km23.docx : c832fcfb-c742-4c00-9e64-735e179a9b28

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 41 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING CHAPTER 32 TO TITLE 17 SO AS TO ENTITLE THE CHAPTER "CRIMINAL ASSET FORFEITURE", AND TO PROVIDE PROCEDURES FOR THE FORFEITURE OF MONIES, PROPERTY, AND OTHER ASSETS; TO AMEND SECTIONS 16-3-2090, RELATING TO TRAFFICKING IN PERSONS, 16-8-260, RELATING TO CRIMINAL GANGS, 16-13-175, RELATING TO LARCENY OF PROPERTY AND MOTOR VEHICLES USED, 16-13-177, RELATING TO TIMBER THEFT, 16-27-55, RELATING TO ANIMAL FIGHTING AND BAITING, 39-15-1195, RELATING TO COUNTERFEIT MARKS, 44-53-520, RELATING TO CONTROLLED SUBSTANCES, AND 56-29-40, RELATING TO CHOP SHOPS, ALL SO AS TO MAKE CONFORMING CHANGES; TO REPEAL SECTION 44-53-530, RELATING TO DRUG FORFEITURE PROCEDURES, SECTION 44-53-586, RELATING TO RETURN OF SEIZED PROPERTY TO INNOCENT OWNERS, SECTION 44-53-590, RELATING TO THE OFFENSE OF USING PROPERTY IN A MANNER THAT MAKES IT SUBJECT TO FORFEITURE, AND SECTION 56-29-50, RELATING TO FORFEITURE OF MOTOR VEHICLES AND SUCH; AND BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE COMMISSION ON PROSECUTION COORDINATION SHALL ESTABLISH AND MAINTAIN AN ASSET SEIZURE AND FORFEITURE TRACKING DATABASE AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

sj-0031bm23.docx : 50bf64ed-8d74-42ca-aa90-b1620e34a971

Prefiled and referred to the Committee on Judiciary.

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

S. 42 -- Senator Malloy: A BILL TO AMEND TITLE 14 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE COURTS, BY ADDING CHAPTER 32, TO CREATE THE JUDICIAL CRIMINAL INFORMATION TECHNOLOGY COMMITTEE AND TO ESTABLISH ITS MEMBERSHIP, DUTIES, AND RESPONSIBILITIES, INCLUDING THE STUDY OF AND RECOMMENDATIONS FOR THE IMPROVEMENT OF JUDICIAL

TUESDAY, JANUARY 10, 2023

AND LAW ENFORCEMENT INFORMATION TECHNOLOGY AND REPORTING.

sj-0028bm23.docx : b43cf71c-7d74-4ee7-a8e3-9918bcc2efa3

Prefiled and referred to the Committee on Judiciary.

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

S. 43 -- Senators Malloy and Gustafson: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

sj-0026bm23.docx : 7cf8571d-a274-40b6-9e2e-8bfc3ca386bc

Prefiled and referred to the Committee on Judiciary.

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

S. 44 -- Senator Malloy: A BILL TO DELETE SECTION 24-28-20(C) OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE TERMINATION OF THE SENTENCING REFORM OVERSIGHT COMMITTEE, TO REESTABLISH THE SENTENCING REFORM OVERSIGHT COMMITTEE; AND TO AMEND SECTION 24-28-30(3)(C) OF THE S.C. CODE, RELATING TO ANNUAL REPORTS, TO MAKE CONFORMING CHANGES.

sj-0032bm23.docx : ba9b901b-66f1-4dd2-80c5-dbd18d5edf9fa

Prefiled and referred to the Committee on Judiciary.

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

S. 45 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE DECLARATION OF RIGHTS, BY ADDING SECTION 26, SO AS TO RECOGNIZE THAT SECTIONS 3 AND 10 OF ARTICLE I PROVIDE FOR A RIGHT OF BODILY INTEGRITY AND AUTONOMY THAT INCLUDES A LIMITED RIGHT TO AN ABORTION AND TO AUTHORIZE THE GENERAL ASSEMBLY TO PROVIDE BY LAW FOR THE REGULATION OF ABORTION, INCLUDING WHEN A CLINICALLY DIAGNOSABLE PREGNANCY MAY BE

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TERMINATED AND WHETHER STATE FUNDING MAY BE USED
TO TERMINATE A CLINICALLY DIAGNOSABLE PREGNANCY.

sr-0127km23.docx : d2ec9873-29cc-4a43-8d50-e5a0736f86e5

Prefiled and referred to the Committee on Judiciary.

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

S. 46 -- Senator Malloy: A BILL TO AMEND ACT 259 OF 1961,
AS AMENDED, RELATING TO THE HARTSVILLE COMMUNITY
CENTER BUILDING COMMISSION, SO AS TO INCREASE THE
COMMISSION'S MEMBERSHIP FROM THREE TO FIVE
MEMBERS.

sj-0022pb23.docx : 13360172-a6ea-463b-8d9d-676052e516c7

Prefiled and referred to the Committee on Judiciary.

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

S. 47 -- Senator Malloy: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 7-13-
710(D)(1) AND (2), RELATING TO THE PRESENTATION OF
IDENTIFICATION WHEN AN ELECTOR PRESENTS HIMSELF TO
VOTE, SO AS TO PROVIDE THAT AN ELECTOR WHO FAILS TO
PRODUCE A VALID AND CURRENT PHOTOGRAPH
IDENTIFICATION MAY COMPLETE A WRITTEN STATEMENT
AT THE POLLING PLACE AND AFFIRM THAT HE MEETS
CERTAIN QUALIFICATIONS, TO PROVIDE THAT THE
STATEMENT AND THE ELECTOR'S PROVISIONAL BALLOT
MUST BE FILED WITH THE COUNTY BOARD OF VOTER
REGISTRATION AND ELECTIONS, AND TO PROVIDE THAT
THE COUNTY BOARD OF VOTER REGISTRATION AND
ELECTIONS SHALL FIND THAT A PROVISIONAL BALLOT IS
VALID, UNLESS THE BOARD HAS GROUNDS TO BELIEVE THE
STATEMENT IS FALSE, IF THE BOARD DETERMINES THAT
THE VOTER WAS CHALLENGED ONLY FOR THE INABILITY TO
PROVIDE PROOF OF IDENTIFICATION AND THE REQUIRED
STATEMENT IS SUBMITTED.

sj-0020pb23.docx : dad3ec4e-a3e6-464e-a305-902056ff960c

Prefiled and referred to the Committee on Judiciary.

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

S. 48 -- Senator Malloy: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS TO ENACT THE "ASSET
FORFEITURE AND PRIVATE PROPERTY PROTECTION ACT" BY
ADDING CHAPTER 32 TO TITLE 17, RELATING TO CRIMINAL

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PROCEDURES, SO AS TO PROVIDE FOR ASSET FORFEITURE AND PRIVATE PROPERTY PROTECTION PROCESSES.

sj-0018pb23.docx : b6979157-2eeb-4b8c-a402-520ad8d27ef0

Prefiled and referred to the Committee on Judiciary.

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

S. 49 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE QUALIFICATIONS OF OFFICERS, SO AS TO EXEMPT MEMBERS OF COLLEGE OR UNIVERSITY BOARDS OF TRUSTEES FROM THE REQUIREMENT THAT THEY POSSESS THE QUALIFICATIONS OF AN ELECTOR, AND TO REMOVE ARCHAIC REFERENCES.

sj-0019pb23.docx : 742e91b5-de0b-43ce-869d-b5e32809f0a7

Prefiled and referred to the Committee on Judiciary.

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

S. 50 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-3-10, RELATING TO THE CIVIL JURISDICTION OF THE MAGISTRATE COURT, SO AS TO INCREASE THE CIVIL JURISDICTION FROM SEVEN THOUSAND FIVE HUNDRED DOLLARS TO FIFTEEN THOUSAND DOLLARS.

sj-0016pb23.docx : 2e7e9d71-6d77-4886-b5d2-dd8b1bfe07e7

Prefiled and referred to the Committee on Judiciary.

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

S. 51 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-1-200, RELATING TO THE ESTABLISHMENT OF SALARIES OF SUPREME COURT JUSTICES AND COURT OF APPEALS, CIRCUIT COURT, AND FAMILY COURT JUDGES, SO AS TO PROVIDE THE SALARY OF THE CHIEF JUSTICE AND TO PROVIDE FOR A TWO PERCENT ANNUAL INCREASE IN A FISCAL YEAR IN WHICH COMPENSATION IS INCREASED FOR ALL FULL-TIME STATE-APPROPRIATED EMPLOYEES; BY AMENDING SECTION 1-7-325, RELATING TO COMPENSATION FOR SOLICITORS, SO AS TO PROVIDE THAT A SOLICITOR'S SALARY IS NOT DIRECTLY TIED TO A PERCENTAGE OF THE SALARIES OF SUPREME COURT JUSTICES OR COURT OF APPEALS, CIRCUIT COURT, OR FAMILY COURT JUDGES; AND

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BY AMENDING SECTION 22-8-40(B)(2), RELATING TO MAGISTRATES' SALARIES, SO AS TO PROVIDE THAT MAGISTRATES' SALARIES ARE DETERMINED BY THE ANNUAL GENERAL APPROPRIATIONS ACT AND ARE NOT DIRECTLY TIED TO A PERCENTAGE OF THE SALARIES OF SUPREME COURT JUSTICES OR COURT OF APPEALS, CIRCUIT COURT, OR FAMILY COURT JUDGES.

sj-0014pb23.docx : 3e56bed0-891a-43ab-b008-6be8fa6948bd

Prefiled and referred to the Committee on Judiciary.

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

S. 52 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-1-200, RELATING TO THE SALARIES OF SUPREME COURT JUSTICES AND COURT OF APPEALS, CIRCUIT COURT, AND FAMILY COURT JUDGES, SO AS TO PROVIDE A SALARY SCHEDULE FOR THOSE JUDGES.

sj-0013pb23.docx : 06978593-4c7f-4b15-88ac-a85aa75e1aa0

Prefiled and referred to the Committee on Judiciary.

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

S. 53 -- Senator Malloy: A JOINT RESOLUTION TO CREATE THE "GAMBLING STUDY COMMITTEE" TO EXAMINE ISSUES RELATED TO REGULATING GAMBLING, TO PROVIDE FOR THE MEMBERSHIP, DUTIES, STAFFING, AND RESPONSIBILITIES OF THE STUDY COMMITTEE, AND TO PROVIDE THAT THE COMMITTEE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 31, 2023, AT WHICH TIME THE STUDY COMMITTEE IS DISSOLVED.

sj-0004mf23.docx : 75f4364f-818d-4921-b71e-6450c875e721

Prefiled and referred to the Committee on Judiciary.

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

S. 54 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-3-501(1), RELATING TO SUPERVISED LOANS, SO AS TO PROVIDE THAT A SHORT-TERM VEHICLE IS NOT A SUPERVISED LOAN; BY ADDING SECTION 39-5-45 SO AS TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE FOR SUPERVISED LENDERS TO PROVIDE SHORT-TERM VEHICLE SECURED LOANS; BY AMENDING SECTION 37-3-413, RELATING TO SHORT-TERM

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VEHICLE SECURED LOANS; NOTICE TO BORROWER, SO AS TO CAP THE LOAN INTEREST RATE FOR SPECIFIC LOAN AMOUNTS; BY ADDING SECTION 37-3-414 SO AS TO PROVIDE A DATABASE TO PREVENT A PERSON FROM HAVING A SHORT-TERM VEHICLE SECURED LOAN THAT EXCEEDS A CERTAIN LIMIT AND TO TRACK LOAN TRANSACTIONS IN GENERAL, AND TO PROVIDE THAT ALL SHORT-TERM VEHICLE SECURED LOANS MAY ONLY BE MADE BY A LICENSEE; AND BY ADDING SECTION 37-3-415 SO AS TO DEFINE NECESSARY TERMS.

sr-0060km23.docx : 4aef13e8-e69a-4f59-9cae-533cbdfdba5

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 55 -- Senator Malloy: A JOINT RESOLUTION TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING ACT 990 OF 1928, RELATING TO THE PROVISION FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF DR. J. MARION SIMS UPON THE STATE HOUSE GROUNDS IN COLUMBIA, SO AS TO DIRECT THE REMOVAL OF THE SIMS STATUE TO THE STATE MUSEUM, TO CREATE THE ROBERT SMALLS MONUMENT COMMISSION, AND TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, DUTIES, AND RELATED MATTERS.

sr-0050km23.docx : 5d559c7e-3e07-4da6-8a3e-a29803709569

Prefiled and referred to the Committee on Finance.

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

S. 56 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 42-9-50 SO AS TO PROVIDE THAT EMPLOYEES MAY SEEK COMPENSATION FOR ADVERSE HEALTH CONDITIONS OR DEATH CAUSED BY AN EMPLOYER-MANDATED COVID-19 VACCINE.

sr-0053km23.docx : 5350f535-d8fb-4d66-b99c-861d1db5ced0

Prefiled and referred to the Committee on Judiciary.

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

S. 57 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-45 SO AS TO PROVIDE THAT A PERSON WHO ACCEPTS A CHECK FOR A DEFERRED PRESENTMENT TRANSACTION VIOLATES

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THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT; AND TO REPEAL CHAPTER 39, TITLE 34 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO DEFERRED PRESENTMENT SERVICES.

sr-0056km23.docx : 7b497e20-2695-4d73-b7bc-169492f6e403

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 58 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-5-20, RELATING TO THE SUPREME COURT'S AUTHORITY TO PROMULGATE RULES AND REGULATIONS CONCERNING THE PRACTICE OF LAW AND THE ESTABLISHMENT OF THE SOUTH CAROLINA BAR, SO AS TO PROVIDE THAT THE SUPREME COURT MAY PROMULGATE RULES AND REGULATIONS DEFINING AND REGULATING THE PRACTICE OF LAW SUBJECT TO STATUTORY LAW AND DETERMINING THE QUALIFICATIONS AND REQUIREMENTS FOR ADMISSION TO THE PRACTICE OF LAW AND THE LICENSURE OF ATTORNEYS IN THIS STATE, TO PROVIDE THAT ANY PROVISION OF LAW OR RULE THAT REQUIRES AN ATTORNEY TO BE A MEMBER OF THE SOUTH CAROLINA BAR IS SUPERSEDED AND OF NO FORCE AND EFFECT, AND TO DELETE INCONSISTENT PROVISIONS RELATED TO THE BAR; AND BY AMENDING SECTION 40-5-310, RELATING TO PRACTICING LAW OR SOLICITING THE LEGAL CAUSE OF ANOTHER WITHOUT BEING ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR, SO AS TO PROVIDE THAT NO PERSON MAY PRACTICE LAW UNLESS HE IS LICENSED BY THE SUPREME COURT, AND TO DELETE THE REQUIREMENT THAT A PERSON BE A MEMBER OF THE SOUTH CAROLINA BAR.

sr-0057km23.docx : 611fae45-79f9-46a7-9ff1-48b246d3764a

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

TUESDAY, JANUARY 10, 2023

S. 59 -- Senators Malloy and K. Johnson: A JOINT RESOLUTION TO PROVIDE FOR A STATEWIDE ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2024 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF THIS STATE FAVOR MEDICAID EXPANSION.

sr-0063km23.docx : 157d5812-856d-4606-ae9b-cc4ff723f7dd

Prefiled and referred to the Committee on Medical Affairs.

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

S. 60 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-47-39, RELATING TO PHYSICIANS AND MISCELLANEOUS HEALTHCARE PROFESSIONALS, SO AS TO PROVIDE THAT A PHYSICIAN MUST BE A MEMBER OF THE SOUTH CAROLINA MEDICAL ASSOCIATION TO PRACTICE MEDICINE IN THIS STATE.

sr-0062km23.docx : 78f0d7fe-0f3e-4d7e-ad92-a4b97e5601eb

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 61 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-13-40, RELATING TO THE COMPUTATION OF TIME SERVED BY PRISONERS, SO AS TO PROVIDE THAT A PRISONER MUST BE GIVEN TWO DAYS OF CREDIT FOR EVERY ONE DAY SERVED IN CUSTODY PRIOR TO TRIAL AND SENTENCING.

sr-0064km23.docx : 2b76fcae-ea18-4dc3-8aeb-ffc1f351636b

Prefiled and referred to the Committee on Corrections and Penology.

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

S. 62 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-8-40, RELATING TO MEMBERSHIP IN THE RETIREMENT SYSTEM FOR JUDGES, SOLICITORS, AND PUBLIC DEFENDERS, SO AS TO REMOVE THE AGE LIMIT OF SEVENTY-TWO FOR THOSE ELIGIBLE TO BECOME MEMBERS OF THE SYSTEM; BY AMENDING SECTION 9-8-60, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES, SO AS TO REMOVE THE REQUIREMENT THAT MEMBERS OF THE RETIREMENT

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SYSTEM FOR JUDGES, SOLICITORS, AND PUBLIC DEFENDERS MUST RETIRE BY THE END OF THE CALENDAR YEAR IN WHICH THEY TURN SEVENTY-TWO; AND TO REPEAL SECTION 22-1-25, RELATING TO THE MANDATORY RETIREMENT AGE FOR MAGISTRATES.

sr-0065km23.docx : 9da053d1-d625-4a58-a521-7546a9244b2a

Prefiled and referred to the Committee on Finance.

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

S. 63 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-505 SO AS TO REQUIRE THE GENERAL ASSEMBLY, IN THE ANNUAL GENERAL APPROPRIATIONS ACT, TO APPROPRIATE FUNDS TO INSTALL, MAINTAIN, AND PROVIDE WIRELESS LOCAL AREA NETWORKS IN EVERY K-12 SCHOOL IN THIS STATE AND THEREAFTER TO APPROPRIATE FUNDS TO INSTALL, MAINTAIN, AND PROVIDE WIRELESS LOCAL AREA NETWORKS IN EVERY SCHOOL BUS IN THIS STATE, TO REQUIRE EACH DISTRICT TO ADOPT A PLAN TO MAKE SCHOOL BUSES AVAILABLE TO STUDENTS ON NON-SCHOOL DAYS, AND TO REQUIRE EACH DISTRICT TO ISSUE A REPORT DETAILING THE USE OF THE FUNDS APPROPRIATED.

sr-0067km23.docx : aa850712-4b2c-466c-a7ba-7150276e59b9

Prefiled and referred to the Committee on Education.

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

S. 64 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-35 SO AS TO PROVIDE THAT SCHOOL DISTRICTS MAY PAY LUMP-SUM BONUSES TO AID IN RETAINING TEACHERS WHO EXCEL IN PROVIDING QUALITY INSTRUCTION, LEADERSHIP, OR BOTH, TO REQUIRE THAT BONUSES MUST BE APPROVED BY THE SCHOOL BOARD, TO CAP BONUSES AT NOT MORE THAN TWENTY PERCENT OF A TEACHER'S BASE SALARY, AND TO PROVIDE THAT THE PAYMENT OF BONUSES IS NOT A PART OF AN EMPLOYEE'S BASE SALARY AND IS NOT EARNABLE COMPENSATION FOR THE PURPOSES OF EMPLOYEE AND EMPLOYER CONTRIBUTIONS TO THE RESPECTIVE RETIREMENT SYSTEMS.

sr-0068km23.docx : 36625afb-9bc9-46d8-a484-9c2846869e66

Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 10, 2023

S. 65 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-1-425, RELATING TO THE STATUTORY SCHOOL YEAR, SO AS TO REMOVE REQUIREMENTS CONCERNING THE SPECIFIC NUMBER OF DAYS THAT MUST BE INCLUDED IN A SCHOOL YEAR, TO PROVIDE THAT A DISTRICT SHALL REPORT THE SCHOOL CALENDAR THAT IT SELECTS TO THE STATE BOARD OF EDUCATION, ALONG WITH A RATIONALE BEHIND THE STRUCTURE OF THE CALENDAR, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD SHALL FOCUS ON STRUCTURING ITS CALENDAR TO MAXIMIZE THE EDUCATIONAL BENEFIT IN THE UNIQUE CIRCUMSTANCES OF EACH SCHOOL, AND TO SET FORTH REQUIREMENTS FOR A SCHOOL THAT WISHES TO OPERATE ON A MODIFIED YEAR-ROUND CALENDAR.

sr-0069km23.docx : bb3967fe-248e-4552-9e0e-c1b82fe91e00

Prefiled and referred to the Committee on Education.

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

S. 66 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-138-10 SO AS TO ESTABLISH THE SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS AND PROVIDE FOR ITS MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES; AND TO REPEAL SECTION 59-53-10, RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND SECTION 59-103-10, RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION.

sr-0071km23.docx : 19f42628-fbd4-49ce-9647-7b2ed8340ff1

Prefiled and referred to the Committee on Education.

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

S. 67 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-39-180, RELATING TO RESTRICTIONS AND REQUIREMENTS FOR THE DEFERRED PRESENTMENT OR DEPOSIT OF CHECKS, SO AS TO PROVIDE THAT THE EFFECTIVE ANNUAL PERCENTAGE RATE CHARGED ON A DEFERRED PRESENTMENT TRANSACTION CANNOT EXCEED THIRTY SIX PERCENT.

sr-0107km23.docx : f7c8f097-c1ff-410c-af10-b82f34aca70a

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

TUESDAY, JANUARY 10, 2023

S. 68 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO MISCELLANEOUS MATTERS, BY ADDING SECTION 16, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PROVIDE FOR THE CONDUCT OF GAMBLING AND GAMING ACTIVITIES IN CERTAIN AREAS OF THE STATE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT ANY GAMBLING OR GAMING ACTIVITIES MUST BE STRICTLY REGULATED, TO PROVIDE FOR THE ALLOCATION OF ANY REVENUES; AND PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO OFFICERS GAMBLING AND BETTING, BY DELETING SECTION 8, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL FOR A PERSON HOLDING AN OFFICE OF HONOR, TRUST, OR PROFIT TO ENGAGE IN GAMBLING OR BETTING ON GAMES OF CHANCE, AND TO REQUIRE AN OFFICER'S REMOVAL FROM OFFICE UPON CONVICTION FOR A GAMBLING OFFENSE.

sr-0054km23.docx : fca32259-905e-46b2-b8a2-a4cb739da259

Prefiled and referred to the Committee on Judiciary.

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

S. 69 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-156-120, RELATING TO THE AVAILABILITY OF THE SOUTH CAROLINA CHILD EARLY READING DEVELOPMENT AND EDUCATION PROGRAM, SO AS TO EXPAND THE PROGRAM IN THE 2023-2024 SCHOOL YEAR TO QUALIFIED CHILDREN RESIDING IN OTHER DISTRICTS BASED UPON EACH DISTRICT'S POVERTY INDEX, TO EXPAND THE PROGRAM IN THE 2025-2026 SCHOOL YEAR TO ALL QUALIFIED CHILDREN IN ALL SCHOOL DISTRICTS, AND TO EXPAND THE PROGRAM TO INCLUDE ALL CHILDREN WITHIN FIVE YEARS OF THE PROGRAM'S EXPANSION FOR ALL DISTRICTS; BY AMENDING SECTION 59-156-130, RELATING TO ELIGIBILITY FOR ENROLLMENT IN THE PROGRAM, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-156-140, RELATING TO PROVIDER APPLICATIONS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59-156-220, RELATING TO FUNDING OF THE PROGRAM, SO AS TO

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REQUIRE THE GENERAL ASSEMBLY TO FUND THE PROGRAM IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO SET THE RATE FOR THE 2023-2024 SCHOOL YEAR.

sr-0058km23.docx : 080faa94-3fe8-439f-b648-fc8bdc3434a8

Prefiled and referred to the Committee on Education.

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

S. 70 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-117-10, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; BY AMENDING SECTION 59-117-20, RELATING TO THE TERMS OF THE MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2024; BY AMENDING SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THAT THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THAT THE CHAIRMAN SERVES A TWO-YEAR TERM, AND TO PROVIDE THAT A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN; AND BY AMENDING SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, SO AS TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

sr-0066km23.docx : 10fbac30-6263-4bff-8f3e-04a50e1599d8

Prefiled and referred to the Committee on Education.

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

S. 71 -- Senator Malloy: A BILL TO AMEND SECTION 16-3-20 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO HOMICIDE, TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR A PERSON CONVICTED OF MURDER, TO REMOVE THE REQUIREMENTS FOR THE IMPLEMENTATION OF THE DEATH PENALTY, AND TO MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 16-3-655 TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR WHO IS LESS THAN ELEVEN YEARS OF AGE, SECOND OFFENSE, TO REMOVE THE REQUIREMENTS FOR THE IMPLEMENTATION OF THE DEATH PENALTY, AND TO MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 10-11-325 TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR

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THE USE OF AN EXPLOSIVE DEVICE ON THE CAPITOL GROUNDS RESULTING IN DEATH; TO AMEND SECTION 16-23-490 TO REMOVE THE REFERENCE TO THE DEATH PENALTY AS AN EXEMPTION TO THE FIVE-YEAR CONSECUTIVE PENALTY FOR DISPLAYING A FIREARM IN THE COMMISSION OF A VIOLENT CRIME; TO AMEND SECTION 16-23-715 TO REMOVE THE PENALTY OF DEATH FOR A PERSON CONVICTED OF USE OF A WEAPON OF MASS DESTRUCTION IN FURTHERANCE OF AN ACT OF TERRORISM; TO AMEND SECTION 16-23-720 TO REMOVE THE PENALTY OF DEATH FOR A PERSON CONVICTED OF INTENTIONAL USE OF A DESTRUCTIVE DEVICE; TO AMEND SECTION 1-7-100 TO REMOVE THE OBLIGATION OF THE ATTORNEY GENERAL TO ASSIST SOLICITORS BY ATTENDING THE GRAND JURY IN CAPITAL CASES; TO AMEND SECTION 17-3-330 TO DELETE THE REQUIREMENT THAT THE OFFICE OF INDIGENT DEFENSE ROLL OVER UNEXPENDED FUNDS INTO A FUND FOR THE DEFENSE OF CAPITAL CASES; TO AMEND SECTION 17-3-520 TO REMOVE THE REQUIREMENT THAT A CIRCUIT PUBLIC DEFENDER BE CERTIFIED TO DEFEND CAPITAL CASES AND TO REMOVE THE REQUIREMENT THAT THE CIRCUIT PUBLIC DEFENDER MUST ESTABLISH PROCEDURES FOR ASSIGNING COUNSEL IN CAPITAL CASES; TO AMEND SECTION 17-17-10 TO REMOVE REFERENCES TO SOMEONE CHARGED WITH A FELONY PUNISHABLE BY DEATH RELATING TO THE ENTITLEMENT OF A WRIT OF HABEAS CORPUS; TO AMEND SECTION 17-25-45 TO REMOVE REFERENCES TO CASES INVOLVING THE DEATH PENALTY RELATING TO THE SENTENCING OF SERIOUS AND MOST SERIOUS OFFENSES; TO AMEND SECTION 17-27-130 TO REMOVE THE REQUIREMENT THAT COUNSEL FOR A DEFENDANT SENTENCED TO DEATH MUST MAINTAIN HIS FILES EXCEPT FOR THAT WHICH WAS ADMITTED INTO EVIDENCE AT TRIAL; TO AMEND SECTION 17-27-150 TO REMOVE THE PROVISION THAT A PARTY IN A CAPITAL POST CONVICTION RELIEF PROCEEDING IS ENTITLED TO DISCOVERY; TO AMEND SECTION 18-1-90 TO REMOVE THE REFERENCE TO DEFENDANTS SENTENCED TO DEATH FOR THE EXCLUSION OF THE RIGHT OF A DEFENDANT FOR BAIL; TO AMEND SECTION 22-5-310 TO REMOVE THE REFERENCE TO THE EXCEPTION OF CAPITAL CASES RELATING TO THE

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JURISDICTION OF MAGISTRATES; TO AMEND SECTION 24-3-40 TO REMOVE THE REFERENCE TO A PRISONER SENTENCED TO DEATH RELATING TO THE RIGHT TO HAVE PRISONER'S ESCROWED WAGES DISTRIBUTED TO THE PERSON OF HIS CHOICE; TO AMEND SECTIONS 24-13-125, 24-13-150, AND 24-21-560 TO REMOVE THE EXCEPTION OF DEATH PENALTY CASES IN REGARDS TO THE ELIGIBILITY OF WORK RELEASE, EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION FOR INMATES IN THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 25-7-40 TO REMOVE THE PENALTY OF DEATH FOR SOMEONE WHO, DURING TIMES OF WAR, COLLECTS, RECORDS, OR ATTEMPTS TO ELICIT CERTAIN MILITARY INFORMATION OR PLANS WITH THE INTENT TO COMMUNICATE THE INFORMATION TO THE ENEMY; TO REPEAL SECTION 1-7-340 RELATING TO THE ATTENDANCE AT INQUESTS AND PRELIMINARY HEARINGS IN CAPITAL CASES BY SOLICITORS; TO REPEAL SECTION 16-3-21 RELATING TO JURY INSTRUCTIONS IN CAPITAL CASES; TO REPEAL SECTION 16-3-25 RELATING TO THE REVIEW OF DEATH PENALTY CASES BY THE SUPREME COURT; TO REPEAL SECTION 16-3-26 RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN CASES WHERE THE DEATH PENALTY IS SOUGHT AND THE PAYMENT OF COSTS AND EXPENSES BY THE OFFICE OF INDIGENT DEFENSE; TO REPEAL SECTION 16-3-28 RELATING TO THE RIGHT OF A CAPITAL DEFENDANT TO HAVE LAST ARGUMENT AT TRIAL; TO REPEAL SECTION 17-19-80 RELATING TO THE RIGHT OF A PERSON INDICTED FOR A CAPITAL OFFENSE TO HAVE A COPY OF THE INDICTMENT; TO REPEAL SECTION 17-25-370 RELATING TO THE EXECUTION OF THE DEATH SENTENCE UPON AFFIRMANCE OF JUDGEMENT OR DISMISSAL OR ABANDONMENT OF APPEAL; TO REPEAL SECTION 17-25-380 RELATING TO THE NOTICE FOR THE IMPOSITION OF THE SENTENCE OF DEATH SENT TO THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS; TO REPEAL SECTION 17-25-390 RELATING TO THE RECEIPT OF THE NOTICE OF THE IMPOSITION OF THE SENTENCE OF DEATH; TO REPEAL SECTION 17-25-400 RELATING TO THE SERVICE OF NOTICE OF THE IMPOSITION OF THE SENTENCE OF DEATH ON THE DEFENDANT; TO REPEAL SECTION 17-27-160 RELATING TO POST-CONVICTION RELIEF PROCEDURES

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FOR CAPITAL CASES; TO REPEAL SECTION 18-9-20 RELATING TO REQUIREMENT THAT THE SUPREME COURT REVIEW THE CONVICTION OF EACH CAPITAL CASE; TO REPEAL SECTION 24-21-615 RELATING TO THE REVIEW OF PRISONER BENEFITS FOR PERSONS CONVICTED OF A CAPITAL OFFENSE BY THE PAROLE BOARD; AND TO REPEAL ARTICLE 5, CHAPTER 3, TITLE 24 RELATING TO THE REQUIREMENTS OF THE IMPOSITION OF A DEATH SENTENCE BY THE DEPARTMENT OF CORRECTIONS.

sj-0016bm23.docx : e0e5f133-9d2d-4a29-b929-87d7471238fc

Prefiled and referred to the Committee on Judiciary.

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

S. 72 -- Senator Malloy: A BILL TO AMEND SECTION 16-3-20 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO STATUTORY AGGRAVATING CIRCUMSTANCES APPLICABLE TO THE PUNISHMENT FOR MURDER, TO ADD AS A STATUTORY AGGRAVATING CIRCUMSTANCE CASES IN WHICH A MURDER WAS COMMITTED AGAINST A PERSON BECAUSE OF THE PERSON'S ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

sj-0024bm23.docx : d75897f4-4030-4a62-a8ac-3a46543df371

Prefiled and referred to the Committee on Judiciary.

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

S. 73 -- Senator Malloy: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-250, TO PROVIDE THAT CERTAIN STATEMENTS MADE DURING QUESTIONING OR INTERROGATION MUST BE AUDIO OR VIDEO RECORDED, TO PROVIDE THAT A COURT MUST INSTRUCT A JURY THAT IT MAY DRAW AN ADVERSE INFERENCE FOR A LAW ENFORCEMENT OFFICER WHO FAILS TO RECORD A STATEMENT, TO PROVIDE THE CIRCUMSTANCES IN WHICH A PERSON'S STATEMENT MAY BE USED FOR IMPEACHMENT PURPOSES, TO PROVIDE THE CIRCUMSTANCES IN WHICH A STATEMENT OBTAINED IN ANOTHER STATE OR BY THE FEDERAL GOVERNMENT IS ADMISSIBLE IN THIS STATE, TO PROVIDE THAT AN

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INAUDIBLE PORTION OF A RECORDING DOES NOT RENDER IT INADMISSIBLE, AND TO DEFINE NECESSARY TERMS.

sj-0018bm23.docx : 707fcc1f-b6bd-449f-ab33-f599f137742c

Prefiled and referred to the Committee on Judiciary.

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

S. 74 -- Senator Malloy: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE SOUTH CAROLINA CODE OF LAWS RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO GRANT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY TO CONDUCT AN INVESTIGATION OF ALL OFFICER-INVOLVED SHOOTINGS THAT RESULT, OR COULD HAVE RESULTED, IN BODILY INJURY OR DEATH, TO ALLOW FOR AN INVESTIGATION OF AN OFFICER-INVOLVED SHOOTING TO BE COMPLETED BY A SEPARATE LAW ENFORCEMENT AGENCY IN CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROTOCOL FOR EVIDENCE COLLECTION AND PROCESSING IN CERTAIN CIRCUMSTANCES, TO GRANT AN INVESTIGATING OFFICER THE SAME AUTHORITY AS HE WOULD HAVE IN HIS HOME JURISDICTION FOR THE DURATION OF AN INVESTIGATION, TO ESTABLISH A PROCEDURE FOR THE FORWARDING OF EVIDENCE TO THE CIRCUIT SOLICITOR UPON COMPLETION OF AN INVESTIGATION, AND TO ESTABLISH PENALTIES FOR THE FAILURE TO COMPLETE AN INDEPENDENT INVESTIGATION.

sj-0023bm23.docx : 672aaaac-601c-46b8-bfde-687e3570e059

Prefiled and referred to the Committee on Judiciary.

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

S. 75 -- Senator Malloy: A BILL TO AMEND ARTICLE 1, CHAPTER 25, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO CONVICTIONS AND SENTENCES, BY ADDING SECTION 17-25-40, TO PROVIDE THAT A PERSON MUST NOT BE SENTENCED TO DEATH OR A TERM OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE IF THAT PERSON WAS YOUNGER THAN EIGHTEEN

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YEARS OF AGE AT THE TIME THE RELEVANT OFFENSE WAS COMMITTED.

sj-0027bm23.docx : 9b8b6485-57be-4b84-87ca-cc4d6601c5bc

Prefiled and referred to the Committee on Judiciary.

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

S. 76 -- Senator Malloy: A BILL TO AMEND SECTION 16-5-50 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE PENALTY FOR HINDERING A LAW ENFORCEMENT OFFICER OR RESCUING A PRISONER, SO AS TO PROVIDE THAT A PERSON WHO HINDERS A LAW ENFORCEMENT OFFICER IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE THAT AN OFFICER SHALL NOT INTERFERE WITH A PERSON PHOTOGRAPHING OR RECORDING AN OFFICER IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 16-9-320 OF THE SOUTH CAROLINA CODE, RELATING TO OPPOSING, RESISTING, OR ASSAULTING A LAW ENFORCEMENT OFFICER SERVING PROCESS, TO MAKE CONFORMING CHANGES.

sj-0025bm23.docx : 9ce52c39-6f5c-4d11-83c9-e7d441d71e5e

Prefiled and referred to the Committee on Judiciary.

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

S. 77 -- Senator Malloy: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-250, SO AS TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL HAVE A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER-INVOLVED DEATHS, TO PROVIDE FOR THE CONTENTS OF THE POLICY, TO PROVIDE FOR INVESTIGATIONS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR THE RELEASE OF A REPORT IF PROSECUTION IS NOT PURSUED, TO PROVIDE FOR NOTICES OF VICTIM'S RIGHTS, AND TO DEFINE NECESSARY TERMS.

sj-0019bm23.docx : 150af301-2f15-4f81-92cf-353029c73e11

Prefiled and referred to the Committee on Judiciary.

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

S. 78 -- Senator Malloy: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 1, ARTICLE XVII OF THE CONSTITUTION OF THIS STATE, RELATING TO QUALIFICATIONS FOR OFFICE, SO AS TO PROVIDE THAT A

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RESIDENT OF ANOTHER STATE MAY BE ELECTED TO SERVE
ON A COLLEGE OR UNIVERSITY BOARD OF TRUSTEES.

sj-0006af23.docx : d280bfad-80d2-4779-995f-7fad5bf5656b

Prefiled and referred to the Committee on Judiciary.

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

S. 79 -- Senator Malloy: A BILL TO REPEAL ACT 140 OF 2016,
RELATING TO DELETION OF THE PROHIBITION ON SERVING
CONSECUTIVE TERMS BY THE CHAIRMAN OF THE WORKERS'
COMPENSATION COMMISSION, THE PROVISION THAT THE
GOVERNOR MAY REAPPOINT A CHAIRMAN, AND THE
PROVISION THAT MEMBERS APPOINTED TO THE WORKERS'
COMPENSATION COMMISSION ARE SUBJECT TO REMOVAL
BY THE GOVERNOR IN CERTAIN CIRCUMSTANCES.

sj-0020mb23.docx : eae742e1-59f9-4416-b3bc-40754635f50c

Prefiled and referred to the Committee on Judiciary.

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

S. 80 -- Senator Malloy: A BILL TO REPEAL ACT 233 OF 2018,
RELATING TO THE PROVISION THAT WORKERS'
COMPENSATION COMMISSION HEARINGS CONCERNING
COMPENSATION PAYABLE MUST BE HELD IN THE DISTRICTS
IN WHICH THE INJURIES OCCURRED INSTEAD OF THE CITIES
OR COUNTIES IN WHICH THE INJURIES OCCURRED,
PROVIDED THAT THE LOCATION MUST BE NO GREATER
THAN SEVENTY-FIVE MILES FROM THE COUNTY SEAT OF
THE COUNTY IN WHICH THE INJURY OCCURRED, AND TO
THE DEFINITION OF NECESSARY TERMS.

sj-0019mb23.docx : a5d06daa-6630-4cb4-bbfb-cc6bcb2b79b3

Prefiled and referred to the Committee on Judiciary.

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

S. 81 -- Senator Malloy: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 42-1-160,
RELATING TO "INJURY" AND "PERSONAL INJURY" DEFINED,
SO AS TO PROVIDE THAT A LIMITATION ON STRESS, MENTAL
INJURIES, AND MENTAL ILLNESS FOR WORKERS'
COMPENSATION DOES NOT APPLY TO A FIRST RESPONDER
DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER,

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AND TO DEFINE NECESSARY TERMS.

sj-0012mb23.docx : 489dc7aa-9fe7-4bf9-b418-f93700e55c6f

Prefiled and referred to the Committee on Judiciary.

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

S. 82 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-1-160, RELATING TO "INJURY" AND "PERSONAL INJURY" DEFINED, SO AS TO PROVIDE THAT A LIMITATION ON STRESS, MENTAL INJURIES, AND MENTAL ILLNESS FOR WORKERS' COMPENSATION DOES NOT APPLY TO A FIRST RESPONDER DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER, AND TO DEFINE NECESSARY TERMS.

sj-0022mb23.docx : 310f4455-7cc2-4301-8408-8db630389cc0

Prefiled and referred to the Committee on Judiciary.

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

S. 83 -- Senators Malloy and Gustafson: A BILL TO ENACT THE "DRUG COURT PROGRAM ACT"; TO AMEND CHAPTER 22, TITLE 17 OF THE SOUTH CAROLINA CODE, RELATING TO CRIMINAL INTERVENTION PROGRAMS, BY ADDING ARTICLE 13, SO AS TO DIRECT EACH CIRCUIT SOLICITOR TO ESTABLISH A DRUG COURT PROGRAM FOR ADULTS AND JUVENILES, TO PROVIDE CRITERIA FOR THE ELIGIBILITY OF PERSONS CHARGED WITH NONVIOLENT OFFENSES, TO ALLOW EACH CIRCUIT SOLICITOR TO ESTABLISH AN OFFICE OF DRUG COURT PROGRAM COORDINATOR, TO DIRECT THE COMMISSION ON PROSECUTION COORDINATION TO ESTABLISH A STATE OFFICE OF DRUG COURT COORDINATION, TO PROVIDE FOR FEES FOR PARTICIPATION IN A DRUG COURT PROGRAM, TO PROVIDE FOR ANNUAL REPORTS DETAILING THE ACTIVITIES OF DRUG COURT PROGRAMS TO THE COMMISSION ON PROSECUTION COORDINATION AND THE SENTENCING REFORM OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE APPOINTMENT OF DRUG COURT JUDGES AND THEIR COMPENSATION.

sj-0018mb23.docx : ed0806f0-7fdc-437f-be31-c5707d5828fb

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 84 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-3-555, RELATING TO THE STATUTE OF LIMITATIONS FOR AN ACTION TO RECOVER DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ABUSE OR INCEST, SO AS TO RAISE THE AGE LIMITATION AND INCREASE THE TIME PERIOD DURING WHICH A PERSON MAY COMMENCE AN ACTION, TO PROVIDE THAT THIS STATUTE OF LIMITATIONS SHALL CONTROL IF THERE IS A CONFLICT, AND TO PROVIDE THAT AN ACTION THAT WOULD OTHERWISE BE TIME-BARRLED MAY BE COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT; AND BY AMENDING SECTION 15-78-110, RELATING TO THE STATUTE OF LIMITATIONS FOR THE SOUTH CAROLINA TORT CLAIMS ACT, SO AS TO PROVIDE AN EXCEPTION TO THE TWO-YEAR STATUTE OF LIMITATIONS FOR ACTIONS RELATING TO TORT CLAIMS AGAINST THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

sj-0007sw23.docx : 9ab972ca-2147-41f0-9839-b21a999e58ab

Prefiled and referred to the Committee on Judiciary.

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

S. 85 -- Senator Malloy: A BILL TO AMEND SECTION 1-11-460 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO PAYMENTS OF JUDGMENTS AGAINST GOVERNMENTAL EMPLOYEES AND OFFICIALS IN EXCESS OF ONE MILLION DOLLARS, TO RAISE THE LIMIT ON JUDGMENTS FROM ONE MILLION TO TWO MILLION DOLLARS, TO APPLY THE STATUTE TO CHARITABLE HOSPITALS AND GOVERNMENTAL ENTITIES AS WELL, TO ELIMINATE THE LIMITATION THAT THE PAYMENTS ON JUDGMENTS BE LIMITED TO THOSE RENDERED UNDER 42 U.S.C. SECTION 1983, TO PROHIBIT PAYMENT FROM THE FUND FOR PUNITIVE DAMAGES, AND TO REQUIRE THAT ANY AUTHORIZED PAYMENTS COME FROM THE STATE'S CATASTROPHIC FUND; TO AMEND SECTION 15-78-40 OF THE S.C. CODE, RELATING TO THE TORT LIABILITY OF THE STATE, AN AGENCY, A POLITICAL SUBDIVISION, OR A GOVERNMENTAL ENTITY, GENERALLY, TO REQUIRE THAT THE STATE, AN AGENCY, A POLITICAL SUBDIVISION, AND A GOVERNMENTAL ENTITY ARE LIABLE FOR THEIR TORTS IN THE SAME MANNER AND

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TO THE SAME EXTENT AS A PRIVATE INDIVIDUAL SUBJECT TO THE PROVISION ALLOWING FOR A THIRD PARTY BAD FAITH CLAIM AGAINST AN INSURER; TO AMEND SECTION 15-78-60 OF THE S.C. CODE, RELATING TO EXCEPTIONS TO A WAIVER OF IMMUNITY IN THE SOUTH CAROLINA TORT CLAIMS ACT, TO AMEND AND REORGANIZE THE EXISTING EXCEPTIONS AND TO DELETE THE EXCEPTION GIVING IMMUNITY TO GOVERNMENTAL ENTITIES THAT FAIL TO ADOPT, ENFORCE, OR COMPLY WITH ANY LAW; TO AMEND SECTION 15-78-80(G) OF THE S.C. CODE, RELATING TO FILING A VERIFIED CLAIM, THE HANDLING AND DISPOSITION OF CLAIMS, AND THE REQUIREMENT THAT AGENCIES AND POLITICAL SUBDIVISIONS COOPERATE WITH THE STATE FISCAL ACCOUNTABILITY AUTHORITY, TO PROHIBIT THE INSURANCE RESERVE FUND FROM CHARGING AN INSURED ADDITIONAL CONTRIBUTIONS WHEN THE FILED CLAIM IS WITHIN THE POLICY LIMITS; TO AMEND SECTION 15-78-120(B) OF THE S.C. CODE, RELATING TO THE LIMITATIONS ON LIABILITY AND THE PROHIBITION AGAINST RECOVERY OF PUNITIVE OR EXEMPLARY DAMAGES OR PREJUDGMENT INTEREST, TO ALLOW FOR COURT COSTS AND INTEREST FROM THE DATE OF THE OFFER OF JUDGMENT OVER AND ABOVE THE LIABILITY LIMITS AS A CONSEQUENCE OF NONACCEPTANCE WHEN AN OFFER OF JUDGMENT HAS BEEN FILED IN A CASE AND TO ALLOW A THIRD PARTY CLAIMANT TO BRING A BAD FAITH ACTION AGAINST AN INSURER AND RECOVER UP TO ONE MILLION DOLLARS; TO AMEND CHAPTER 78, TITLE 15 OF THE S.C. CODE, RELATING TO THE SOUTH CAROLINA TORT CLAIMS ACT, BY ADDING SECTION 15-78-125, SO AS TO PROVIDE PROCESS AND PROCEDURES RELATED TO THE STATE'S CATASTROPHIC INJURY FUND; AND TO CREATE THE TORT REFORM STUDY COMMITTEE TO DEVELOP AND RECOMMEND LEGISLATION TO ASSIST THE GENERAL ASSEMBLY IN ENACTING AND IMPLEMENTING THE STATE'S CATASTROPHIC FUND; AND TO DEFINE NECESSARY TERMS.

sj-0006sw23.docx : 8bd99240-c24b-4c6c-92ae-3a3df57c18ab

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 86 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA FALSE CLAIMS ACT"; BY AMENDING TITLE 15 RELATING TO CIVIL REMEDIES AND PROCEDURES, BY ADDING CHAPTER 85, TO PROVIDE LIABILITY FOR FALSE CLAIMS UNDER CERTAIN CIRCUMSTANCES, PROCEDURES FOR CIVIL ACTIONS FOR FALSE CLAIMS, THE PROCEDURE AND CONTENTS OF CIVIL INVESTIGATIVE DEMANDS, AND CREATING THE STATE FALSE CLAIMS ACT INVESTIGATION AND PROSECUTION FUND, AND TO DEFINE NECESSARY TERMS.

sj-0004sw23.docx : 3661d257-af28-4ff7-8af0-97933fcc10ba

Prefiled and referred to the Committee on Judiciary.

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

S. 87 -- Senator Malloy: A BILL TO AMEND SECTION 15-78-120 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO LIMITATIONS ON LIABILITY, SO AS TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE FROM THREE HUNDRED THOUSAND DOLLARS TO FIVE HUNDRED THOUSAND DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE FROM SIX HUNDRED THOUSAND DOLLARS TO ONE MILLION DOLLARS, AND TO PROVIDE THAT A PARTY WHO FILES AN OFFER OF JUDGMENT THAT IS NOT ACCEPTED, SHALL BE ALLOWED TO RECOVER FROM THE OFFEREE, AS PROVIDED FOR IN SECTION 15-35-400(B), REGARDLESS OF WHETHER THE TOTAL OF ADMINISTRATIVE, FILING, OR OTHER COURT COSTS, AND EIGHT PERCENT INTEREST ON THE AMOUNT OF THE VERDICT OR AWARD FROM THE DATE OF THE OFFER, COMBINED WITH THE VERDICT OR AWARD, EXCEEDS THE LIABILITY LIMITS SPECIFIED IN THIS SECTION.

sj-0005sw23.docx : a96d01e8-7776-43a5-a5be-cca8b70bc40d

Prefiled and referred to the Committee on Judiciary.

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

S. 88 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-671 SO AS TO PROVIDE FOR THE DESIGN, COLOR, AND OTHER ELEMENTS OF THE SOUTH CAROLINA STATE FLAG AND TO

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DESIGNATE THE FLAG OF THIS DESIGN, COLOR, AND ELEMENTS AS THE OFFICIAL SOUTH CAROLINA STATE FLAG.
lc-0081sa23.docx : 8adbbcc2-032e-4f67-a085-afd494806aaa

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 89 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EMERGENCY ORDER BALANCE OF POWERS ACT"; BY AMENDING SECTIONS 1-3-420 AND 25-1-440, BOTH RELATING TO A PROCLAMATION OF EMERGENCY BY THE GOVERNOR, SO AS TO SET FORTH ACTIONS THAT WOULD MAKE THE PROCLAMATION INEFFECTIVE AND TO ALLOW THE GOVERNOR TO RENEW A STATE OF EMERGENCY IN PERIODS OF NO GREATER THAN FIFTEEN DAYS.

lc-0029dg23.docx : a65f97de-2d55-460e-8561-6b01ec571f61

Prefiled and referred to the Committee on Judiciary.

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

S. 90 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-11-410, RELATING TO APPROPRIATIONS SUBJECT TO THE SPENDING LIMITATION, SO AS TO IMPOSE AN ANNUAL LIMIT ON THE STATE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION BY RESTRICTING ANY INCREASE TO THE PERCENTAGE THAT IS EQUAL TO THE AVERAGE ANNUAL PERCENTAGE CHANGE FROM THE PREVIOUS TEN COMPLETED STATE FISCAL YEARS, TO CREATE A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, TO PROVIDE FOR DISBURSEMENTS FROM THE BUDGET STABILIZATION FUND, TO PROVIDE FOR THE SUSPENSION OF THIS APPROPRIATION LIMIT IN EMERGENCIES, TO PROVIDE FOR THE DISBURSEMENT OF SURPLUS FUNDS, AND TO DEFINE NECESSARY TERMS.

lc-0031dg23.docx : a810a8c8-565e-4e48-aa56-a1e8a5d83f59

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 91 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-15-130, RELATING TO PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO EXTEND THE DEADLINE FOR FILING AN ELECTION CONTEST WITH THE APPROPRIATE ELECTION AUTHORITY; AND BY AMENDING SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

lc-0052hdb23.docx : d9404c83-ea83-4597-a1a5-60601b6c94cf

Prefiled and referred to the Committee on Judiciary.

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

S. 92 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

lc-0009hdb23.docx : 2a5fd641-7fdb-4b50-aa10-70ca8c16ee7e

Prefiled and referred to the Committee on Judiciary.

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

S. 93 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-5-321 SO AS TO PROVIDE THAT AN ELECTOR REGISTERED TO VOTE OR SUBMITTING AN APPLICATION FOR VOTER REGISTRATION MAY HAVE THE INFORMATION RELATING TO HIS RESIDENCE ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS DECLARED CONFIDENTIAL UPON PRESENTATION OF A CERTIFIED COPY OF AN INJUNCTION OR RESTRAINING ORDER.

lc-0053hdb23.docx : 7b053fb3-a324-499d-bb98-ad03fb4669cd

Prefiled and referred to the Committee on Judiciary.

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

S. 94 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 17-13-20 RELATING TO CITIZENS' ARREST DURING THE NIGHTTIME IN CASES WHERE THE PERSON BEING ARRESTED HAS COMMITTED A FELONY, HAS ENTERED A DWELLING HOUSE

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WITHOUT PERMISSION, HAS BROKEN INTO OR IS BREAKING INTO AN OUTHUSE WITH A VIEW TO PLUNDER, HAS IN HIS POSSESSION STOLEN PROPERTY, OR FLEES WHILE HE IS HAILED IF HE IS UNDER JUST SUSPICION OF HIS DESIGN TO STEAL OR COMMIT SOME FELONY.

lc-0047ahb23.docx : 6016a83c-d382-4689-9ea7-5111e5a985bd

Prefiled and referred to the Committee on Judiciary.

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

S. 95 -- Senator Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

lc-0044ahb23.docx : 3aba19e1-8dda-4cc3-8fa8-fb6d77f1341f

Prefiled and referred to the Committee on Judiciary.

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

S. 96 -- Senators Campsen and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL

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SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

sfgf-0002bc23.docx : 526df92c-a243-413b-a5bb-8415b6f6284b

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 97 -- Senator Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, AS AMENDED, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE COMMISSIONER OF AGRICULTURE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMMISSIONER OF AGRICULTURE MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMMISSIONER OF AGRICULTURE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

lc-0043ahb23.docx : a66218a8-96c0-450c-9708-fbdd74587e48

Prefiled and referred to the Committee on Judiciary.

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

S. 98 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-20-30, RELATING TO PUBLIC HEARINGS OF NONJUDICIAL CANDIDATES, SO AS TO ELIMINATE THE REQUIREMENT THAT HEARINGS BE CONDUCTED NO LATER THAN TWO WEEKS PRIOR TO THE DATE SET FOR THE ELECTION, TO PROVIDE THAT CANDIDATES MAY NOT OBTAIN PLEDGES OR COMMITMENTS UNTIL THE TWELFTH DAY AFTER THE NAMES OF THE NOMINEES HAVE BEEN RELEASED, AND TO REQUIRE THAT A PERIOD OF TWENTY-TWO DAYS ELAPSE BETWEEN THE DATE THAT THE REPORT OF NOMINATIONS IS RELEASED AND THE TIME SET FOR THE ELECTION.

lc-0045ahb23.docx : 9657dc10-c445-4135-8fe9-555473ad72a2

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 99 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-70, RELATING TO JUDICIAL CANDIDATES SEEKING PLEDGES FROM MEMBERS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT PLEDGES FOR JUDICIAL CANDIDATES MAY NOT BE DIRECTLY OR INDIRECTLY SOUGHT OR GIVEN UNTIL TWELVE DAYS AFTER THE INITIAL RELEASE OF THE REPORT CONCERNING NOMINEES TO MEMBERS OF THE GENERAL ASSEMBLY; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT A PERIOD OF AT LEAST TWENTY-TWO DAYS MUST ELAPSE BETWEEN THE DATE OF THE JUDICIAL MERIT SELECTION COMMISSION'S INITIAL REPORT OF NOMINATIONS TO THE GENERAL ASSEMBLY AND THE DATE THE GENERAL ASSEMBLY CONDUCTS THE ELECTION FOR THESE JUDGESHIPS.

lc-0046ahb23.docx : 16ded252-4725-481b-a251-79c40753b875

Prefiled and referred to the Committee on Judiciary.

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

S. 100 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 29-5-130, RELATING TO THE ENFORCEMENT OF CERTAIN LIENS BEFORE A MAGISTRATES COURT, SO AS TO INCREASE THE AMOUNT OF A LIEN THAT MAY BE ENFORCED BY A PETITION TO A MAGISTRATE.

sj-0007pb23.docx : cd6eedcc-e6db-46e1-8884-ebffcc780819

Prefiled and referred to the Committee on Judiciary.

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

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

sfgf-0001bc23.docx : 872d496b-ce82-4d0a-a081-6874ba54c1f8

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

TUESDAY, JANUARY 10, 2023

S. 102 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-2-5, RELATING TO THE ELIGIBILITY EXAMINATION FOR MAGISTRATES, SO AS TO EXTEND THE TIME PERIOD FOR THE VALIDITY OF THE EXAMINATION SCORES FROM SIX MONTHS BEFORE AND SIX MONTHS AFTER THE TIME THE APPOINTMENT IS TO BE MADE TO ONE YEAR BEFORE AND TWO YEARS AFTER THE TIME THE APPOINTMENT IS TO BE MADE.

sj-0008pb23.docx : 736189b2-26a6-4dfe-b6c7-b1efd1a0502c

Prefiled and referred to the Committee on Judiciary.

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

S. 103 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-3-10, RELATING TO THE CIVIL JURISDICTION OF THE MAGISTRATES COURT, SO AS TO INCREASE THE CIVIL JURISDICTION FROM SEVEN THOUSAND FIVE HUNDRED DOLLARS TO FIFTEEN THOUSAND DOLLARS.

sj-0012pb23.docx : 29a18ed3-a895-4124-99f8-46ef1fedbdce

Prefiled and referred to the Committee on Judiciary.

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

S. 104 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-9-110, RELATING TO CIRCUMSTANCES IN WHICH LOCAL ORDINANCES ARE VOID, SO AS TO PROVIDE THAT A UNIT OF LOCAL GOVERNMENT MAY ADOPT AN ORDINANCE RESTRICTING THE USE OF CERTAIN PESTICIDE PRODUCTS.

lc-0039ph23.docx : d470e8d7-e8f6-408b-a4ef-6c80c7a4bcfc

Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 105 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "LONG-TERM CARE TAX CREDIT ACT"; AND BY ADDING SECTION 12-6-3395 SO AS TO ALLOW A STATE INDIVIDUAL INCOME TAX CREDIT OF FIFTEEN PERCENT OF THE TOTAL AMOUNT OF PREMIUMS PAID BY A TAXPAYER PURSUANT TO A LONG-TERM CARE INSURANCE CONTRACT, NOT TO EXCEED TWO THOUSAND

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DOLLARS IN A TAXABLE YEAR FOR EACH INDIVIDUAL, AND TO PROHIBIT A DOUBLE BENEFIT.

lc-0054sa23.docx : 9057b12c-8a95-4afb-ba01-6a265aa1078d

Prefiled and referred to the Committee on Finance.

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

S. 106 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3515, RELATING TO THE STATE INCOME TAX CREDIT FOR CONSERVATION OR A QUALIFIED CONSERVATION CONTRIBUTION OF REAL PROPERTY, SO AS TO PROVIDE THAT THE CREDIT EQUALS TWENTY-FIVE PERCENT OF THE TOTAL VALUE OF THE GIFT RATHER THAN TWENTY-FIVE PERCENT OF THE CHARITABLE DEDUCTION FOR THE GIFT ALLOWED ON THE TAXPAYER'S FEDERAL INCOME TAX RETURN, TO INCREASE THE MAXIMUM ANNUAL CREDIT ALLOWED A TAXPAYER FROM FIFTY-TWO THOUSAND, FIVE HUNDRED DOLLARS TO ONE HUNDRED FIFTY THOUSAND DOLLARS, TO ADJUST THE MAXIMUM ANNUAL CREDIT FOR INCREASES IN THE CONSUMER PRICE INDEX, AND TO DELETE OBSOLETE PROVISIONS.

lc-0055sa23.docx : 732bebde-4620-492d-b971-85eece54be1e

Prefiled and referred to the Committee on Finance.

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

S. 107 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCLUDE LIVESTOCK TRAILERS.

lc-0056sa23.docx : 98864105-f04f-4d27-b039-ccae00e6bc4f

Prefiled and referred to the Committee on Finance.

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

S. 108 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE

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PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

sr-0110km23.docx : 24b84080-373e-4c92-bb92-fba82af993dc

Prefiled and referred to the Committee on Finance.

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

S. 109 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2023"; BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS; EXCEPTION FOR CONCEALABLE WEAPONS' PERMIT HOLDERS, SO AS TO PROVIDE PERSONS MAY POSSESS FIREARMS UPON THE CAPITOL GROUNDS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS; EXCEPTIONS, SO AS TO PROVIDE IT IS LEGAL TO CARRY HANDGUNS IN THIS STATE AND TO PROVIDE LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES; DISPOSITION OF FINES; FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE PERSONS WHO ENTER PREMISES WITH SIGNS PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASSING; BY AMENDING SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTIES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH PERSONS MAY POSSESS FIREARMS ON SCHOOL PROPERTIES; BY AMENDING SECTION 16-23-465, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS LAWFULLY CARRYING WEAPONS WHO DO NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING WEAPONS ON THE BUSINESSES' PREMISES; BY

TUESDAY, JANUARY 10, 2023

AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES PERMIT HOLDERS TO POSSESS PERMIT IDENTIFICATION WHEN CARRYING CONCEALABLE WEAPONS, AND THE PROVISION THAT REQUIRES PERMIT HOLDERS TO INFORM LAW ENFORCEMENT OFFICERS THAT THEY ARE PERMIT HOLDERS AND PRESENT THE PERMITS TO OFFICERS UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS CONCEALED WEAPONS PERMITS; BY AMENDING SECTION 23-31-235, RELATING TO SIGN REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS, THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS INTO RESIDENCES, AND THE CARRYING OF WEAPONS BETWEEN AUTOMOBILES AND CERTAIN ROOMS AND ACCOMMODATIONS.

lc-0070cm23.docx : 0cf22a0a-bdf5-4099-baef-a4f4000754d2

Prefiled and referred to the Committee on Judiciary.

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

S. 110 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-23-60, RELATING TO CERTIFICATES OF COMPLIANCE; INFORMATION TO BE SUBMITTED RELATING TO QUALIFICATION OF CANDIDATES FOR CERTIFICATION; EXPIRATION OF CERTIFICATE, SO AS TO PROVIDE THE MINIMUM AGE FOR A CANDIDATE SEEKING CERTIFICATION AS A BASIC CLASS 3 OFFICER IS EIGHTEEN YEARS OF AGE.

lc-0054cm23.docx : 2246ce8d-79bf-47f1-ad2a-32456a765de5

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 111 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-29-25 SO AS TO PROVIDE THAT ALL BANKS AND FINANCIAL INSTITUTIONS MAY NOT DISCRIMINATE BASED ON CERTAIN SUBJECTIVE OR ARBITRARY STANDARDS.

lc-0073sa23.docx : c677250b-9efc-4161-a145-5d501e501d57

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 112 -- Senators Allen and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90 RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

sedu-0010db23.docx : 33cc2d8e-a72c-465a-b06e-cdc4f387690

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 113 -- Senator Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-37-100, RELATING TO THE EFFECT OF AN EJECTION VERDICT, SO AS TO PROVIDE THAT A JUDGMENT ONLY MAY BE ENTERED INTO THE PUBLIC RECORD AT THE DISCRETION OF THE MAGISTRATE.

lc-0086sa23.docx : ebf542b-c07f-4886-a3f6-6db550f59b8c

Prefiled and referred to the Committee on Judiciary.

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

S. 114 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-605 SO AS TO CREATE AN ENHANCED PENALTY FOR CONVICTIONS BY PERSONS UNDER SECTION 16-3-600 AGAINST AN EDUCATIONAL PROFESSIONAL OR LAW ENFORCEMENT OFFICER DURING THE PERFORMANCE OF

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THEIR OFFICIAL DUTIES.

sedu-0024db23.docx : a98b5367-e5dc-414e-ab72-ae04cb288d67

Prefiled and referred to the Committee on Judiciary.

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

S. 115 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-41-30, RELATING TO PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO INCREASE THE DOMICILE EXEMPTION FROM FIFTY THOUSAND TO ONE HUNDRED THOUSAND AND TO INCREASE THE AGGREGATE EXEMPTION FROM ONE HUNDRED THOUSAND TO ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

sedu-0022db23.docx : 934ab22b-afb1-4614-9b2f-89a8fcd1b2c3

Prefiled and referred to the Committee on Judiciary.

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

S. 116 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-330, RELATING TO TAX IMPOSITION AND TERMINATION, SO AS TO AMEND THE LENGTH OF A REIMPOSED TAX FROM SEVEN TO ELEVEN YEARS; AND BY AMENDING SECTION 4-10-340, RELATING TO THE CONTENTS OF BALLOT QUESTIONS; PURPOSE FOR WHICH PROCEEDS OF TAX TO BE USED, SO AS TO AMEND THE LENGTH OF A REIMPOSED TAX FROM SEVEN TO ELEVEN YEARS.

sedu-0021db23.docx : f83e0cea-4c2b-4236-a99d-f92ff306c1aa

Prefiled and referred to the Committee on Finance.

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

S. 117 -- Senators Hembree and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CONTRABAND CELL PHONE ACT"; BY ADDING CHAPTER 4 TO TITLE 24, SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ALLOW SUPERVISING LAW ENFORCEMENT OFFICERS WITH REASONABLE SUSPICION TO BELIEVE THAT CONTRABAND CELL PHONES EXIST IN A PRISON OR LOCAL DETENTION FACILITY TO AUTHORIZE THE USE OF ANY ELECTRONIC DEVICE TO DETECT AND CONFIRM SUCH PRESENCE, TO ALLOW SUPERVISING LAW ENFORCEMENT OFFICERS WHO CONFIRM THE PRESENCE OF CONTRABAND CELL PHONES TO APPLY FOR AN EX PARTE ORDER

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REQUESTING SUSPENSION OF SERVICE FOR SUCH CONTRABAND CELL PHONES, TO AUTHORIZE THE CIRCUIT COURTS OF THIS STATE TO ISSUE EX PARTE ORDERS REQUIRING CELLULAR SERVICE PROVIDERS TO SUSPEND CELLULAR SERVICE TO IDENTIFIED CONTRABAND CELL PHONES, TO REQUIRE CELLULAR SERVICE PROVIDERS TO DISCONTINUE CELLULAR SERVICE TO CONTRABAND CELL PHONES UPON RECEIPT OF ORDERS ISSUED PURSUANT TO THIS CHAPTER, TO ALLOW CELLULAR SERVICE SUBSCRIBERS AFFECTED BY ORDERS ISSUED PURSUANT TO THIS CHAPTER TO CHALLENGE THE SUSPENSION OF SERVICE, AND TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO CERTAIN PERSONS AND ENTITIES FOR COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

sedu-0019db23.docx : 2749a8d8-68f3-496a-9d1f-8aabc7cd216e

Prefiled and referred to the Committee on Corrections and Penology.

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

S. 118 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-30-145 SO AS TO REQUIRE A HOMEOWNERS ASSOCIATION TO PROVIDE A STATEMENT OF UNPAID ASSESSMENTS AND OTHER CHARGES AGAINST A UNIT TO A UNIT OWNER UPON REQUEST.

sedu-0018db23.docx : 572d92f7-e3ae-4bee-8193-1e98e7038c5c

Prefiled and referred to the Committee on Judiciary.

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

S. 119 -- Senators Hembree and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-71-48 SO AS TO PROVIDE DEFINITIONS, TO REQUIRE ALL HEALTH INSURANCE AND GROUP HEALTH BENEFIT PLANS TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS FOR INSURED WITH IMPAIRED HEARING, AND TO PROVIDE FOR THE SCOPE OF COVERAGE, AMONG OTHER THINGS.

sedu-0015db23.docx : ead93ffc-9c34-4b26-a9e4-f1a0088d5ceb

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

TUESDAY, JANUARY 10, 2023

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

sedu-0014db23.docx : 9500e070-6ccd-4a64-a9c3-4d4dd779daa4

Prefiled and referred to the Committee on Corrections and Penology.

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

TUESDAY, JANUARY 10, 2023

S. 121 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-2650 AND SECTION 12-37-3210, RELATING TO THE ISSUANCE OF TAX NOTICES AND PAID RECEIPTS AND THE DELEGATION OF COLLECTION OF TAXES, SO AS TO PROVIDE THAT THE TAX NOTICE MUST SET FORTH THE FAIR MARKET VALUE USED FOR THE VEHICLE OR BOAT.

sedu-0013db23.docx : 581299c6-96cd-44e6-8674-0b990a82e2dc

Prefiled and referred to the Committee on Finance.

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

S. 122 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-1172, SO AS TO ALLOW A SOUTH CAROLINA INCOME TAX DEDUCTION OF ALL MILITARY RETIREMENT OR FIRST RESPONDER RETIREMENT INCOME; AND BY AMENDING SECTION 12-6-1170, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO MAKE A CONFORMING CHANGE.

sedu-0012db23.docx : 5d713174-5e09-4a50-baca-7b76c733b1ee

Prefiled and referred to the Committee on Finance.

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

S. 123 -- Senators Hembree and Turner: A JOINT RESOLUTION TO CREATE THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZES THE ACT AND REPEALS FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

sedu-0011db23.docx : 85b1d10b-b62d-49ee-b712-ba0487c16be7

Prefiled and referred to the Committee on Education.

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

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

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sedu-0009db23.docx : 1fa39c10-7d58-44f5-8d30-1b00a756bfe3

Prefiled and referred to the Committee on Education.

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

S. 125 -- Senators Hembree, Turner and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

sedu-0008db23.docx : c6ebdeaa-4396-41c7-a000-7b1034556095

Prefiled and referred to the Committee on Education.

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

S. 126 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CHARTER SCHOOL ACCOUNTABILITY ACT"; BY AMENDING SECTION 59-40-30, RELATING TO THE INTENT OF THE GENERAL ASSEMBLY IN THE CHARTER SCHOOLS ACT, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS CONCERNING CHARTER SCHOOLS, SO AS TO REVISE DEFINITIONS; BY AMENDING SECTION 59-40-55, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-75, AS AMENDED, RELATING TO THE REMOVAL OF CHARTER SCHOOL GOVERNING BODY

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MEMBERS AND SPONSORS, SO AS TO REMOVE REFERENCES TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT AND MAKE CERTAIN PROVISIONS APPLICABLE TO SPONSORS; BY AMENDING SECTION 59-40-115, RELATING TO THE TERMINATION OF SPONSOR CONTRACTS BY CHARTER SCHOOLS, SO AS TO REVISE CRITERIA FOR VOLUNTARY TERMINATIONS AND PROVIDE PROCEDURES AND REQUIREMENTS FOR TRANSFERS TO OTHER SPONSORS; BY AMENDING SECTION 59-40-150, RELATING TO DUTIES OF THE STATE DEPARTMENT OF EDUCATION CONCERNING CHARTER SCHOOLS, SO AS TO INCLUDE PROVISIONS CONCERNING CHARTER SCHOOL SPONSORS; AND BY AMENDING SECTION 59-40-180, RELATING TO THE PROMULGATION OF REGULATIONS CONCERNING CHARTER SCHOOLS BY THE DEPARTMENT, SO AS TO PROVIDE REQUIREMENTS CONCERNING SPONSORS AND REVISE OTHER REQUIREMENTS.

sedu-0039db23.docx : 2e324d3c-8ccd-4c7f-af58-4fcaa19db36a

Prefiled and referred to the Committee on Education.

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

S. 127 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER REGARDING OFFENSES INVOLVING WEAPONS, SO AS TO ADD NECESSARY TERMS; BY ADDING SECTION 16-23-25 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SELL, OFFER TO SELL, DELIVER, LEASE, RENT, BARTER, EXCHANGE, OR TRANSPORT FOR SALE IN THIS STATE ANY HANDGUN TO A PERSON WHO IS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNDER THE AGE OF EIGHTEEN TO POSSESS OR ATTEMPT TO POSSESS A HANDGUN WITHIN THIS STATE, AND TO PROVIDE FOR EXCEPTIONS; BY AMENDING SECTION 16-23-30, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO DELETE THE USE OF THE TERM "HANDGUN" AND REPLACE IT WITH "FIREARM" AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SELL, OFFER TO SELL, DELIVER, LEASE, RENT, BARTER, EXCHANGE, TRANSPORT FOR SALE INTO THIS STATE, OR OTHERWISE DISPOSE OF ANY FIREARM TO A PERSON

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KNOWING OR HAVING REASONABLE CAUSE TO BELIEVE THAT THE PERSON MEETS A CERTAIN CATEGORY; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES, DISPOSITION OF FINES, AND THE FORFEITURE AND DISPOSITIONS OF HANDGUNS, SO AS TO REDUCE THE PENALTY FOR A FIRST OFFENSE FIREARM VIOLATION, TO PROVIDE FOR ENHANCED PENALTIES FOR SUBSEQUENT VIOLATIONS, TO DELETE THE USE OF THE TERM "HANDGUN" AND REPLACE IT WITH "FIREARM", AND TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT RECEIVES A FIREARM PURSUANT TO THIS SECTION SHALL ADMINISTRATIVELY RELEASE THE FIREARM TO AN INNOCENT OWNER UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTIONS 16-23-500 AND 23-31-1040 RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE OR ADJUDICATED AS A MENTAL DEFECTIVE, RESPECTIVELY.

sedu-0037db23.docx : 20f020b5-abd8-4123-a35a-3f29c43e6af9

Prefiled and referred to the Committee on Judiciary.

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

S. 128 -- Senators Hembree and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING SECTION 59-155-155 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL APPROVE NO MORE THAN FIVE RELIABLE AND VALID EARLY LITERACY AND NUMERACY SCREENING ASSESSMENT INSTRUMENTS FOR SELECTION AND USE BY SCHOOL DISTRICTS FOR KINDERGARTEN THROUGH THIRD GRADE, AND TO PROVIDE REQUIREMENTS FOR SUCH INSTRUMENTS; BY ADDING SECTION 59-155-205 SO AS TO CREATE THE SOUTH CAROLINA READING PANEL, AND TO PROVIDE THE COMPOSITION, FUNCTIONS, AND DUTIES OF THE PANEL; TO AMEND SECTION 59-33-510, RELATING TO DEFINITIONS CONCERNING THE UNIVERSAL SCREENING PROCESSES USED IN PUBLIC SCHOOL DISTRICTS FOR STUDENTS EXPERIENCING ACADEMIC OR SOCIAL-EMOTIONAL DIFFICULTIES, SO AS TO PROVIDE ALL RELATED SCREENING TOOLS MUST BE CAPABLE OF IDENTIFYING STUDENTS WITH DYSLEXIA OR OTHER READING DISORDERS; TO AMEND SECTION 59-155-110, RELATING TO THE READ TO SUCCEED OFFICE, SO AS TO

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CORRECT A TYPOGRAPHICAL ERROR; TO AMEND SECTION 59-155-120, RELATING TO DEFINITIONS IN THE READ TO SUCCEED ACT, SO AS TO REVISE DEFINITIONS; TO AMEND SECTION 59-155-130, RELATING TO DUTIES OF THE READ TO SUCCEED OFFICE, SO AS TO REVISE THE REQUIREMENTS CONCERNING COURSEWORK NECESSARY FOR LITERACY ADD-ON ENDORSEMENTS AND TO REVISE REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT IN READING AND COACHING FOR CERTIFIED READING/LITERACY COACHES AND LITERACY TEACHERS; TO AMEND SECTION 59-155-140, RELATING TO THE STATE READING PROFICIENCY PROGRAM, SO AS TO REMOVE THE USE OF BOOK CLUBS FOR CERTAIN REQUIRED SUPPLEMENTAL INSTRUCTION; TO AMEND SECTION 59-155-150, RELATING TO THE READINESS ASSESSMENT PROVIDED BY THE READ TO SUCCEED ACT, SO AS TO REVISE THE REQUIREMENTS FOR SCREENING AND DIAGNOSTIC ASSESSMENTS AND INTERVENTIONS; TO AMEND SECTION 59-155-160, RELATING TO MANDATORY STUDENT RETENTION PROVISIONS OF THE READ TO SUCCEED ACT, SO AS TO REVISE CRITERIA FOR RETENTION AND EXEMPTIONS FROM RETENTION, TO ELIMINATE AN APPEALS PROCESS, AND TO REVISE CRITERIA FOR INTENSIVE INSTRUCTIONAL SERVICES AND SUPPORT PROVIDED TO RETAINED STUDENTS; AND TO AMEND SECTION 59-155-180, RELATING TO PROVISIONS CONCERNING TEACHER EDUCATION PROGRAMS IN THE READ TO SUCCEED ACT, SO AS TO REMOVE THE REQUIREMENT THAT READING/LITERACY COACHES BE EMPLOYED IN ALL ELEMENTARY SCHOOLS, TO REVISE REQUIREMENTS CONCERNING THE ROLES AND FUNCTIONS OF READING/LITERACY COACHES, TO PROVIDE CERTAIN READING AND LITERACY SUPPORT SERVICES TO SCHOOLS IDENTIFIED AS HAVING CERTAIN LEVELS OF LOWEST ACHIEVEMENT ON ENGLISH/LANGUAGE ARTS SUMMATIVE ASSESSMENTS BY THIRD GRADE STUDENTS, AND TO PROVIDE THE MANNER OF USE FOR CERTAIN RELATED RESOURCES.

sedu-0028db23.docx : 463e3d3e-d2de-4130-b442-d2254378f496

Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 10, 2023

S. 129 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 61-6-4725 RELATING TO THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO PERMIT CONDITIONAL DISCHARGE OF FIRST-TIME OFFENDERS UNDER SECTION 61-6-4720 AND TO PERMIT COUNTY AND MUNICIPAL PROSECUTORS TO CONDITIONALLY DISCHARGE FIRST-TIME OFFENDERS OF COUNTY OR MUNICIPAL OPEN CONTAINER OFFENSES, AND TO PERMIT EXPUNGEMENT OF SUCH OFFENSES.

sj-0003mf23.docx : 6fa91c5b-3654-4b53-9bb0-38015234c479

Prefiled and referred to the Committee on Judiciary.

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

S. 130 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION AND THE COMMISSION'S APPOINTMENT, QUALIFICATIONS, AND TERM, SO AS TO REVISE THE MEMBERSHIP AND TERMS OF THE COMMISSION; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND THE PUBLICATION OF VACANCIES, SO AS TO PROVIDE THAT THE INVESTIGATION SHALL INCLUDE THE SOUTH CAROLINA BAR ASSESSMENT OF THE CANDIDATE, THE CITIZENS COMMITTEE ASSESSMENT OF THE CANDIDATE, AND PUBLIC TESTIMONY FROM ANY WITNESS APPEARING BEFORE THE COMMISSION; BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO CHANGE THE COMMISSION'S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE QUALIFIED CANDIDATES TO THE RELEASE OF A LIST OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY; AND BY AMENDING SECTION 2-19-90, RELATING TO THE ELECTION OF JUDGES BY THE GENERAL ASSEMBLY, SO AS TO REQUIRE A MAJORITY VOTE FROM EACH HOUSE OF THE GENERAL ASSEMBLY.

sedu-0032db23.docx : 298bc0ed-4092-4a67-b201-98e53f3ee760

Prefiled and referred to the Committee on Judiciary.

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

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S. 131 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-117-10, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; BY AMENDING SECTION 59-117-20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2023; BY AMENDING SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE CHAIRMAN SERVES A TWO YEAR TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND BY AMENDING SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, SO AS TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

sedu-0036db23.docx : 54fa36c4-f828-4449-b7e6-a7c235537ae8

Prefiled and referred to the Committee on Education.

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

S. 132 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-409 SO AS TO PROHIBIT A COUNTY REDUCTION IN FUNDS TO THE CIRCUIT SOLICITOR OPERATIONS BELOW THE FUNDED AMOUNT IN THE PREVIOUS YEAR.

sedu-0035db23.docx : eab22de2-553a-4fe9-a761-ab9e68ff4f10

Prefiled and referred to the Committee on Judiciary.

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

S. 133 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 50, ENTITLED THE "SEA TURTLE PROTECTION ACT", SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL ESTABLISH DESIGNATED COASTAL AREAS WHICH ARE UTILIZED OR LIKELY TO BE UTILIZED BY SEA TURTLES FOR NESTING, TO DEFINE NECESSARY TERMS, TO PROHIBIT THE USE OF ARTIFICIAL LIGHT TO ILLUMINATE AN AREA OF THE BEACH DESIGNATED BY THE DEPARTMENT, TO ESTABLISH

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REQUIREMENTS FOR CERTAIN TYPES OF LIGHTING, AND TO PROVIDE A PENALTY.

sedu-0034db23.docx : 43dbcfad-eda3-42c1-af3b-cf1f04081474

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 134 -- Senators Hembree and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

sedu-0004db23.docx : 8ab11e13-250b-4689-9848-ac5fccba6662

Prefiled and referred to the Committee on Education.

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

S. 135 -- Senator K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-6-42 SO AS TO REQUIRE THE STATE PLAN PREPARED AND SUBMITTED BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FEDERAL APPROVAL PURSUANT TO SUBCHAPTER XIX, CHAPTER 7, TITLE 42 OF THE UNITED STATES CODE TO PROVIDE THAT MEDICAID COVERAGE BEGINNING JANUARY 1, 2024, BE AVAILABLE TO ADULTS UNDER SIXTY-FIVE YEARS OF AGE WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL, WITH A FIVE PERCENT INCOME DISREGARD.

smin-0005mw23.docx : c15ff180-2fca-4b57-871d-1943f4839e80

Prefiled and referred to the Committee on Medical Affairs.

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

TUESDAY, JANUARY 10, 2023

S. 136 -- Senators McElveen and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA EDUCATION BANK ACT"; BY ADDING CHAPTER 58 TO TITLE 11 SO AS TO CREATE THE "SOUTH CAROLINA EDUCATION BANK", TO ESTABLISH A GOVERNING BOARD, TO PROVIDE FOR THE POWERS OF THE BANK, TO FUND THE BANK, TO PROVIDE LIABILITY PROTECTIONS, TO PROVIDE FOR DEPOSITS, TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS, TO PROVIDE FOR LOCAL SCHOOL BOARD FUNDING REQUEST REQUIREMENTS, AND TO DEFINE NECESSARY TERMS.

lc-0070sa23.docx : 544f5df8-c12a-46cc-ba6a-6955cd5e9e3c

Prefiled and referred to the Committee on Finance.

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

S. 137 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-1312, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO PROVIDE THAT ALL CONTRIBUTIONS RECEIVED BY CANDIDATES SHALL BE DEPOSITED INTO AN INTEREST ON CAMPAIGN ACCOUNT KNOWN AS AN "IOCA", TO PROVIDE THAT AN IOCA BENEFITS THE STATE ETHICS COMMISSION, TO PROVIDE THAT AN IOCA SHALL BE ESTABLISHED WITH AN ELIGIBLE INSTITUTION THAT VOLUNTARILY CHOOSES TO PARTICIPATE, TO PROVIDE FOR THE RATE OF INTEREST OR DIVIDENDS PAYABLE ON ANY IOCA, TO PROVIDE THAT ONE PERCENT OF ALL CONTRIBUTIONS DEPOSITED INTO AN IOCA SHALL BE REMITTED TO BENEFIT THE STATE ETHICS COMMISSION, AND TO PROVIDE THAT THE FUNDS REMITTED TO THE STATE ETHICS COMMISSION SHALL BE USED BY THE STATE ETHICS COMMISSION TO CREATE A POSITION OR POSITIONS WITHIN ITS EMPLOY TO CHECK AND CONFIRM THE COMPLETENESS OF CANDIDATE FILINGS; BY AMENDING SECTION 8-13-320, RELATING TO THE DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE THAT THOSE DUTIES AND RESPONSIBILITIES INCLUDE RECEIVING, ADMINISTERING, INVESTING, DISBURSING, AND SEPARATELY ACCOUNTING FOR FUNDS REMITTED TO IT; AND BY AMENDING SECTION 8-13-340, RELATING TO THE ANNUAL REPORT OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE THAT THE STATE ETHICS

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COMMISSION SHALL INCLUDE IN ITS REPORT TO THE GENERAL ASSEMBLY AND THE GOVERNOR THE AMOUNT OF FUNDS IT HAS RECEIVED FROM IOCAS; AND TO DEFINE NECESSARY TERMS.

lc-0009ha23.docx : ef2e24c5-ade6-4bd1-be2a-339236776595

Prefiled and referred to the Committee on Judiciary.

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

S. 138 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

lc-0105wab23.docx : 84da992f-6371-4532-a860-c2f343778d16

Prefiled and referred to the Committee on Education.

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

S. 139 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT A TREASURER, COMPTROLLER, OR ACCOUNTANT, OR HIS DESIGNEE, MAY USE A FINANCIAL TRANSACTION CARD FOR BUSINESS-RELATED EXPENDITURES, PURCHASES, OR PROCUREMENTS, TO PROVIDE FOR REIMBURSEMENT AND RECORDKEEPING, TO PROVIDE THAT NO ELECTED OFFICIAL, PUBLIC EMPLOYEE, OR MEMBER OF A PUBLIC BOARD OR COMMISSION MAY POSSESS OR USE A FINANCIAL TRANSACTION CARD THAT HAS BEEN ISSUED TO THE CARDHOLDER FOR ANY PURPOSE, AND TO DEFINE NECESSARY TERMS.

lc-0067sa23.docx : bf7be02b-9a7b-45a6-a44d-fb703959303f

Prefiled and referred to the Committee on Finance.

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

S. 140 -- Senators McElveen and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-1-140 SO AS TO ENHANCE THE POSSIBLE SENTENCE FOR A PERSON CONVICTED OF A SERIOUS OR MOST SERIOUS OFFENSE, A VIOLENT CRIME, OR A LESSER-INCLUDED OFFENSE THAT WAS COMMITTED WHILE THE PERSON WAS

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RELEASED ON BOND FOR A SEPARATE, PREVIOUS SERIOUS OR MOST SERIOUS OFFENSE OR A VIOLENT CRIME OR A LESSER- INCLUDED OFFENSE FOR WHICH THE PERSON ALSO WAS CONVICTED.

lc-0050ahb23.docx : edbcbdc3-cd1f-429a-b4fe-b4ac8ca47259

Prefiled and referred to the Committee on Judiciary.

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

S. 141 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-17-470, RELATING TO EAVESDROPPING, PEEPING, AND VOYEURISM, SO AS TO REVISE EXISTING TERMS AND DEFINE OTHER NECESSARY TERMS, AND TO INCREASE THE PENALTY WHEN THE VICTIM IS A MINOR.

lc-0051ahb23.docx : afc7127d-2f58-455e-92b1-95f524fa864a

Prefiled and referred to the Committee on Judiciary.

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

S. 142 -- Senators Shealy, Gustafson and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020 RELATING TO TRAFFICKING IN PERSONS; PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE

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PROVISIONS IN THIS ACT ARE RETROACTIVE.

sr-0030km23.docx : fb00f39f-388a-47e3-bb43-1f157f8df712

Prefiled and referred to the Committee on Judiciary.

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

S. 143 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

sr-0014jg23.docx : db587545-1a87-417a-9627-8cb0c7a3352d

Prefiled and referred to the Committee on Judiciary.

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

S. 144 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-9-30(B)(2), RELATING TO FILING OF WRITTEN INSTRUMENTS CONCERNING REAL OR PERSONAL PROPERTY; FALSE OR FRAUDULENT DOCUMENTS, SO AS TO PROVIDE THAT A PERSON PROVIDED WITH A NOTICE OF DOCUMENT REMOVAL MAY COMMENCE A SUIT TO PREVENT THE REMOVAL OF THE DOCUMENT.

sr-0031km23.docx : 8b26bc56-e422-4826-b462-67b1472fa671

Prefiled and referred to the Committee on Judiciary.

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

S. 145 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE

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HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

sr-0029km23.docx : e5667e03-4b70-4c15-a5bc-c6246fb89ffb

Prefiled and referred to the Committee on Judiciary.

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

S. 146 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE

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GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH - DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE

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SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

sr-0032km23.docx : e238882a-41bc-4978-afea-8eea9ce9a5e2

Prefiled and referred to the Committee on Medical Affairs.

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

S. 147 -- Senators Shealy, Gustafson, Senn and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

sr-0016jg23.docx : cb412fae-965f-44ec-95f7-04374a1a9d35

Prefiled and referred to the Committee on Judiciary.

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

S. 148 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-810 SO AS TO PROVIDE THAT ELIGIBLE SCHOOLS THAT PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM SHALL

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PROVIDE BREAKFAST AND LUNCH WITHOUT CHARGE TO ALL STUDENTS AND TO PROVIDE GUIDELINES; AND BY AMENDING SECTION 59-10-350, RELATING TO THE LENGTH OF LUNCH PERIODS, SO AS TO REQUIRE SCHOOLS TO PROVIDE THIRTY MINUTE LUNCH PERIODS TO ALL STUDENTS.

sr-0028km23.docx : ba76649f-044a-4ed9-a2b3-81f3d86ce707

Prefiled and referred to the Committee on Education.

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

S. 149 -- Senators Shealy, Matthews, Gustafson, Senn and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX SO AS TO PROVIDE EXEMPTIONS FOR MENSTRUAL HYGIENE PRODUCTS; BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE EXEMPTIONS FOR DIAPERS.

sr-0033km23.docx : 4b201be6-fb5d-4bb1-9332-7889c0b012e5

Prefiled and referred to the Committee on Finance.

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

S. 150 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-100, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, SO AS TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND A PRIVATE OR CHARTER SCHOOL MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND BY AMENDING SECTION 59-63-100(A), RELATING TO DEFINITIONS, SO AS TO ADD DEFINITIONS FOR PRIVATE SCHOOL AND CHARTER SCHOOL.

sr-0042km23.docx : 0a2813b7-a55d-4aca-85ea-01d37efdcec9

Prefiled and referred to the Committee on Education.

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

S. 151 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-35-50, RELATING TO MAXIMUM POTENTIAL BENEFITS FOR A YEAR, SO AS TO REDUCE THE MAXIMUM POTENTIAL BENEFITS AN UNEMPLOYED PERSON MAY RECEIVE IN A BENEFIT YEAR FROM TWENTY WEEKS TO THIRTEEN WEEKS; AND BY

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AMENDING SECTION 41-35-120, RELATING TO DISQUALIFICATION FOR BENEFITS, SO AS TO CONFORM TO THE REDUCTION IN BENEFIT WEEKS.

sr-0038km23.docx : 476fc884-4055-4e0c-bae1-ae1335f3fd0f

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 152 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-5-410, RELATING TO ELECTION TO COME UNDER THE NATURAL GAS RATE STABILIZATION ACT, SO AS TO REMOVE THE PROVISION THAT AN ELECTION SHALL REMAIN IN EFFECT UNTIL THE NEXT GENERAL RATE PROCEEDING; BY AMENDING SECTION 58-5-415, RELATING TO THE DURATION OF AN ELECTION AND THE WITHDRAWAL OF A REQUEST TO COME UNDER THE NATURAL GAS RATE STABILIZATION ACT, SO AS TO PROVIDE THAT ELECTION BY A UTILITY UNDER THE NATURAL GAS RATE STABILIZATION ACT SHALL REMAIN IN EFFECT FOR FIVE YEARS AND THAT THE UTILITY MAY OPT OUT; BY AMENDING SECTION 58-5-420, RELATING TO THE CONTENTS OF AN ORDER, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR FIGURES; BY AMENDING SECTION 58-5-450, RELATING TO THE REVIEW OF REPORTS AND PROPOSED TARIFF RATE ADJUSTMENTS, SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF SHALL PROPOSE CHANGES TO RATE DESIGN; BY AMENDING SECTION 58-5-470, RELATING TO THE REVIEW OF INITIAL ORDERS, SCOPE, AND RULE TO SHOW CAUSE FOR WHY A FULL RATE PROCEEDING SHOULD NOT BE INITIATED, SO AS TO PROVIDE THAT THE RIGHT OF REGULATORY STAFF TO FILE CERTAIN ACTIONS IS NOT LIMITED; AND BY ADDING SECTION 58-5-416 SO AS TO PROVIDE A LIMITATION ON THE DURATION OF ELECTION.

sr-0113km23.docx : d352e05a-04c1-4f88-a732-9a6c07d06fc4

Prefiled and referred to the Committee on Judiciary.

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

S. 153 -- Senators Young, Gustafson and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE

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TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

sj-0014bm23.docx : da670514-5eaa-4b55-8366-0e78a5451fe6

Prefiled and referred to the Committee on Judiciary.

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

S. 154 -- Senators Young and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STREET GANG AND CRIMINAL ENTERPRISE PREVENTION AND ANTI-RACKETEERING ACT"; BY AMENDING ARTICLE 3 OF CHAPTER 8, TITLE 16, RELATING TO THE CRIMINAL GANG PREVENTION ACT, SO AS TO RETITLE THE ARTICLE, REVISE THE DEFINITIONS FOR PURPOSES OF THE ARTICLE, AND RESTRUCTURE THE ARTICLE AND THE OFFENSES AND PENALTIES CONTAINED WITHIN IT; AND BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 SO AS TO CREATE ANTI-RACKETEERING PROVISIONS TO COMPLIMENT THE REVISED STREET GANG AND CRIMINAL ENTERPRISE PREVENTION ARTICLE, DEFINE NECESSARY TERMS, AND CREATE VARIOUS RACKETEERING OFFENSES AND ESTABLISH PENALTIES FOR VIOLATIONS.

lc-0079ahb23.docx : 5476c19b-ff2c-4819-81a9-f7b220a8f5f8

Prefiled and referred to the Committee on Judiciary.

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

S. 155 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-1-10, RELATING TO THE APPOINTMENT OF MAGISTRATES, SO AS TO PROVIDE THAT A MAGISTRATE MAY SERVE IN HOLDOVER STATUS FOR NO MORE THAN FOURTEEN DAYS AT THE END OF HIS TERM, TO PROVIDE THAT THE GOVERNOR MAY APPOINT A TEMPORARY MAGISTRATE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT ANY MAGISTRATE OR MAGISTRATE CANDIDATE WHO HAS BEEN REPRIMANDED BY THE SUPREME COURT OR ANY OTHER DISCIPLINARY AUTHORITY MAY NOT BE APPOINTED OR REAPPOINTED UNLESS APPROVED BY A MAJORITY OF

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THE SENATE AFTER THE SENATE IS INFORMED OF THE REPRIMAND OR DISCIPLINARY ACTION.

sr-0114km23.docx : 8f8a115c-9871-4f8a-9472-dce369d8a797

Prefiled and referred to the Committee on Judiciary.

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

S. 156 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-1-70 SO AS TO PROHIBIT NATURAL GAS OR ELECTRIC PUBLIC UTILITIES FROM DISCLOSING CUSTOMER INFORMATION TO A THIRD PARTY WITHOUT THE EXPRESS CONSENT OF THE CUSTOMER.

sr-0115km23.docx : fc63aa4a-69cc-4b86-90cb-5001ee49bf83

Prefiled and referred to the Committee on Judiciary.

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

S. 157 -- Senator Young: A BILL TO ENACT THE "SOUTH CAROLINA HANDS FREE ACT"; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-3890, RELATING TO THE UNLAWFUL USE OF A WIRELESS TELECOMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, SO AS TO REVISE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS TELECOMMUNICATIONS DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; AND BY AMENDING SECTION 56-1-720, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON'S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, SO AS TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO-POINT VIOLATION, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY MOTORISTS OF THE HANDS-FREE REQUIREMENTS AT CERTAIN POINTS ALONG THE STATE'S INTERSTATE HIGHWAYS, AND TO DEFINE NECESSARY TERMS.

sr-0116km23.docx : 1278ecb7-fed7-4757-9777-8298de5a87b9

Prefiled and referred to the Committee on Transportation.

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

S. 158 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-11-135 SO AS TO PROVIDE THAT THE EXECUTIVE BUDGET OFFICE

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MUST COMPILE INFORMATION FROM EACH STATE AGENCY AND INSTITUTION DETAILING THE CATEGORIES AND AMOUNTS OF "OTHER FUNDS" BALANCES CARRIED FORWARD FROM THE MOST RECENTLY COMPLETED FISCAL YEAR INTO THE CURRENT FISCAL YEAR AND THOSE USES TO WHICH THESE BALANCES WILL BE APPLIED, TO REQUIRE THE EXECUTIVE BUDGET OFFICE TO REPORT ITS COMPILATION TO THE GENERAL ASSEMBLY NO LATER THAN NOVEMBER FIRST OF EACH YEAR, AND TO DEFINE NECESSARY TERMS.

sr-0118km23.docx : 69a40f2c-3f3e-4f33-83df-689fee32c097

Prefiled and referred to the Committee on Finance.

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

S. 159 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-1308, RELATING TO THE FILING OF CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES SO AS TO REQUIRE CANDIDATES AND COMMITTEES TO FILE CAMPAIGN BANK ACCOUNT STATEMENTS FOR THE PREVIOUS QUARTER'S CAMPAIGN REPORT CONTEMPORANEOUSLY WITH THEIR CAMPAIGN DISCLOSURES.

sr-0117km23.docx : f149f0ae-ec3c-4063-8f65-29074dbd5b08

Prefiled and referred to the Committee on Judiciary.

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

S. 160 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 19-1-180(G), RELATING TO THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS MADE BY CHILDREN, SO AS TO ADD AN EXCEPTION FOR STATEMENTS MADE TO EMPLOYEES OR AGENTS OF CHILDREN'S ADVOCACY CENTERS.

sr-0119km23.docx : c9c2b178-772c-4a65-ab20-059c836261ab

Prefiled and referred to the Committee on Judiciary.

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

S. 161 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-100, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, SO AS TO PROVIDE LIMITED SITUATIONS

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IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND BY FURTHER AMENDING SECTION 59-63-100, RELATING TO PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOL DISTRICT BY HOME SCHOOL, CHARTER SCHOOL, AND GOVERNOR'S SCHOOL STUDENTS, SO AS TO DEFINE NECESSARY TERMS.

sr-0120km23.docx : b1af899f-9259-48a1-ab6e-1126b25aa5a6

Prefiled and referred to the Committee on Education.

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

S. 162 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-5-760, RELATING TO THE REGULATION OF WATER AND SEWER UTILITIES' ADEQUACY OF SERVICE, SO AS TO PROVIDE THAT A CLASS A WATER OR SEWER UTILITY MUST SUBMIT AN INTEGRATED RESOURCE PLAN TO THE PUBLIC SERVICE COMMISSION, AND TO PROVIDE FOR THE CONTENTS OF AN INTEGRATED RESOURCE PLAN AND CERTAIN REPORTING REQUIREMENTS.

sr-0084km23.docx : 52d378d6-841c-4426-9255-3a79d00830d6

Prefiled and referred to the Committee on Judiciary.

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

S. 163 -- Senators Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 13-1-55 SO AS TO PROHIBIT THE DEPARTMENT OF COMMERCE FROM OFFERING OR AWARDING INCENTIVES TO CERTAIN COMPANIES OWNED OR CONTROLLED BY THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY, AND TO PROHIBIT ANY COMPANY RECEIVING AN INCENTIVE FROM CONTRACTING WITH SUCH PROHIBITED COMPANIES; AND TO ADD SECTION 4-12-30(Q) TO PROHIBIT A COUNTY FROM ENTERING INTO AN AGREEMENT TO OFFER A FEE IN LIEU OF TAXES TO CERTAIN COMPANIES OWNED OR CONTROLLED BY THE PEOPLE'S REPUBLIC OF CHINA OR THE

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CHINESE COMMUNIST PARTY.

sr-0095km23.docx : a44f1715-6552-4218-ac64-93d90fa060b6

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 164 -- Senators Climer, Gustafson, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTIONS 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTHCARE IN RURAL SOUTH CAROLINA.

sr-0085km23.docx : df4ac878-afe1-43b2-9cb3-1ba307952cd5

Prefiled and referred to the Committee on Medical Affairs.

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

S. 165 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING

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TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

sr-0094km23.docx : c8bfef24-505c-41a8-94b7-128e79a4112b

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 166 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 13-1-1710, RELATING TO COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO PROVIDE FOR THE APPOINTMENT OF FOUR LEGISLATIVE MEMBERS; AND TO ADD SECTION 13-1-1720(C) SO AS TO PROHIBIT THE COORDINATING COUNCIL FROM GRANTING EXTENSIONS, MODIFICATIONS, OR WAIVERS AND FROM OTHERWISE FORGIVING CONDITIONS UNDER WHICH COMPANIES WERE AWARDED INCENTIVES OR CREDITS; TO REQUIRE THE COORDINATING COUNCIL TO MAKE RECOMMENDATIONS TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY, AND TO VEST THE STATE FISCAL ACCOUNTABILITY AUTHORITY WITH THE RESPONSIBILITY FOR MAKING FINAL DETERMINATIONS FOR INCENTIVE OR CREDIT EXTENSIONS, MODIFICATIONS, OR WAIVERS OR FOR OTHERWISE FORGIVING CONDITIONS FOR RECEIVING A CREDIT OR INCENTIVE.

sr-0097km23.docx : d66811c1-d78e-48d1-978a-331a9cbccbcf

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 167 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-71-42 SO AS TO REQUIRE HEALTH MAINTENANCE ORGANIZATIONS, INDIVIDUAL OR GROUP HEALTH INSURANCE POLICIES, AND INSURANCE CONTRACTS TO PROVIDE COVERAGE FOR CERTAIN TESTS FOR THE EARLY DETECTION OF CARDIOVASCULAR DISEASE; AND BY AMENDING SECTION 1-11-710, RELATING TO THE BOARD OF DIRECTORS OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY'S DUTY SO AS TO

TUESDAY, JANUARY 10, 2023

REQUIRE COVERAGE OF CERTAIN TESTS FOR THE EARLY DETECTION OF CARDIOVASCULAR DISEASE.

sr-0099km23.docx : bf27f253-2903-45cb-991c-4c019468c3f6

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 168 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-5-710, RELATING TO THE ISSUANCE OF AN ORDER TO PROVIDE ADEQUATE AND PROPER SERVICE, SO AS TO PROVIDE THAT A WATER OR SEWER UTILITY SYSTEM THAT FAILED TO PROVIDE SERVICE BECAUSE OF A FAILURE TO PLAN FOR REASONABLY FORESEEABLE CIRCUMSTANCES MUST NOT RECEIVE A RATE OF RETURN FOR THE PERIOD IN WHICH THE UTILITY DID NOT PROVIDE SERVICE, TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION MAY REVIEW AND MODIFY A UTILITY'S RATE OF RETURN UPON A FINDING OF EGREGIOUS CIRCUMSTANCES CAUSED BY THE UTILITY FOR FAILURE TO PROVIDE SERVICES, AND TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION MUST CONSIDER A UTILITY'S HISTORY OF FAILURE TO PROVIDE SERVICE IN DETERMINING THE UTILITY'S RATE OF RETURN.

sr-0089km23.docx : e39eadf3-a64d-4723-b71b-841e01b4700f

Prefiled and referred to the Committee on Judiciary.

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

S. 169 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-1140, RELATING TO FILING AN UPDATED STATEMENT OF ECONOMIC INTERESTS, SO AS TO REQUIRE EACH STATEWIDE CONSTITUTIONAL OFFICER AND MEMBER OF THE GENERAL ASSEMBLY TO PROVIDE A COPY OF HIS PERSONAL FEDERAL AND STATE INCOME TAX RETURNS, TO PROVIDE A DEADLINE, TO PROVIDE THAT A FILER'S IMMEDIATE FAMILY MEMBER MUST SUBMIT A COPY OF HIS INCOME TAX RETURN IF THE FILER'S INCOME TAX RETURN DOES NOT INDICATE THE IMMEDIATE FAMILY MEMBER'S SOURCE OF INCOME, TO PROVIDE THAT THE SUBMITTED TAX RETURNS ARE NOT SUBJECT TO PUBLIC DISCLOSURE AND MUST BE DESTROYED AFTER THE TIME PERIOD FOR AUDIT OR INCOME VERIFICATION, AND TO PROVIDE THAT

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THE STATE ETHICS COMMISSION, SENATE ETHICS COMMITTEE, AND HOUSE OF REPRESENTATIVES ETHICS COMMITTEE MUST CONDUCT RANDOM AUDITS.

sr-0101km23.docx : 5e294789-efb5-4ed9-8088-2908468baf82

Prefiled and referred to the Committee on Judiciary.

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

S. 170 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-31-600, RELATING TO THE ISSUANCE OF IDENTIFICATION CARDS TO QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS, THE CIRCUMSTANCES IN WHICH A QUALIFIED LAW ENFORCEMENT OFFICER MAY CARRY A CONCEALED WEAPON, AND OPPORTUNITIES FOR TRAINING TO QUALIFY TO CARRY A FIREARM THAT MUST BE OFFERED TO A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, SO AS TO DELETE THE PROVISION THAT RESTRICTS THE CARRYING OF A CONCEALED WEAPON ONTO CERTAIN PREMISES.

sr-0098km23.docx : aa59407b-e299-46ef-9edd-fd19b18f32aa

Prefiled and referred to the Committee on Judiciary.

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

S. 171 -- Senators Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICE HOLDING, SO AS TO EXTEND THE PROHIBITION TO THE IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY, AND TO DEFINE NECESSARY TERMS.

sr-0103km23.docx : a0174003-917d-4c42-8ea6-09df47b92058

Prefiled and referred to the Committee on Judiciary.

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

S. 172 -- Senator Climer: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE QUALIFICATIONS OF SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES, SO AS TO LIMIT SENATORS TO SERVING NO MORE THAN THREE TERMS IN OFFICE AND TO LIMIT MEMBERS OF THE HOUSE OF REPRESENTATIVES TO

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SERVING NO MORE THAN SIX TERMS IN OFFICE.

sr-0105km23.docx : 06ec8c05-b6c2-4f16-aabf-cc778a0d9166

Prefiled and referred to the Committee on Judiciary.

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

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

sr-0093km23.docx : ff800c6a-ca5d-477b-a70f-550167a63c1f

Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 174 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILD PROTECTION AND PERMANENCY, SO AS TO PROVIDE EXCEPTIONS TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM" RELATED TO INDEPENDENT ACTIVITIES APPROVED BY A PARENT, GUARDIAN, OR ANOTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE.

sr-0080km23.docx : 904576c8-53f6-4315-88bd-3a0a1caa6454

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 175 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 71 OF TITLE 38, RELATING TO ACCIDENT AND HEALTH INSURANCE; BY ADDING SECTION 38-71-1610 SO AS TO

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DEFINE NECESSARY TERMS; BY ADDING SECTION 38-71-1620 SO AS TO REQUIRE INSURANCE CARRIERS THAT PLAN TO OFFER A PROGRAM PURSUANT TO ARTICLE 16 MUST FIRST FILE A DESCRIPTION OF THE THEIR PROGRAM WITH THE DEPARTMENT; BY ADDING SECTION 38-71-1630 SO AS TO PROVIDE THAT CARRIERS MUST MAKE A PROGRAM AVAILABLE AS A COMPONENT OF ALL HEALTH PLANS OFFERED BY THE CARRIER IN THIS STATE; BY ADDING SECTION 38-71-1640 SO AS TO PROVIDE THAT THE PROGRAM SHALL PROVIDE INCENTIVES FROM PROVIDERS THAT CHARGE LESS THAN THE AVERAGE PRICE PAID BY THE CARRIER FOR THE SHOPPABLE HEALTH CARE SERVICE AND TO PROVIDE THAT ENROLLEES MUST SHARE IN THE SAVED COSTS; BY ADDING SECTION 38-71-1650 SO AS TO PROVIDE THAT IF AN ENROLLEE ELECTS TO RECEIVE A SHOPPABLE HEALTH CARE SERVICE FROM AN OUT-OF-NETWORK PROVIDER THAT RESULTS OR WOULD OTHERWISE RESULT IN A SHARED SAVINGS INCENTIVE PAYMENT, THEN A CARRIER SHALL APPLY THE AMOUNT PAID FOR THE SHOPPABLE HEALTH CARE SERVICE TOWARD THE ENROLLEE'S MEMBER COST SHARING; BY ADDING SECTION 38-71-1660 SO AS TO PROVIDE THAT A SHARED SAVINGS INCENTIVE PAYMENT MADE BY A CARRIER IN ACCORDANCE WITH THIS ACT IS NOT AN ADMINISTRATIVE EXPENSE OF THE CARRIER FOR RATE DEVELOPMENT OR RATE FILING PURPOSES; BY ADDING SECTION 38-71-1670 SO AS TO PROVIDE FOR ANNUAL REPORTING; BY ADDING SECTION 38-71-1680 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ADOPT RULES AS NECESSARY TO IMPLEMENT THIS ARTICLE.

sr-0081km23.docx : 919cf217-6020-481a-82dd-6458003f1e99

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 176 -- Senators Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-1-60 SO AS TO PROHIBIT A PUBLIC UTILITY FROM INCLUDING IN ITS RATE BASE OR OTHERWISE RECOVER FROM ITS CUSTOMERS ANY LEGAL FEES PAID BY THE PUBLIC UTILITY FOR A MATTER IN WHICH THE PUBLIC UTILITY WAS FOUND

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TO HAVE VIOLATED A FEDERAL, STATE, OR LOCAL STATUTE, REGULATION, OR ORDINANCE.

sr-0104km23.docx : 12c47b1d-1aab-4a04-96a2-9f038fc0346b

Prefiled and referred to the Committee on Judiciary.

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

S. 177 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-2937 SO AS TO PROVIDE PERSONS CONVICTED OF RECKLESS VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY OTHER DRUG OR COMBINATION OF DRUGS, OR CONVICTED OF RECKLESS VEHICULAR HOMICIDE AND HAD AT LEAST TWO PRIOR CONVICTIONS FOR DRIVING MOTOR VEHICLES UNDER THE INFLUENCE OF ALCOHOL, ANY OTHER DRUG, OR A COMBINATION OF OTHER DRUGS OR SUBSTANCES, OR DRIVING MOTOR VEHICLES WITH AN UNLAWFUL ALCOHOL CONCENTRATION, OR BOTH, AND WHOSE VICTIMS WERE PARENTS OF MINOR CHILDREN, MUST PAY RESTITUTION IN THE FORM OF CHILD MAINTENANCE TO EACH OF THE VICTIMS' CHILDREN UNTIL EACH CHILD REACHES EIGHTEEN YEARS OF AGE AND HAS GRADUATED FROM HIGH SCHOOL; AND BY ADDING SECTION 50-21-118 SO AS TO PROVIDE PERSONS CONVICTED OF OPERATING MOVING WATER DEVICES WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS WHEN DEATH RESULTS, OR RECKLESS HOMICIDE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AND WHOSE VICTIMS WERE PARENTS OF MINOR CHILDREN, MUST PAY RESTITUTION IN THE FORM OF CHILD MAINTENANCE TO EACH OF THE VICTIMS' CHILDREN UNTIL EACH CHILD REACHES EIGHTEEN YEARS OF AGE AND HAS GRADUATED FROM HIGH SCHOOL.

sr-0083km23.docx : 2fe4a35b-53d9-47d1-b18c-44acf61fa34b

Prefiled and referred to the Committee on Judiciary.

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

S. 178 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS AND TERMS, SO AS TO REDUCE THE NUMBER OF COMMISSIONERS FROM TEN TO SEVEN, AND TO PROVIDE THAT MEMBERSHIP ON

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THE COMMISSION SHALL BE THE GOVERNOR AND SIX MEMBERS OF THE PUBLIC AT LARGE; BY AMENDING SECTION 2-19-40, RELATING TO EXEMPTION FROM HEARING, SO AS TO PROVIDE THAT FOUR MEMBERS OF THE COMMISSION MAY REQUEST THAT THE REQUIREMENT FOR A PUBLIC HEARING ON THE QUALIFICATIONS OF A PARTICULAR CANDIDATE MAY BE WAIVED UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 2-19-60, RELATING TO POWERS OF COMMISSION, SO AS TO PROVIDE SUBSECTION DESIGNATIONS TO CURRENTLY UNDESIGNATED PARAGRAPHS; BY AMENDING SECTION 2-19-70, RELATING TO PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO REMOVE A REFERENCE TO CERTAIN COMMISSIONERS; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL CANDIDATES FOUND QUALIFIED MUST BE SUBMITTED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO APPROVAL OF GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL ANNOUNCE THE COMMISSION'S NOMINEES FOR EACH JUDICIAL RACE AT THE JOINT ASSEMBLY TO ELECT JUDGES; AND BY AMENDING SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY MEMBER OF GENERAL ASSEMBLY OR ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY ARE PROHIBITED FROM REPRESENTING CLIENTS FOR A FEE BEFORE A COURT IN THE UNIFIED JUDICIAL SYSTEM OR EQUITY COURTS IF THE MEMBER VOTED IN JUDICIAL ELECTIONS OR THE CONFIRMATION OF MASTERS-IN-EQUITY DURING THE PRECEDING TWELVE MONTHS.

sr-0043km23.docx : 7f4952a1-a044-4a6b-9742-91a7b50317eb

Prefiled and referred to the Committee on Judiciary.

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

S. 179 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-39-625 SO AS TO PROVIDE FOR THE SALE OF PROPERTY BY A PRIVATE SELLING OFFICER; AND BY AMENDING SECTIONS 15-39-630,

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15-39-640, 15-39-650, 15-39-660, 15-39-680, 15-39-700, 15-39-710, 15-39-770, AND 15-39-850 SO AS TO MAKE CONFORMING CHANGES.

sr-0086km23.docx : a347002b-53cc-4ee6-a38f-3e135c59b8fc

Prefiled and referred to the Committee on Judiciary.

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

S. 180 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-50(B)(7), RELATING TO ADMISSIONS TO CHARTER SCHOOLS; SO AS TO PROVIDE A PENALTY FOR CHARTER SCHOOLS THAT DO NOT HAVE AN ENROLLMENT THAT REFLECTS THE RACIAL COMPOSITION OF THE LOCAL SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED OR THAT OF THE TARGETED STUDENT POPULATION OF THE LOCAL SCHOOL DISTRICT THAT THE CHARTER SCHOOL PROPOSES TO SERVE.

smin-0031aa23.docx : f962d69b-f139-48d5-b49d-7273944fb578

Prefiled and referred to the Committee on Education.

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

S. 181 -- Senator Fanning: A JOINT RESOLUTION TO PROHIBIT ANY CHANGES TO PUBLIC EDUCATION ACADEMIC STANDARDS, ASSESSMENTS, CUT SCORES, AND RATINGS CURRENTLY USED IN THIS STATE UNTIL JULY 1, 2028, AT WHICH TIME THE DEPARTMENT OF EDUCATION SHALL EXAMINE THE ACHIEVEMENT OF STUDENTS BASED ON THE STANDARDS APPLICABLE FROM JULY 1, 2021, TO JUNE 30, 2028, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ABOUT ANY APPROPRIATE CHANGES TO THESE ACADEMIC STANDARDS, ASSESSMENTS, CUT SCORES, AND RATINGS BASED ON THE FINDINGS OF ITS EXAMINATION.

lc-0110wab23.docx : 02f212aa-fa3e-4d1c-b4c5-8d74453aad86

Prefiled and referred to the Committee on Education.

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

S. 182 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-40-237 SO AS TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION MAY DIRECT AUTHORIZERS OF CHARTER SCHOOLS TO WITHHOLD STATE FUNDING FROM CHARTER SCHOOLS THAT FAIL TO COMPLY WITH ANY PROVISIONS OF THE SOUTH CAROLINA CHARTER SCHOOLS ACT, AND TO

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PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL WITHHOLD ALL FUTURE REVENUES FROM CHARTER SCHOOL AUTHORIZERS WHO FAIL TO COMPLY WITH THESE WITHHOLDING DIRECTIVES.

lc-0113wab23.docx : b9af573c-ad46-4bf6-97d1-f1a7a3def223

Prefiled and referred to the Committee on Education.

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

S. 183 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-60 SO AS TO PROVIDE NO STUDENT-TEACHER CLASSROOM RATIO CREATED BY STATUTE, RESOLUTION, OR REGULATION MAY BE WAIVED OR OTHERWISE CHANGED TEMPORARILY OR PERMANENTLY BY ANY LEGISLATIVE MEASURE ABSENT A TWO-THIRDS VOTE OF APPROVAL BY THE MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES AND A TWO-THIRDS VOTE OF APPROVAL BY THE MEMBERSHIP OF THE SENATE.

lc-0109wab23.docx : b57ec130-9839-4745-b714-630a8f53e812

Prefiled and referred to the Committee on Education.

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

S. 184 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-71-145, RELATING TO MEDICAL PROCEDURES REQUIRING COVERAGE BY HEALTH INSURANCE POLICIES, SO AS TO REQUIRE INDIVIDUAL AND GROUP HEALTH INSURANCE AND HEALTH MAINTENANCE ORGANIZATION POLICIES TO COVER ANNUAL WELL-WOMAN EXAMINATIONS.

lc-0079ph23.docx : 81fe9223-c91c-40ea-8157-3a3eabc441c7

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 185 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-71-292 SO AS TO PROHIBIT INSURERS AND HEALTH CARE PROVIDERS FROM ENGAGING IN SURPRISE BILLING; AND BY ADDING SECTION 39-5-45 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE FOR AN INSURER OR HEALTH CARE PROVIDER TO

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ENGAGE IN THE PRACTICE OF SURPRISE BILLING.

lc-0078ph23.docx : 8cd0f0f5-6343-4344-ac4e-e082efa0fc69

Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 186 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-20-42 SO AS TO PROVIDE THAT EACH SCHOOL DISTRICT MUST ATTAIN CERTAIN AVERAGE PUPIL-TEACHER RATIOS AND MAY NOT ALLOW A TEACHER TO TEACH MORE THAN ONE HUNDRED FIFTY STUDENTS IN ONE SEMESTER TO QUALIFY FOR FUNDING.

lc-0092sa23.docx : 23a5e371-b3ff-469f-8993-8a3af119be3d

Prefiled and referred to the Committee on Education.

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

S. 187 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-160, RELATING TO THE REQUIREMENT FOR JOB APPLICANTS IN SCHOOLS AND DAY CARE CENTERS TO PROVIDE A TUBERCULOSIS-RELATED HEALTH CERTIFICATE, SO AS TO ALLOW NURSES TO PROVIDE THE CERTIFICATION.

lc-0030vr23.docx : 7e855ca1-3656-41fa-9fcd-3f5f17326883

Prefiled and referred to the Committee on Medical Affairs.

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

S. 188 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1790, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO EXEMPT CERTIFIED EDUCATORS FROM THE EARNINGS LIMITATION; AND BY AMENDING SECTION 9-11-90, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE EARNINGS LIMITATION.

lc-0089sa23.docx : f6204933-7ed1-4b32-98d6-bf2a54fc6ca0

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 189 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-6-10, RELATING TO THE ESTABLISHMENT, COMPOSITION, POWERS, AND DUTIES OF THE EDUCATION OVERSIGHT COMMITTEE, SO AS TO ABOLISH THE COMMITTEE AND DEVOLVE ITS FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES, AND AUTHORITY UPON THE STATE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION BASED ON RECOMMENDATIONS REPORTED BY A JOINT COMMITTEE OF THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE COMPOSITION, FUNCTIONS, AND DUTIES OF THE JOINT COMMITTEE.

lc-0115wab23.docx : 653584e4-a91d-479d-96b5-ce334794db66

Prefiled and referred to the Committee on Education.

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

S. 190 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-20-52 SO AS TO ESTABLISH THE GOAL OF PROVIDING THE STATE MINIMUM SALARY SCHEDULE FROM FISCAL YEAR 2029-2030 FORWARD IS AT LEAST EQUAL TO THE NATIONAL AVERAGE OF TEACHER SALARIES, AND TO PROVIDE THE METHOD FOR DETERMINING THIS AVERAGE.

lc-0114wab23.docx : eb02a2a5-2614-4ea1-b40e-565dab340606

Prefiled and referred to the Committee on Education.

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

S. 191 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1795, RELATING TO THE EMPLOYMENT OF CERTAIN RETIRED TEACHERS WITHOUT THE LOSS OF RETIREMENT BENEFITS, SO AS TO ALLOW CERTAIN CERTIFIED EMPLOYEES TO BE HIRED WITHOUT A LOSS OF RETIREMENT BENEFITS AND TO PROVIDE THAT THE MEMBER SELECTED FOR EMPLOYMENT MEETS THE UNIQUE QUALIFICATIONS REQUIRED BY THE HIRING SCHOOL DISTRICT.

lc-0090sa23.docx : ab053e33-336e-4a17-bcad-1d5bca8fa8fc

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 192 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 9-1-665 SO AS TO PROVIDE THAT CERTAIN EMERGENCY MEDICAL SERVICES PERSONNEL MAY BE COVERED UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM.

lc-0093sa23.docx : ba1d0cb4-e707-4480-a1f0-cdf4b6855822

Prefiled and referred to the Committee on Finance.

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

S. 193 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-510, RELATING TO CERTAIN EMPLOYEES BEING ABLE TO EXERCISE THE OPTION OF NOT BECOMING MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO ADD PART-TIME SCHOOL CAFETERIA WORKERS.

lc-0091sa23.docx : 550ad437-1a4b-40aa-bd4c-29d49d196809

Prefiled and referred to the Committee on Finance.

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

S. 194 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-1-105 SO AS TO PROHIBIT THE EMISSION OF AIR CONTAMINANTS FROM A REGULATED SOURCE THAT CREATES A NUISANCE, TO ESTABLISH AIR CONTAMINANT NUISANCE CRITERIA, AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S BUREAU OF ENVIRONMENTAL HEALTH SERVICES TO OVERSEE SUCH ENFORCEMENT ACTIONS; BY AMENDING SECTION 48-1-10, RELATING TO TERMS DEFINED IN THE "POLLUTION CONTROL ACT", SO AS TO CHANGE THE DEFINITION FOR "UNDESIRABLE LEVEL"; AND BY AMENDING SECTION 48-1-100, RELATING TO PERMITS FOR THE DISCHARGE OF AIR CONTAMINANTS, SO AS TO REQUIRE INSTALLATION AND OPERATION OF EQUIPMENT TO MINIMIZE ODOR BEARING GASES OR PARTICULATE MATTER AS PART OF PERMIT CONDITIONS.

lc-0068vr23.docx : e028398d-7699-45b7-9e50-a98d3d01438a

Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

TUESDAY, JANUARY 10, 2023

S. 195 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-365, RELATING TO AN ELECTRONIC FILINGS SYSTEM FOR DISCLOSURES AND REPORTS, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO ESTABLISH A NEW ONLINE CAMPAIGN ACCOUNT MONITORING AND AUDITING DEPARTMENT, TO DELINEATE THE DEPARTMENT'S DUTIES AND RESPONSIBILITIES, AND TO REQUIRE THE STATE ETHICS COMMISSION TO ENSURE THE DEPARTMENT IS STAFFED SUFFICIENTLY WITH ADEQUATELY TRAINED LEGAL AND ACCOUNTING PERSONNEL; AND BY AMENDING SECTION 8-13-1312, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO REQUIRE ALL CANDIDATES AND ELECTED PUBLIC OFFICIALS WHO ARE REQUIRED TO FILE CERTIFIED CAMPAIGN REPORTS PURSUANT TO ARTICLE 13, CHAPTER 13, TITLE 8 TO LOCATE, HOST, OR MAINTAIN THEIR CAMPAIGN ACCOUNTS IN A FINANCIAL INSTITUTION THAT SATISFIES THE REQUIREMENTS OF THIS ACT AND OFFERS REAL-TIME ONLINE BANKING OR ACCESS TO A CUSTOMER'S INTERNET WEBSITE, TO REQUIRE ALL CANDIDATES AND ELECTED PUBLIC OFFICIALS TO PROVIDE THE STATE ETHICS COMMISSION ACCESS TO THEIR CAMPAIGN ACCOUNT ONLINE BANKING INFORMATION, AND TO REQUIRE ALL CANDIDATES AND ELECTED PUBLIC OFFICIALS TO PAY, TRANSFER, OR REMIT TO THE STATE ETHICS COMMISSION AN AMOUNT EQUAL TO FIVE PERCENT OF THE TOTAL CONTRIBUTIONS RECEIVED BY THE CANDIDATE OR ELECTED PUBLIC OFFICIAL DURING THE REPORTING PERIOD.

lc-0015ha23.docx : 4a0d52bb-ebcb-4765-8e50-4588b542c59d

Prefiled and referred to the Committee on Judiciary.

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

S. 196 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-1-200 SO AS TO PROVIDE THAT AN ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WHOSE OFFICE IS DECLARED VACANT DUE TO A CRIMINAL CONVICTION DURING THE OFFICIAL'S TERM OF OFFICE SHALL REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING

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PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION NECESSITATED BY THE OFFICIAL'S REMOVAL FROM OFFICE PRIOR TO THE EXPIRATION OF HIS TERM; TO AUTHORIZE THE PRESIDING JUDGE BEFORE WHOM AN INCUMBENT ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WAS CONVICTED TO ORDER THE OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION; AND TO REQUIRE THE ATTORNEY GENERAL OR THE CIRCUIT SOLICITOR TO ASK THE PRESIDING JUDGE TO INCLUDE AN ORDER REQUIRING THE ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION.

lc-0016ha23.docx : 9a5ec548-aefb-48ba-bc77-b860ba2e384a

Prefiled and referred to the Committee on Judiciary.

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

S. 197 -- Senator Fanning: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO FREE PUBLIC SCHOOLS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE.

lc-0111wab23.docx : 72753b46-5b04-4bf6-91aa-6ebef311c15d

Prefiled and referred to the Committee on Judiciary.

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

S. 198 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-31-1520, RELATING TO EXTENSION OF WATER AND SEWER SYSTEMS BY A MUNICIPALITY, SO AS TO PROHIBIT EXTENSIONS CONDITIONED ON ANNEXATION AND FOR OTHER PURPOSES.

lc-0070vr23.docx : 9c414548-3fe3-4b96-b89c-2697cdce2a2c

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 199 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-13-1345 SO AS TO PROHIBIT A PERSON WHO HAS MADE A CAMPAIGN CONTRIBUTION TO A POPULARLY ELECTED PUBLIC OFFICIAL WITHIN THE PREVIOUS FOUR YEARS FROM BEING APPOINTED TO A PUBLIC OFFICE BY THAT PUBLIC OFFICIAL WHO IS THE APPOINTING OR SELECTING AUTHORITY FOR THE POSITION, AND TO PROVIDE FOR RELATED APPLICATIONS OF THE SECTION AND FOR EXCEPTIONS.

lc-0014ha23.docx : 324c50c3-03ec-4046-a698-b2dcf070f49b

Prefiled and referred to the Committee on Judiciary.

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

S. 200 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 5-31-1525 SO AS TO PROHIBIT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FROM DENYING THE REPAIR, REPLACEMENT, OR CONSTRUCTION OF WELLS AND SEPTIC TANKS ON CERTAIN RURAL LANDS REGARDLESS OF THE AVAILABILITY OF MUNICIPAL WATER AND SEWER SERVICE.

lc-0069vr23.docx : 29c49f6b-309e-4cad-9160-5e1f7de0058d

Prefiled and referred to the Committee on Judiciary.

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

S. 201 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "TEACHERS' FREEDOM OF SPEECH ACT"; AND BY ADDING SECTION 59-25-435 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY NOT RETALIATE AGAINST TEACHERS FOR MAKING PUBLIC POLICY EXPRESSIONS, TO PROVIDE A RELATED CAUSE OF ACTION AND REMEDIES, AND TO CLARIFY THE APPLICABILITY OF THIS ACT TO TEACHERS UNDER NONRENEWABLE INDUCTION CONTRACTS AND TEACHERS UNDER CONTINUING CONTRACTS.

lc-0108wab23.docx : 510da24e-c84b-4e3d-8eca-c4b824ff90bb

Prefiled and referred to the Committee on Education.

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

S. 202 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "TEACHER BILL OF RIGHTS"; AND BY ADDING SECTION 59-25-910 SO AS TO ENUMERATE THE BASIC RIGHTS TO WHICH ALL

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CERTIFIED PUBLIC SCHOOL TEACHERS IN THIS STATE ARE ENTITLED.

lc-0112wab23.docx : 7fd91aa7-47a7-450d-8ca9-605c25327713

Prefiled and referred to the Committee on Education.

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

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

lc-0116wab23.docx : df72b664-c373-491a-a83e-0877a03ffce1

Prefiled and referred to the Committee on Education.

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

S. 204 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 2 TO TITLE 4 SO AS TO PROVIDE THAT COUNTY COUNCIL ELECTIONS MAY BE CONDUCTED ON A PARTISAN OR NONPARTISAN BASIS, TO PROVIDE THAT PARTISAN ELECTIONS FOR COUNTY COUNCIL ARE THE DEFAULT, TO PROVIDE FOR TWO METHODS BY WHICH NONPARTISAN COUNTY COUNCIL ELECTIONS MAY BE IMPOSED, AND TO PROVIDE FOR THE MANNER IN WHICH THE NONPARTISAN ELECTIONS ARE HELD AND HOW CANDIDATES GAIN ACCESS TO THE BALLOT.

lc-0067hdb23.docx : 927bc626-2299-4c2f-a487-f99ec54ace9c

Prefiled and referred to the Committee on Judiciary.

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

S. 205 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT

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THIS LOCATION CONTAINING THESE WORDS.

lc-0131cm-cm23.docx : e4e21a71-2e97-4fda-a1de-7aa4866728fb

Prefiled and referred to the Committee on Transportation.

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

S. 206 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-20-50, RELATING TO THE STATE MINIMUM SALARY SCHEDULE FOR TEACHERS, SO AS TO EXTEND THE SCHEDULE FIVE YEARS SO THAT EACH CERTIFIED TEACHER IS ELIGIBLE TO RECEIVE A PAY RAISE FOR EACH OF THEIR FIRST TWENTY-EIGHT YEARS OF TEACHING.

lc-0057dg23.docx : daaf7964-45fa-4d11-9613-ed427762326f

Prefiled and referred to the Committee on Education.

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

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

sr-0112km23.docx : 118310e6-aabc-4a68-b61a-649a9b528a93

Prefiled and referred to the Committee on Transportation.

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

S. 208 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING

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REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

sr-0108km23.docx : d33a0930-c3fc-4796-a88a-72b491d1064f

Prefiled and referred to the Committee on Finance.

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

S. 209 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA PRO BIRTH ACCOUNTABILITY ACT"; AND BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE COMPENSATION OF CERTAIN WOMEN GIVING BIRTH TO A CHILD WHO BUT FOR A FETAL HEARTBEAT LAW COULD CHOOSE TO TERMINATE THE PREGNANCY, AND FOR OTHER PURPOSES.

lc-0017vr23.docx : 6afd00e9-8f83-4eaa-a08e-c3b716addac2

Prefiled and referred to the Committee on Medical Affairs.

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

S. 210 -- Senator McLeod: A BILL TO ENACT THE "TRANSPARENCY IN JUSTICE ACT"; TO AMEND SECTION 63-19-2040 OF THE S.C. CODE, RELATING TO THE RELEASE OF THE NAME, IDENTITY, OR PICTURE OF A CHILD UNDER THE JURISDICTION OF THE FAMILY COURT, SO AS TO PERMIT THE RELEASE OF THE IDENTITY OF A CHILD UNDER THE JURISDICTION OF THE COURT TO A NEWSPAPER, RADIO, OR TELEVISION STATION IF THE CHILD IS ALLEGED TO HAVE COMMUNICATED A THREAT OF MASS VIOLENCE BY MEANS OF A VIDEO, AUDIO, OR INTERNET-BASED SOCIAL MEDIA COMMUNICATION TO TWO OR MORE PERSONS AND THE CHILD HAS PERSONALLY IDENTIFIED HIMSELF IN THE COMMUNICATION; TO AMEND SECTION 59-24-60 OF THE S.C. CODE, RELATING TO SCHOOL ADMINISTRATORS, SO AS TO REQUIRE THAT SCHOOL ADMINISTRATORS MAKE A REASONABLE EFFORT TO CONTACT ALL PARENTS OF STUDENTS WITHIN A REASONABLE TIME PERIOD BUT NOT LATER THAN TWENTY-FOUR HOURS UPON RECEIVING CREDIBLE INFORMATION THAT A PERSON HAS MADE A THREAT OF SERIOUS INJURY TO A PERSON OR PERSONS ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY, OR A THREAT TO SERIOUSLY DAMAGE OR

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DESTROY SCHOOL PROPERTY; TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE S.C. CODE, RELATING TO ASSAULTS, BY ADDING SECTION 16-3-605, TO PROVIDE THAT IT IS UNLAWFUL TO WILLFULLY CAUSE BODILY INJURY OR DEATH TO A PERSON OR ATTEMPT OR THREATEN TO CAUSE BODILY INJURY OR DEATH THROUGH THE USE OF A FIRE, A FIREARM, A DANGEROUS WEAPON, OR A DESTRUCTIVE DEVICE, BECAUSE OF THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, OR NATIONAL ORIGIN OF ANY PERSON AND TO PROVIDE PENALTIES AND DEFINITIONS; TO AMEND SECTION 17-13-20 OF THE S.C. CODE, RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN'S ARREST, SO AS TO PROVIDE THAT A CITIZEN MAY ONLY ARREST A PERSON IN THE NIGHTTIME AS NECESSARY IF THE PERSON HAS ENTERED A DWELLING HOUSE WITHOUT EXPRESS OR IMPLIED PERMISSION; TO REPEAL SECTION 17-13-10, RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN'S ARREST; SO AS TO AMEND CHAPTER 13, TITLE 17 OF THE S.C. CODE, RELATING TO ARREST, PROCESS, SEARCHES, AND SEIZURES, BY ADDING SECTION 13-17-42, TO PROVIDE THAT IT IS UNLAWFUL FOR A LAW ENFORCEMENT OFFICER TO USE A CHOKEHOLD OR CAROTID HOLD; TO AMEND CHAPTER 13, TITLE 17 OF THE S.C. CODE, RELATING TO ARREST, PROCESS, SEARCHES, AND SEIZURES, BY ADDING SECTION 13-17-155, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER SHALL NOT SEEK OR EXECUTE A NO-KNOCK WARRANT; TO AMEND CHAPTER 23, TITLE 23 OF THE S.C. CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-45, TO PROVIDE THAT THE CRIMINAL JUSTICE ACADEMY MUST REQUIRE DE-ESCALATION TRAINING AND CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN DE-ESCALATION TRAINING; TO AMEND CHAPTER 1, TITLE 23 OF THE S.C. CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-250, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT RECEIVE CERTAIN PROPERTY FROM A MILITARY EQUIPMENT SURPLUS PROGRAM AND MAY ONLY PURCHASE PROPERTY FROM A MILITARY EQUIPMENT SURPLUS PROGRAM USING STATE OR

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LOCAL FUNDS AND TO ESTABLISH REPORTING REQUIREMENTS; TO AMEND SECTION 23-23-60 OF THE S.C. CODE, RELATING TO CERTIFICATES OF COMPLIANCE FOR LAW ENFORCEMENT OFFICER CANDIDATES, SO AS TO PROVIDE THAT LAW ENFORCEMENT AGENCIES SHALL REPORT INFORMATION RELATING TO CANDIDATE INVOLVEMENT WITH WHITE SUPREMACIST GROUPS; TO AMEND CHAPTER 1, TITLE 23 OF THE S.C. CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, SO AS TO PROVIDE FOR CIVIL LIABILITY FOR A DEPRIVATION OF RIGHTS BY A LAW ENFORCEMENT OFFICER, AND TO ELIMINATE QUALIFIED IMMUNITY FOR LAW ENFORCEMENT OFFICERS FOR ACTIONS BROUGHT RESULTING FROM A DEPRIVATION OF RIGHTS; AND TO DEFINE NECESSARY TERMS.

smin-0008mw23.docx : b95c7b4e-a8ec-4375-9ed9-f9730aa0c2b0

Prefiled and referred to the Committee on Judiciary.

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

S. 211 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I, SO AS TO REMOVE MARIJUANA FROM SCHEDULE I; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS A; PENALTIES, SO AS TO PROVIDE THAT THE PENALTIES DO APPLY TO THE POSSESSION OF MARIJUANA; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS A; PENALTIES, SO AS TO PROVIDE THAT THE PENALTIES DO NOT APPLY TO LICENSED MARIJUANA ESTABLISHMENTS; BY ADDING SECTION 61-15-100, SECTION 61-15-110, SECTION 61-15-120, SECTION 61-15-130, SECTION 61-15-140, SECTION 61-15-150, SECTION 61-15-200, SECTION 61-15-210, SECTION 61-15-300, SECTION 61-15-310, SECTION 61-15-320, SECTION 61-15-330, SECTION 61-15-340, SECTION 61-15-350, SECTION 61-15-360, SECTION 61-15-370, SECTION 61-15-380, SECTION 61-15-390, SECTION 61-15-400, SECTION 61-15-410, SECTION 61-15-420, SECTION 61-15-430, SECTION 62-15-500, SECTION 61-15-510, SECTION 61-15-520, SECTION 61-15-600, SECTION 61-15-610, SECTION 61-15-620, SECTION 61-15-700, SECTION 61-15-710, SECTION 61-15-720, SECTION 61-15-730, AND SECTION 61-15-740 SO AS TO PROVIDE FOR THE PERSONAL USE OF

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MARIJUANA, THE AMOUNTS THAT A PERSON AT LEAST TWENTY-ONE YEARS OF AGE MAY LEGALLY POSSESS; TO PROVIDE THAT MARIJUANA MAY NOT BE CONSUMED IN ANY LOCATION THAT PROHIBITS SMOKING TOBACCO; TO PROVIDE FOR LICENSING OF MARIJUANA CULTIVATORS, MARIJUANA PRODUCT MANUFACTURERS, AND MARIJUANA RETAILERS; TO PROVIDE THE REGULATORY FRAMEWORK FOR THE OPERATION OF MARIJUANA CULTIVATORS, MARIJUANA PRODUCT MANUFACTURERS, AND MARIJUANA RETAILERS; TO PROVIDE THAT COUNTIES AND MUNICIPALITIES MAY PROHIBIT WITHIN THEIR JURISDICTION THE OPERATION OF MARIJUANA CULTIVATORS, MARIJUANA PRODUCT MANUFACTURERS, AND MARIJUANA RETAILERS; TO PROVIDE FOR RESTRICTIONS ON PRODUCT LABELING AND ADVERTISING; TO PROVIDE PENALTIES FOR VIOLATIONS; TO PARDON CONVICTIONS OF CRIMES DECRIMINALIZED BY THE PROVISIONS IN THIS ACT; AND TO DEFINE NECESSARY TERMS.

sr-0128km23.docx : e71d953f-2adf-45e0-a521-61f49068e9a8

Prefiled and referred to the Committee on Medical Affairs.

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

S. 212 -- Senator McLeod: A JOINT RESOLUTION TO PROVIDE FOR A STATEWIDE ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2024 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF THIS STATE FAVOR LEGALIZATION OF MARIJUANA FOR MEDICINAL AND RECREATIONAL PURPOSES.

smin-0011mw23.docx : 2c246fe9-0ac7-4c6e-9012-cb2171e4ec3d

Prefiled and referred to the Committee on Medical Affairs.

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

S. 213 -- Senator McLeod: A BILL TO AMEND SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-1-60 SO AS TO PROVIDE THAT NO PERSON IS ELIGIBLE FOR ELECTION TO THE HOUSE OF REPRESENTATIVES IF THAT PERSON HAS SERVED SIX TERMS IN THE SAME BODY, THAT NO PERSON IS ELIGIBLE FOR ELECTION TO THE SENATE IF THAT PERSON HAS SERVED THREE TERMS IN THE SAME BODY, AND TO PROVIDE THAT ANY TERM SERVED, FOR WHICH THE

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ELECTION WAS HELD PRIOR TO JANUARY 1, 2024, MUST NOT BE COUNTED AS A TERM SERVED.

smin-0012mw23.docx : 49a41991-1d2e-4468-afd0-87044330fc26

Prefiled and referred to the Committee on Judiciary.

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

S. 214 -- Senator McLeod: A JOINT RESOLUTION CONSTITUTION PROPOSING AND AMENDMENT TO SECTION 7, ARTICLE III OF THE CONSTITUTION OF THIS STATE, RELATING TO THE QUALIFICATIONS OF SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES, SO AS TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT TERM LIMITATIONS FOR ITS MEMBERS.

sr-0123km23.docx : f555b593-32c5-4f46-bc0c-e559f2c65cca

Prefiled and referred to the Committee on Judiciary.

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

S. 215 -- Senator McLeod: A BILL TO AMEND SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-1-105 SO AS TO PROVIDE AFTER JULY 1, 2023, A PERSON MAY NOT BE ELECTED OR APPOINTED TO AN OFFICE THAT IS FILLED BY ELECTION OR APPOINTMENT OF THE GENERAL ASSEMBLY IF THAT PERSON IS AN IMMEDIATE FAMILY MEMBER OF A SITTING MEMBER OF THE GENERAL ASSEMBLY, OR A FORMER MEMBER OF THE GENERAL ASSEMBLY WHOSE MOST RECENT TERM OF LEGISLATIVE SERVICE ENDED LESS THAN ONE YEAR PRIOR TO THE GENERAL ASSEMBLY'S ELECTION OR APPOINTMENT OF THE OFFICE IN QUESTION.

smin-0015mw23.docx : f7fbfb8-c112-4ec1-9efb-840208c21380

Prefiled and referred to the Committee on Judiciary.

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

S. 216 -- Senator McLeod: A BILL TO AMEND SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA MINIMUM WAGE ACT"; BY ADDING ARTICLE 3 TO CHAPTER 10, TITLE 41 SO AS TO PROVIDE FOR A CITATION, TO PROVIDE EMPLOYERS SHALL PAY EMPLOYEES A CERTAIN MINIMUM WAGE, TO PROVIDE A MECHANISM FOR THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO ADJUST THE MINIMUM WAGE BY THE RATE OF INFLATION ANNUALLY, TO PROVIDE IT IS UNLAWFUL FOR AN EMPLOYER TO RETALIATE AGAINST AN EMPLOYEE WHO

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EXERCISES HIS RIGHTS WITH RESPECT TO THE MINIMUM WAGE, TO PROVIDE CERTAIN REMEDIES TO THE EMPLOYEE AND STATE, TO PROVIDE A STATUTE OF LIMITATIONS, TO PROVIDE THAT AN ACTION BROUGHT UNDER THE ACT MAY BE BROUGHT AS A CLASS ACTION, AND TO LIMIT AUTHORITY OF THE DEPARTMENT WITH RESPECT TO IMPLEMENTING THE ACT; TO AMEND SECTION 6-1-130, RELATING TO THE SCOPE OF AUTHORITY OF A POLITICAL SUBDIVISION OF THE STATE TO SET A MINIMUM WAGE RATE, TO AMEND SECTION 44-22-160, RELATING TO COMPENSATION OF MENTAL HEALTH PATIENTS FOR THERAPEUTIC EMPLOYMENT, TO AMEND SECTION 53-1-100, RELATING TO COMPENSATION FOR SUNDAY WORK BY MACHINE SHOP EMPLOYEES, AND TO AMEND SECTION 53-1-110, RELATING TO COMPENSATION FOR SUNDAY WORK BY A PERSON EMPLOYED IN THE MANUFACTURE OR FINISHING OF TEXTILE PRODUCTS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 10, TITLE 41 AS ARTICLE 1 ENTITLED "PAYMENT OF WAGES GENERALLY".

smin-0016mw23.docx : 24bb7bd9-e252-4adc-96d2-4a2c1ef8bfe9

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 217 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-35-40(A), RELATING TO WEEKLY UNEMPLOYMENT BENEFITS, SO AS TO MODIFY THE WEEKLY BENEFIT AMOUNT; AND TO REPEAL SECTION 41-35-50 RELATING TO MAXIMUM POTENTIAL ANNUAL EMPLOYMENT BENEFITS.

smin-0017mw23.docx : 7638ade4-e0bf-404a-bd6a-51a5c02d0a38

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 218 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "RATEPAYER PROTECTION ACT"; TO AMEND SECTION 58-5-240, RELATING TO FILING SCHEDULES OF PROPOSED RATES

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AND THE LIKE FOR GAS, HEAT, WATER, SEWAGE COLLECTION AND DISPOSAL, AND STREET RAILWAY COMPANIES, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO SUSPEND THE PROCESS BY WHICH A PUBLIC UTILITY SEEKS A CHANGE IN RATE, TOLL, RENTAL, CHARGE, OR CLASSIFICATION DURING A DECLARED STATE OF EMERGENCY; AND TO AMEND SECTION 58-27-870, RELATING TO FILING SCHEDULES OF PROPOSED RATES AND THE LIKE FOR ELECTRIC UTILITIES, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO SUSPEND THE PROCESS BY WHICH A PUBLIC UTILITY SEEKS A CHANGE IN RATE, TOLL, RENTAL, CHARGE, OR CLASSIFICATION DURING A DECLARED STATE OF EMERGENCY.

sr-0121km23.docx : d4a56d10-b67d-4a9c-8b55-5071463f7e74

Prefiled and referred to the Committee on Judiciary.

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

S. 219 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-26-65 SO AS TO PROVIDE TEACHER EMPLOYMENT CONTRACTS MAY NOT IMPOSE ANY RESTRAINTS ON TEACHERS WHO TERMINATE SUCH CONTRACTS FOR EMPLOYMENT IN OTHER DISTRICTS; TO PROHIBIT DISTRICTS FROM DIVULGING OR ASKING ABOUT SUCH TERMINATIONS OR CONSIDERING SUCH TERMINATIONS IN TEACHER EVALUATIONS OR HIRING DECISIONS, AMONG OTHER THINGS; TO EXEMPT RELATED INFORMATION IN EMPLOYMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; AND TO PROVIDE MEANS OF REDRESS FOR VIOLATIONS.

sr-0125km23.docx : 215af053-b8a5-4083-9fcd-c8092cbaf839

Prefiled and referred to the Committee on Education.

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

S. 220 -- Senator McLeod: A BILL TO AMEND SECTION 24-3-180 OF THE SOUTH CAROLINA CODE OF LAWS RELATING TO PROVIDING TRANSPORTATION AND CLOTHES TO A DISCHARGED INMATE, TO PROVIDE THAT THE INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT THE INMATE IS ELIGIBLE TO REGISTER TO VOTE AND INSTRUCTIONS CONCERNING HOW TO REGISTER TO VOTE; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE S.C.

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CODE, RELATING TO PRISONERS GENERALLY, BY ADDING SECTION 24-13-190, TO PROVIDE THAT AN INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 24 OF THE S.C. CODE, RELATING TO PROBATION, BY ADDING SECTION 24-21-495, TO PROVIDE THAT A PERSON'S PROBATION AGENT MUST PROVIDE HIM WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 24 OF THE S.C. CODE, RELATING TO PAROLE, BY ADDING SECTION 24-21-720, TO PROVIDE THAT A PAROLEE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND SECTION 24-21-930 OF THE S.C. CODE, RELATING TO THE RESTORATION OF CIVIL RIGHTS UPON RECEIVING A PARDON, SO AS TO REQUIRE THAT A PARDON ORDER SHALL EXPLICITLY STATE THAT THE RESTORATION OF CIVIL RIGHTS INCLUDES THE RIGHT TO VOTE AND THAT THE PARDONED PERSON IS PROVIDED WITH INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE.

smin-0020mw23.docx : 543b9617-73b2-491f-833a-7aa597d644c6

Prefiled and referred to the Committee on Corrections and Penology.

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

S. 221 -- Senator McLeod: A JOINT RESOLUTION TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL EXEMPT INDIVIDUALS FROM THE ELIGIBILITY RESTRICTIONS OF 21 U.S.C. 862A(A)(1) AND (2), TO ENSURE ELIGIBILITY FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS AND FEDERAL FOOD ASSISTANCE UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY SEEK, APPLY FOR, ACCEPT, OR RENEW A WAIVER OF THE MANDATORY WORK REQUIREMENTS FOR THE SUPPLEMENTAL NUTRITION

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ASSISTANCE PROGRAM; AND TO PROVIDE A SUNSET PROVISION.

smin-0021mw23.docx : 4a738841-17e1-4cd0-8e1f-b4f8495c3a86

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 222 -- Senator McLeod: A BILL TO AMEND CHAPTER 23, TITLE 23 OF THE SOUTH CAROLINA CODE OF LAWS RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-160, TO REQUIRE THAT LAW ENFORCEMENT AGENCIES DEVELOP A USE OF FORCE POLICY, TO REQUIRE THAT THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL DEVELOP A MODEL USE OF FORCE POLICY THAT MAY BE ADOPTED BY LAW ENFORCEMENT AGENCIES, TO MANDATE USE OF FORCE TRAINING AT THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT DOES NOT IMPLEMENT A USE OF FORCE POLICY LOSES QUALIFIED IMMUNITY FOR ITS OFFICERS, AND TO PROVIDE THAT LAW ENFORCEMENT OFFICERS IN A DEPARTMENT THAT DOES NOT ADOPT AN APPROVED USE OF FORCE POLICY ARE NOT SUBJECT TO QUALIFIED IMMUNITY FOR ANY INCIDENT THAT OCCURS WHICH WOULD BE ADDRESSED BY THE MODEL USE OF FORCE POLICY.

smin-0022mw23.docx : 900ecfd2-9468-478e-bc2a-906f7aac7bca

Prefiled and referred to the Committee on Judiciary.

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

S. 223 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-23-45 SO AS TO PROVIDE THAT ALL LAW ENFORCEMENT OFFICERS MUST UNDERGO A MENTAL HEALTH EVALUATION THAT MUST INCLUDE AN ASSESSMENT OF IMPLICIT BIAS BEFORE THEY CAN BECOME CERTIFIED AND PERIODICALLY AFTER THEY BECOME CERTIFIED AND TO PROVIDE THE EVALUATION MUST BE CONDUCTED UNDER THE DIRECTION OF THE LAW ENFORCEMENT TRAINING COUNCIL.

smin-0023mw23.docx : 99997328-5f25-4aa4-a00a-681692167644

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 224 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-31-9010 SO AS TO PROVIDE THAT RESIDENTS OF THIS STATE WHO OWN OR POSSESS FIREARMS SHALL OBTAIN AND CARRY LIABILITY INSURANCE THAT COVERS LOSSES OR DAMAGES RESULTING FROM ANY NEGLIGENT OR ACCIDENTAL USE OF THE FIREARM, TO PROVIDE THAT PROOF OF INSURANCE MUST BE DISPLAYED UPON DEMAND BY LAW ENFORCEMENT OFFICERS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

smin-0024mw23.docx : dc55b216-f847-4ed9-a28d-e249778416a3

Prefiled and referred to the Committee on Judiciary.

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

S. 225 -- Senator McLeod: A JOINT RESOLUTION TO CREATE THE "GAS REBATE FUND" WHICH MUST BE USED TO PROVIDE A ONE HUNDRED DOLLAR REBATE TO CERTAIN TAXPAYERS IN MONTHS THAT THE AVERAGE RETAIL PRICE OF CERTAIN GASOLINE EXCEEDS FOUR DOLLARS PER GALLON.

smin-0025mw23.docx : 5faf17a6-ded6-486e-be46-8cecaaea4844

Prefiled and referred to the Committee on Finance.

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

S. 226 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, AND VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

smin-0026mw23.docx : 7c31f574-f458-4b0c-aec6-62ed84ed7aeb

Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 10, 2023

S. 227 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-26-85, RELATING TO NBPTS RECERTIFICATION; SO AS TO PROVIDE THAT A TEACHER WITH AN ACTIVE TEACHING CERTIFICATE WHO MEETS CERTAIN NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS RENEWAL REQUIREMENTS SHALL RECIEVE AN ANNUAL INCREASE IN PAY.

sr-0124km23.docx : 95704e1f-5654-4ae0-97b0-053bb5d73336

Prefiled and referred to the Committee on Education.

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

S. 228 -- Senator McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-6-42 SO AS TO REQUIRE THE STATE PLAN PREPARED AND SUBMITTED BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FEDERAL APPROVAL PURSUANT TO SUBCHAPTER XIX, CHAPTER 7, TITLE 42 OF THE UNITED STATES CODE TO PROVIDE THAT HEALTH INSURANCE PLANS OFFERED BEGINNING JANUARY 1, 2024, BE AVAILABLE TO ADULTS UNDER SIXTY-FIVE YEARS OF AGE WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL, WITH A FIVE PERCENT INCOME DISREGARD.

smin-0028mw23.docx : 1bb467fd-f861-4b66-8863-3d5e80948708

Prefiled and referred to the Committee on Medical Affairs.

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

S. 229 -- Senator Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 32-2-20 SO AS TO PROVIDE THAT INDEMNIFICATION AGREEMENTS IN CONTRACTS WITH GOVERNMENT ENTITIES ARE AGAINST PUBLIC POLICY AND UNENFORCEABLE.

sr-0008jg23.docx : 2ba80d5b-36f6-4de5-b367-8ff2c93c1c69

Prefiled and referred to the Committee on Judiciary.

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

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS

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MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS

lc-0050cm-gt23.docx : 56f4d1c7-6c27-4cb1-b25c-5c23ab6a50c0

Prefiled and referred to the Committee on Transportation.

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

S. 231 -- Senator Harpootlian: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-23-210, RELATING TO MUNICIPAL PRIVILEGE OR LICENSE TAX ON RAILROADS AND MAXIMUM ALLOWABLE AMOUNTS, SO AS TO REMOVE MAXIMUM ALLOWABLE AMOUNTS.

lc-0056dg23.docx : ac30579f-0e9e-4af1-b864-ba321cc90d92

Prefiled and referred to the Committee on Finance.

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

S. 232 -- Senator Harpootlian: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM THE FREEDOM OF INFORMATION ACT, SO AS TO DELETE THE EXEMPTION FOR DOCUMENTS RELATING TO GOVERNMENTAL EFFORTS TO ATTRACT BUSINESSES TO THIS STATE.

lc-0055dg23.docx : 0c5939d3-f12c-4ee0-9a1b-7079fc8e3584

Prefiled and referred to the Committee on Judiciary.

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

S. 233 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-112-10(D), RELATING TO THE DEFINITION FOR DOMICILE, SO AS TO PROVIDE FACTORS TO CONSIDER WHEN MAKING A DETERMINATION CONCERNING A PERSON'S DOMICILE; AND BY ADDING SECTION 59-112-15 SO AS TO PROVIDE THAT TEMPORARY ABSENCE FROM ONE'S DOMICILIARY SOLELY FOR THE PURPOSE OF EMPLOYMENT DOES NOT CHANGE THE MEANING OF A DOMICILE WITHIN THE MEANING OF THIS SECTION.

sr-0041km23.docx : 7c2bf229-4b5d-456b-b02d-8b69be673631

Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 10, 2023

S. 234 -- Senators Loftis and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, TITLE 63, BY ADDING CHAPTER 23 SO AS TO ENACT THE PARENTAL BILL OF RIGHTS; BY ADDING SECTION 63-23-110 SO AS TO PROVIDE THAT PARENTS HAVE FUNDAMENTAL RIGHTS REGARDING THE UPBRINGING, EDUCATION, AND CARE OF THEIR CHILDREN; BY ADDING SECTION 63-23-120 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 63-23-130 SO AS TO PROVIDE THAT THE GOVERNMENT CANNOT INFRINGE ON FUNDAMENTAL RIGHTS OF PARENTS WITHOUT A COMPELLING STATE INTEREST THAT IS NARROWLY TAILORED AND THAT CANNOT BE ACHIEVED BY A LESS INTRUSIVE MEANS; BY ADDING SECTION 63-23-140 SO AS TO PROVIDE FUNDAMENTAL RIGHTS OF PARENTS; BY ADDING SECTION 63-23-150 SO AS TO REQUIRE THAT SCHOOL DISTRICTS SHOULD CREATE PARENTAL INVOLVEMENT POLICIES; BY ADDING SECTION 63-23-160 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM SOLICITING OR PROVIDING HEALTH CARE SERVICES TO CHILDREN WITHOUT WRITTEN PARENTAL CONSENT; BY ADDING SECTION 63-23-170 TO PROVIDE THAT THE PROVISIONS CONTAINED IN THIS CHAPTER SUPERSEDE ANY MATTER TO THE CONTRARY CONTAINED IN A STATE OF EMERGENCY; BY ADDING SECTION 63-23-180 TO PROVIDE FOR A CAUSE OF ACTION FOR VIOLATIONS OF THIS CHAPTER; AND BY AMENDING SECTION 63-5-340, RELATING TO A MINOR'S CONSENT TO HEALTH SERVICES, SO AS TO RAISE THE AGE AT WHICH A MINOR MAY CONSENT TO HEALTH SERVICES.

sr-0040km23.docx : c5ef02fa-e2e2-4187-b365-af4cfba96372

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 235 -- Senators Adams and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY ADDING SECTION 23-3-340 SO AS TO PROVIDE THAT UPON REQUEST OF A LAW ENFORCEMENT AGENCY, A WIRELESS TELECOMMUNICATIONS CARRIER SHALL PROVIDE CALL LOCATION INFORMATION CONCERNING THE TELECOMMUNICATIONS DEVICE OF THE USER TO THE LAW

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ENFORCEMENT AGENCY IN ORDER TO RESPOND TO A CALL FOR EMERGENCY SERVICES OR IN AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF DEATH OR SERIOUS PHYSICAL HARM, TO PROVIDE A CIVIL OR CRIMINAL ACTION MAY NOT BE BROUGHT AGAINST A WIRELESS SERVICE PROVIDER UNDER THIS SECTION UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE SLED SHALL OBTAIN CONTACT INFORMATION FROM WIRELESS SERVICE PROVIDERS TO FACILITATE A REQUEST FROM A LAW ENFORCEMENT AGENCY.

sj-0007bm23.docx : 67198261-0849-496d-bb3b-722c038cd238

Prefiled and referred to the Committee on Judiciary.

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

S. 236 -- Senators Adams and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", AND TO DEFINE NECESSARY TERMS.

sj-0006bm23.docx : eb9fa1ff-b979-40f5-90a9-8c6635e1981e

Prefiled and referred to the Committee on Judiciary.

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

S. 237 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SCHOOL GUARDIAN ACT" BY ADDING ARTICLE 3 TO CHAPTER 66, TITLE 59 SO AS TO PROVIDE THAT BEGINNING WITH THE 2024-2025 SCHOOL YEAR, THE GOVERNING BOARDS OF PUBLIC K-12 SCHOOLS MAY DESIGNATE EMPLOYEES AS SCHOOL GUARDIANS TO PROVIDE ARMED PROTECTION AND OTHER RELATED PUBLIC SAFETY FUNCTIONS ON THEIR CAMPUSES, TO DEFINE RELATED TERMINOLOGY, AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 23-23-112 SO AS TO PROVIDE THE LAW ENFORCEMENT COUNCIL MUST DEVELOP GUIDELINES FOR SCHOOL GUARDIANS THAT MUST BE OFFERED BY THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE SPECIFIC REQUIREMENTS FOR THIS TRAINING, AND TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16-23-420, RELATING TO THE EXEMPTIONS FROM THE PROHIBITION OF POSSESSING

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FIREARMS ON PUBLIC SCHOOL PROPERTY, SO AS TO EXEMPT SCHOOL GUARDIANS; AND TO REDESIGNATE CHAPTER 66, TITLE 59 AS "SCHOOL SAFETY", AND TO REDESIGNATE SECTIONS 59-66-20, 59-66-30, AND 59-66-40 AS "GENERAL PROVISIONS".

sedu-0033db23.docx : ab67cb54-5261-4be1-98a8-2c5b1313e4c1

Prefiled and referred to the Committee on Education.

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

S. 238 -- Senators Adams and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-80, TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; AND TO AMEND SECTION 16-1-10(D), RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE.

sj-0001bm23.docx : faf067bb-d2b5-405f-8ac3-7a3e8d849719

Prefiled and referred to the Committee on Judiciary.

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

S. 239 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-90, RELATING TO THE EFFECT OF RESTORING POLICE OFFICERS RETIREMENT SYSTEM BENEFICIARY TO SERVICE, SO AS TO INCREASE THE AMOUNT OF TIME A BENEFICIARY MUST BE RETIRED BEFORE RETURNING TO WORK FROM THIRTY TO NINETY DAYS AND TO REMOVE THE EARNINGS LIMITATION.

sr-0076km23.docx : 92d12cbb-e1ce-4bfe-ac2c-f8b7c218870b

Prefiled and referred to the Committee on Finance.

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

S. 240 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "HUMAN LIFE PROTECTION ACT"; SO AS TO AMEND CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE BY ADDING ARTICLE 7, SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO

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COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE CONVICTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES, TO REQUIRE PEBA TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; REPEAL SECTION 44-41-20; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND TO PROVIDE AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

sr-0074km23.docx : 73de46f6-041d-4fec-8bd1-7546e047694a

Prefiled and referred to the Committee on Medical Affairs.

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

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF

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GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

lc-0021wab23.docx : dde33769-e26f-441c-99fc-59a41e930d77

Prefiled and referred to the Committee on Medical Affairs.

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

S. 242 -- Senators Garrett and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

lc-0045sa23.docx : 295ca009-40df-4b4f-b250-f7429837d1e1

Prefiled and referred to the Committee on Judiciary.

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

S. 243 -- Senators Kimbrell and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-47-205, RELATING TO GENERAL PROVISIONS CONCERNING PHYSICIANS, SO AS TO PROHIBIT PHYSICIANS FROM PERFORMING GENDER REASSIGNMENT SURGERY ON MINORS, AND TO PROHIBIT PHYSICIANS FROM PRESCRIBING OR ADMINISTERING CERTAIN SUBSTANCES FOR THE PURPOSE OF ATTEMPTING TO ALTER THE APPEARANCE OF OR AFFIRM THE MINOR'S PERCEPTION OF HIS GENDER IF THAT APPEARANCE OR PERCEPTION IS INCONSISTENT WITH THE MINOR'S BIOLOGICAL SEX.

sr-0078km23.docx : b10ae50c-3035-4046-b493-ca57075d2873

Prefiled and referred to the Committee on Medical Affairs.

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

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S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

sedu-0007db23.docx : e398ded5-2c27-425c-a18d-4be43cbf8c23

Prefiled and referred to the Committee on Education.

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

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

sedu-0006db23.docx : 0c172e9f-686f-43a4-9e2a-d75b038214b2

Prefiled and referred to the Committee on Education.

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

S. 246 -- Senators Kimbrell and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-29-610 SO AS TO PROVIDE THAT PUBLICLY FUNDED SCHOOLS MUST RESPECT THE INDIVIDUAL FREEDOM OF STUDENTS, TEACHERS, AND STAFF BY ADHERING TO CERTAIN INSTRUCTIONAL PRINCIPLES; BY ADDING SECTION 59-29-620 SO AS TO PROVIDE THAT THIS ARTICLE MAY NOT BE CONSTRUED TO VIOLATE THE PUBLIC SCHOOL STUDENT'S FIRST AMENDMENT RIGHTS OR PROHIBIT THE PROMOTION OF DIVERSITY AND INCLUSIVENESS; BY ADDING SECTION 59-101-440 SO AS TO PROVIDE THAT COLLEGES AND UNIVERSITIES MUST RESPECT THE INDIVIDUAL FREEDOM OF STUDENTS, TEACHERS, AND STAFF BY ADHERING TO CERTAIN INSTRUCTIONAL PRINCIPLES; AND BY ADDING SECTION 59-101-450 SO AS TO PROVIDE THAT THIS SECTION

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MAY NOT BE CONSTRUED TO VIOLATE THE COLLEGE OR UNIVERSITY STUDENT'S FIRST AMENDMENT RIGHTS OR PROHIBIT THE PROMOTION OF DIVERSITY AND INCLUSIVENESS.

sr-0001km23.docx : 663b3dd3-7cfb-4281-8ea8-e0bc201a65ca

Prefiled and referred to the Committee on Education.

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

S. 247 -- Senators Kimbrell and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-420, RELATING TO POSSESSION OF CONCEALED WEAPONS ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT TEACHERS AND ADMINISTRATORS WITH CONCEALED CARRY PERMITS MAY CARRY A CONCEALED WEAPON ON SCHOOL PROPERTY; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT TEACHERS AND ADMINISTRATORS WITH CONCEALED CARRY PERMITS MAY CARRY A CONCEALED WEAPON ON SCHOOL PROPERTY; AND BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF PERMITS, SO AS TO PROVIDE THAT TEACHERS AND ADMINISTRATORS WITH CONCEALED CARRY PERMITS MAY CARRY A CONCEALED WEAPON ON SCHOOL PROPERTY.

sr-0014km23.docx : 5e62f070-29f9-4460-a478-c2b26a03e30e

Prefiled and referred to the Committee on Judiciary.

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

S. 248 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION APPOINTMENTS, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE THAT THE JUDICIAL MERIT SELECTION COMMISSION SHALL CONSIST OF SEVEN MEMBERS APPOINTED FROM THE GENERAL PUBLIC BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND AT LEAST TWO OF THE MEMBERS MUST NOT BE LICENSED TO PRACTICE LAW; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION; PUBLICATION OF VACANCIES, SO AS TO PROVIDE THAT AN INCUMBENT JUDGE SHALL NOTIFY THE SUPREME COURT OF HIS INTEREST IN CONTINUING TO SERVE ON THE BENCH RATHER THAN SEEKING RE-ELECTION AND MAKE

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CONFORMING CHANGES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS; EXECUTIVE SESSION, SO AS TO PROVIDE THAT DOCUMENTS SUBMITTED AT THE HEARING AND FINDINGS OF FACT BE MADE PUBLICLY AVAILBLE IN ELECTRONIC FORMAT AND ALSO PROVIDED TO THE GOVERNOR; BY AMENDING SECTION 2-19-70, RELATING TO PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE THAT CANDIDATES MAY BE APPOINTED, RATHER THAN ELECTED; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 2-19-90, RELATING TO APPROVAL OF GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL TRANSMIT JUDICIAL APPOINTMENTS TO THE SENATE FOR ITS ADVICE AND CONSENT; AND BY AMENDING SECTION 2-19-100, RELATING TO ELIGIBILITY OF RETIRED JUDGES FOR APPOINTMENT, SO AS TO MAKE CONFORMING CHANGES.

sr-0003jg23.docx : 62dc0e8a-ec12-408e-94c9-93ecb98c3715

Prefiled and referred to the Committee on Judiciary.

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

S. 249 -- Senator M. Johnson: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 27, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION OF JUDGES BY THE GENERAL ASSEMBLY, SO AS TO ESTABLISH A PROCEDURE BY WHICH THE GOVERNOR APPOINTS JUDGES AND JUSTICES RATHER THAN THE GENERAL ASSEMBLY ELECTING JUDGES AND JUSTICES.

sr-0004jg23.docx : 17cde9cc-7a5f-4dee-886f-db81a2c54640

Prefiled and referred to the Committee on Judiciary.

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

S. 250 -- Senator M. Johnson: A BILL TO AMEND SECTION 42-3-20 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, SO AS TO PROVIDE FOR QUALIFICATIONS TO SERVE AS A COMMISSIONER; TO AMEND SECTION 42-3-40, RELATING TO COMMISSIONERS' SALARIES, SO AS TO PROVIDE THAT COMMISSIONERS ARE ENTITLED TO JUDICIAL RETIREMENT AS PROVIDED UNDER

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THE PROVISIONS OF CHAPTER 8 OF TITLE 9; TO AMEND SECTION 9-8-10(16), RELATING TO THE DEFINITION OF "JUDGE", TO INCLUDE COMMISSIONERS OF THE WORKERS' COMPENSATION COMMISSION; AND TO AMEND SECTION 9-8-40, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO PROVIDE FOR THE MEMBERSHIP OF COMMISSIONERS OF THE WORKERS' COMPENSATION COMMISSION.

sj-0011mb23.docx : 7c0bb61e-6a21-4f92-ade0-d75dfb638243

Prefiled and referred to the Committee on Judiciary.

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

S. 251 -- Senators M. Johnson, Adams and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 42-9-50 SO AS TO PROVIDE BENEFITS TO FIRST RESPONDERS MEDICALLY DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER ARISING FROM A SIGNIFICANT TRAUMATIC EXPERIENCE OR SITUATION IN THE COURSE AND SCOPE OF EMPLOYMENT, THE FIRST RESPONDER HAS AN INCAPACITY TO WORK AS DETERMINED BY THE TREATING PHYSICIAN, AND THE FIRST RESPONDER IS PARTICIPATING IN AND RECEIVING CLINICAL CARE.

sj-0006mb23.docx : 81aadba3-2edf-4337-b94f-5e651ce2a769

Prefiled and referred to the Committee on Judiciary.

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

S. 252 -- Senator M. Johnson: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

sj-0003bm23.docx : fb096582-7dda-4588-93c0-732a64dca8ca

Prefiled and referred to the Committee on Judiciary.

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

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S. 253 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-90(2), RELATING TO "GROSS PROCEEDS OF SALES", SO AS TO MAKE THE GROSS PROCEEDS OF THE SALE OF EYEGLASSES THE TOTAL AMOUNT OF THE PURCHASE LESS ANY INSURANCE BENEFITS PAID.

sr-0129km23.docx : 73e84595-90bb-408a-a644-b029ff046929

Prefiled and referred to the Committee on Finance.

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

S. 254 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-33-32(C), RELATING TO CREDIT FROM CORRESPONDENCE COURSES AND WORK EXPERIENCE ALLOWED FOR INITIAL LICENSURE BY THE BOARD OF NURSING, SO AS TO ALLOW CREDIT FOR RELEVANT WORK EXPERIENCE AND TRAINING IN THE UNITED STATES ARMED FORCES AND TO REQUIRE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO PROMULGATE REGULATIONS CONCERNING THE AMOUNT AND TYPE OF CREDIT ALLOWED.

sr-0007km23.docx : 46c862d1-a217-4618-a9c0-6df03f541bb3

Prefiled and referred to the Committee on Medical Affairs.

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

S. 255 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "CAMPUS FREE EXPRESSION ACT"; BY ADDING SECTION 59-101-810 SO AS TO DEFINE CONDUCT THAT MATERIALLY AND SUBSTANTIALLY DISRUPTS EXPRESSIVE ACTIVITY; BY ADDING SECTION 59-101-820 SO AS TO PROTECT FREE EXPRESSION RIGHTS; BY ADDING SECTION 59-101-830 SO AS TO LIST FREE EXPRESSION RIGHTS; BY ADDING SECTION 59-101-840 SO AS TO IDENTIFY PUBLICLY-ACCESSIBLE OUTDOOR AREAS OF PUBLIC HIGHER EDUCATION CAMPUSES AS PUBLIC FORUMS; BY ADDING SECTION 59-101-850, SECTION 59-101-860, SECTION 59-101-870, AND SECTION 59-101-880 SO AS TO GUARANTEE EXISTENT EXPRESSIVE ACTIVITY PROTECTION; BY ADDING SECTION 59-101-890 SO AS TO PERMIT PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO CHARGE SECURITY FEES FOR EXPRESSIVE ACTIVITIES BASED ON NEUTRAL CRITERIA; BY ADDING SECTION 59-101-900, SECTION 59-101-910, AND SECTION 59-

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101-920, SO AS TO PROVIDE FOR CAUSES OF ACTION FOLLOWING A VIOLATION OF EXPRESSIVE RIGHTS.

sr-0036km23.docx : 162c64fa-cdda-4dc3-873a-7bd701593535

Prefiled and referred to the Committee on Education.

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

S. 256 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE

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ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

sr-0006km23.docx : 5520abf0-dcf8-4acf-908d-c9aade075285

Prefiled and referred to the Committee on Education.

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

S. 257 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-59-65 SO AS TO REQUIRE THE SBTCE TO PROVIDE AN ANNUAL LIST OF INDUSTRY CERTIFICATION CREDENTIALS OFFERED BY THE INSTITUTIONS IN THE SYSTEM AND TO REQUIRE THE DEPARTMENT TO APPROVE THEM AS INDUSTRY CERTIFICATION CREDENTIALS AND ELIGIBLE CAREER READINESS INDICATORS FOR THE PURPOSE OF GRADUATION; AND BY ADDING SECTION 59-59-66 TO RECOGNIZE CTE PROGRAMS REQUIRING LESS THAN THREE CREDIT HOURS IN THE AGGREGATE TO BE RECOGNIZED AS ONE CARNEGIE UNIT OF CREDIT.

sedu-0038db23.docx : d3e566b8-d256-4121-bfb0-0b2f3c096624

Prefiled and referred to the Committee on Education.

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

S. 258 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-26-10, RELATING TO THE "ALL-TERRAIN VEHICLE SAFETY ACT", SO AS TO RENAME THE ACT THE "ALL-TERRAIN VEHICLE AND RECREATIONAL OFF-HIGHWAY VEHICLE SAFETY ACT"; BY AMENDING SECTION 50-26-20, RELATING TO VEHICLE DEFINITIONS, SO AS TO ADD THE DEFINITION OF "RECREATIONAL OFF-HIGHWAY VEHICLE"; BY AMENDING SECTION 50-26-30, RELATING TO THE UNLAWFUL USE OF AN ALL-TERRAIN VEHICLE BY A CHILD, SO AS TO PROVIDE THE UNLAWFUL USE OF A RECREATIONAL OFF-HIGHWAY VEHICLE BY A CHILD; BY AMENDING SECTION 50-26-40, RELATING TO RESTRICTIONS ON THE USE OF AN ALL-TERRAIN VEHICLE, SO AS TO PROVIDE RESTRICTIONS ON THE USE OF A RECREATIONAL OFF-HIGHWAY VEHICLE; BY AMENDING SECTION 50-26-50, RELATING TO EXEMPTION FROM AD VALOREM PERSONAL PROPERTY TAXES FOR ALL-TERRAIN VEHICLES, SO AS TO PROVIDE AN EXEMPTION FROM AD VALOREM PERSONAL PROPERTY TAXES FOR RECREATIONAL OFF-HIGHWAY VEHICLES; BY AMENDING SECTION 50-26-70, RELATING TO EXCEPTIONS TO THE

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APPLICATION OF THE CHAPTER TO ALL-TERRAIN VEHICLES, SO AS TO PROVIDE EXCEPTIONS TO THE APPLICATION OF THE CHAPTER TO RECREATIONAL OFF-HIGHWAY VEHICLES; BY AMENDING SECTION 56-19-1010, RELATING TO TITLES FOR ALL-TERRAIN VEHICLES, SO AS TO PROVIDE A PERSON MAY OBTAIN A TITLE TO A RECREATIONAL OFF-HIGHWAY VEHICLE; BY AMENDING SECTION 56-19-1020, RELATING TO TITLES TO ALL-TERRAIN VEHICLES FOR PERSONS WHO CANNOT PROVIDE PROOF OF OWNERSHIP, SO AS TO PROVIDE THE METHOD OF OBTAINING TITLE TO A RECREATIONAL OFF-HIGHWAY VEHICLE FOR PERSONS WHO CANNOT PROVIDE PROOF OF OWNERSHIP; BY AMENDING SECTION 56-19-1030, RELATING TO THE TITLE FEE FOR ALL-TERRAIN VEHICLES, SO AS TO PROVIDE THE TITLE FEE FOR RECREATIONAL OFF-HIGHWAY VEHICLES; AND BY AMENDING SECTION 56-1-10, RELATING TO VEHICLE DEFINITIONS, SO AS TO PROVIDE THE DEFINITION OF LOW SPEED VEHICLE DOES NOT INCLUDE A RECREATIONAL OFF-HIGHWAY VEHICLE.

sfgf-0006bc23.docx : 067a1a19-88a8-4fce-94d8-7ccf7275e74d

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 259 -- Senators Rankin, Young and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT

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OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A

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STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

sj-0010sw23.docx : 83a6bbb4-f9d9-4fac-80b5-4d63f6428390

Prefiled and referred to the Committee on Judiciary.

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

S. 260 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF

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REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

sj-0014mf23.docx : 89920162-bef6-477b-9211-62bedccd4a24

Prefiled and referred to the Committee on Judiciary.

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

S. 261 -- Senator Rankin: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

sj-0009sw23.docx : 88305b07-bb1b-40eb-a71c-8f90551156b0

Prefiled and referred to the Committee on Judiciary.

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

S. 262 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH

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EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 6, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

sj-0001ec-ec23.docx : 48639a8d-1857-42b7-a289-e3c352c5cada

Prefiled and referred to the Committee on Operations and Management.

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

S. 263 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-7-1050, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; BY AMENDING SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND BY AMENDING SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

sj-0008sw23.docx : 7d10fb2b-e3da-4258-8da8-f2034f96e7c3

Prefiled and referred to the Committee on Judiciary.

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

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S. 264 -- Senators Hutto, Jackson and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-436, RELATING TO THE REGISTRATION OF PERSONS ADJUDICATED DELINQUENT AS SEX OFFENDERS, SO AS TO PROVIDE JUVENILES UNDER FOURTEEN YEARS OF AGE MUST NOT BE REQUIRED TO REGISTER AS SEX OFFENDERS; AND BY AMENDING SECTION 23-3-490, RELATING TO PUBLIC INSPECTION OF THE SEX OFFENDER REGISTRY, SO AS TO REVISE THE LIST OF OFFENSES FOR WHICH JUVENILES ARE ADJUDICATED DELINQUENT THAT REQUIRE CERTAIN INFORMATION ON THE JUVENILES BE MADE AVAILABLE TO CERTAIN MEMBERS OF THE PUBLIC.

lc-0144cm23.docx : 0e083180-96f3-4dc4-bab5-6641fe7cf7c6

Prefiled and referred to the Committee on Judiciary.

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

S. 265 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-4-770, RELATING TO WINES THAT MAY BE SOLD ONLY IN LICENSED ALCOHOLIC LIQUOR STORES OR IN ESTABLISHMENTS, SO AS TO PROVIDE THAT WINES CONTAINING MORE THAN TWENTY PERCENT OF ALCOHOL BE REQUIRED TO BE SOLD ONLY IN LICENSED ALCOHOLIC LIQUOR STORES OR IN ESTABLISHMENTS.

smin-0002mw23.docx : 6da8b713-fd99-4811-8fc0-60b4120f5cbd

Prefiled and referred to the Committee on Judiciary.

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

S. 266 -- Senators Hutto, Jackson and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-820, RELATING TO OUT-OF-HOME PLACEMENT, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; BY AMENDING SECTION 63-19-1020, RELATING TO INSTITUTING PROCEEDINGS, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; BY AMENDING SECTION 63-19-1440, RELATING TO COMMITMENT, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES

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AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; BY AMENDING SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

smin-0061aa23.docx : d35b718b-fb41-432f-80fe-b9a2aafbe039

Prefiled and referred to the Committee on Judiciary.

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

S. 267 -- Senators Hutto, Jackson and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-15 SO AS TO PROHIBIT THE PENALTY OF LIFE IMPRISONMENT FOR ANY INDIVIDUAL WHO IS UNDER THE AGE OF EIGHTEEN AT THE TIME OF COMMITTING AN OFFENSE AND TO PROVIDE MAXIMUM SENTENCES FOR THOSE INDIVIDUALS WHO COMMITTED AN OFFENSE ENUMERATED IN THIS SECTION AS A MINOR BEFORE THE EFFECTIVE DATE OF THE ACT; BY ADDING SECTION 17-25-35 SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 17-25-40 SO AS TO PROVIDE PAROLE ELIGIBILITY FOR ANY INDIVIDUAL WHO IS UNDER THE AGE OF EIGHTEEN AT THE TIME OF COMMITTING AN OFFENSE AND TO PROVIDE THAT THESE SUBSECTIONS APPLY RETROACTIVELY; BY AMENDING SECTION 17-25-45, RELATING TO LIFE SENTENCE FOR PERSON CONVICTED FOR CERTAIN CRIMES, SO AS TO PROVIDE FOR REPRESENTATION BY COUNSEL AND TO PROVIDE FACTORS FOR CONSIDERATION BY THE DEPARTMENT; BY AMENDING SECTION 17-25-45, RELATING TO LIFE SENTENCE FOR PERSON CONVICTED FOR CERTAIN CRIMES, SO AS TO PROVIDE FOR PAROLE ELIGIBILITY FOR INDIVIDUALS WHO COMMITTED AN OFFENSE AS A MINOR; BY ADDING SECTION 63-19-1690 SO AS TO PROHIBIT THE USE OF RESTRAINTS, ISOLATION, AND ROOM CONFINEMENT FOR JUVENILE OFFENDERS, WITH EXCEPTIONS; BY AMENDING SECTION 16-11-311, RELATING TO BURGLARY; FIRST DEGREE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING

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SECTION 17-25-20, RELATING TO PUNISHMENT FOR FELONY WHEN NOT SPECIALLY PROVIDED, SO AS TO PROHIBIT THE USE OF SOLITARY CONFINEMENT FOR A PERSON WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE; AND BY AMENDING SECTION 24-13-100, RELATING TO DEFINITION OF NO PAROLE OFFENSE; CLASSIFICATION, SO AS TO MAKE CONFORMING CHANGES.

smin-0063aa23.docx : cc489ebf-5eb4-4abf-9af2-0a3f1d5c63b5

Prefiled and referred to the Committee on Judiciary.

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

S. 268 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-630 SO AS TO PROVIDE FOR SOCIAL MEDIA ACCOUNTABILITY AND DEFINE TERMS; BY ADDING SECTION 39-5-630 SO AS TO PROHIBIT SOCIAL MEDIA WEBSITES FROM CENSORING USERS' RELIGIOUS OR POLITICAL SPEECH AND TO PROVIDE LEGAL REMEDIES FOR SOCIAL MEDIA WEBSITE USERS.

sr-0022jg23.docx : 2a994713-fddb-4083-8f59-7d5f80ab1c22

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 269 -- Senator Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA TO ENACT THE "SHORT LINE RAILROAD MODERNIZATION ACT" BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

sr-0136km23.docx : ea4c1795-613c-4174-afec-6ae0d76a2338

Prefiled and referred to the Committee on Finance.

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

S. 270 -- Senators Grooms and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-20-50, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION

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DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

sr-0137km23.docx : 696b3691-6b01-4334-bdf6-4501b954072d

Prefiled and referred to the Committee on Finance.

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

S. 271 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-260, RELATING TO ACTS OF MUNICIPAL COUNCIL WHICH ARE REQUIRED TO BE DONE BY ORDINANCE, SO AS TO PROHIBIT UNREASONABLE FINES OR PENALTIES FOR PARKING VIOLATIONS AND PROHIBIT FINES OR PENALTIES THAT EXCEED THE AVERAGE AMOUNT FOR THE SAME VIOLATION IN THIS STATE.

sr-0024jg23.docx : e0c87eea-ead9-4265-9a8e-903ff6226725

Prefiled and referred to the Committee on Judiciary.

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

S. 272 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CITIZENS' DEFENSE ACT OF 2023"; BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO ADD HOME PROTECTION WEEKEND TO THE SECOND AMENDMENT WEEKEND, AND TO ADD SALES ITEMS; BY ADDING SECTION 16-1-135 SO AS TO PROVIDE A GENERAL PENALTY FOR CRIMES AGAINST LAW ENFORCEMENT; BY AMENDING SECTION 23-31-510, RELATING TO THE REGULATION OF OWNERSHIP, TRANSFER, OR POSSESSION OF A FIREARM OR AMMUNITION, SO AS TO PROVIDE THAT NO GOVERNING BODY MAY REGULATE THE TRANSFER, OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION, MANUFACTURE, ASSEMBLY, STORAGE, WAREHOUSING, DISTRIBUTION, OR SALE OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, HOMEMADE FIREARMS CREATED OR ASSEMBLED WITHOUT A SERIAL NUMBER, OR ANY COMBINATION OF THESE THINGS; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALABLE WEAPONS UPON A PREMISES, SO AS TO PROVIDE THAT ANY OWNER PROHIBITING A CONCEALABLE WEAPON UPON A PREMISES IS STRICTLY LIABLE FOR ANY INJURY SUSTAINED BY A CONCEALED WEAPON PERMIT HOLDER FROM THE

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PERPETRATOR OF A CRIME WHILE ON THE POSTED PREMISES, AND TO PROVIDE THAT A PREMISES OWNER IS CIVILLY LIABLE TO COMPENSATE THE PERMIT HOLDER FOR DAMAGES FROM INJURIES THAT ARE SUSTAINED AND ALL ATTORNEYS' FEES AND COSTS INCURRED IN ANY ACTION THE PERMIT HOLDER FILES AGAINST THE OWNER OR PERSON IN POSSESSION OF THE POSTED PREMISES; BY AMENDING SECTION 16-23-20, RELATING TO EXCEPTIONS TO THE UNLAWFUL CARRYING OF A HANDGUN SO AS TO PROVIDE THAT IT IS NOT UNLAWFUL FOR A PERSON EVACUATING PURSUANT TO A MANDATORY EVACUATION ORDER IN A STATE OF EMERGENCY TO CARRY ABOUT HIS PERSON ANY HANDGUN UNLESS OTHERWISE SPECIFICALLY PROHIBITED BY LAW; BY AMENDING SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE PROVISIONS RELATED TO PERMIT RENEWALS; BY AMENDING SECTION 23-31-216, RELATING TO THE COLLECTION AND RETENTION OF FEES, SO AS TO CREATE AND MAKE PROVISIONS FOR A CONFIRMED CARRY STATUS; BY AMENDING SECTION 23-31-217, RELATING TO THE EFFECT OF PROVISIONS RELATING TO CONCEALED WEAPON PERMITS ON EXCEPTIONS TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO PROVIDE FOR THE COLLECTION OF FEES; BY AMENDING SECTION 23-31-215, RELATING TO OUT-OF-STATE PERMIT HOLDERS CARRYING CONCEALABLE WEAPONS, SO AS TO DELETE RECIPROCITY PROVISIONS; BY ADDING SECTION 23-31-218 SO AS TO CREATE AND PROVIDE FOR INSTITUTIONAL CONCEALED WEAPON PERMITS; AND BY ADDING SECTION 56-3-116 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY HAVE AN AUTISM SPECTRUM DISORDER, ASPERGER SYNDROME, OR TOURETTE SYNDROME.

sr-0140km23.docx : ef8a21e3-defe-4566-98ce-848a969da517

Prefiled and referred to the Committee on Judiciary.

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

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S. 273 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-23-110(A)(3) AND (C)(1), RELATING TO PROCEDURES FOR THE PUBLICATION OF NOTICE OF A PROPOSED PROMULGATION OF REGULATIONS, PUBLIC PARTICIPATION, AND A CONTEST OF REGULATION FOR PROCEDURAL DEFECTS, SO AS TO PROVIDE FOR NOTICE AND TO PROVIDE THAT ALL WRITTEN SUBMISSIONS, TRANSCRIPTS, OR RECORDINGS OF ORAL SUBMISSIONS MUST BE PROVIDED TO THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE; BY AMENDING SECTION 1-23-120, RELATING TO APPROVAL OF REGULATIONS, SO AS TO PROVIDE FOR METHODS OF REPEAL OR AUTOMATIC APPROVAL OF REGULATIONS; BY ADDING SECTION 1-23-121 SO AS TO PROVIDE THAT REGULATIONS MAY NOT CONTAIN VERBATIM STATUTORY TEXT; AND BY AMENDING SECTION 1-23-280, RELATING TO THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE MEMBERSHIP, SO AS TO ADD AGRIBUSINESS REPRESENTATION.

sr-0138km23.docx : e46617bd-aa99-4909-a909-e436b5ed0228

Prefiled and referred to the Committee on Judiciary.

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

S. 274 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-47-300 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 40-47-310 SO AS TO PROVIDE THAT A PERSON YOUNGER THAN TWENTY-ONE YEARS OF AGE MAY NOT UNDERGO GENDER TRANSITION PROCEDURES; BY ADDING SECTION 40-47-320 SO AS TO PROVIDE THAT A PERSON YOUNGER THAN TWENTY-ONE YEARS OF AGE MAY RECEIVE APPROPRIATE MEDICAL SERVICES OTHERWISE RELATED TO GENDER TRANSITION PROCEDURES UNDER LIMITED CIRCUMSTANCES; BY ADDING SECTION 40-47-330 SO AS TO PROVIDE PREREQUISITES FOR A PERSON OLDER THAN TWENTY-ONE YEARS OF AGE TO UNDERGO GENDER TRANSITION PROCEDURES; BY ADDING SECTION 40-47-340 SO AS TO PROVIDE THAT NO PUBLIC FUNDS MAY BE USED TO PAY FOR GENDER TRANSITION PROCEDURES; AND BY ADDING SECTION 59-32-35 SO AS TO PROVIDE THAT GENDER IDENTITY DISORDERS MAY BE TAUGHT AS PART OF A

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COMPREHENSIVE HEALTH EDUCATION PROGRAM, TO PROVIDE THAT STUDENTS WITH GENDER IDENTITY DISORDERS MUST BE ENCOURAGED TO SEEK MENTAL HEALTH TREATMENT FOR THE DISORDER AND MUST NOT BE ENCOURAGED TO SEEK GENDER TRANSITION PROCEDURES, AND TO PROVIDE THAT SCHOOL PERSONNEL MUST NOTIFY PARENTS WHEN THEY LEARN THAT A STUDENT SUFFERS FROM A GENDER IDENTITY DISORDER.

sr-0132km23.docx : 26237e8c-cad9-4799-a56d-59f908d72ad4

Prefiled and referred to the Committee on Medical Affairs.

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

S. 275 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 25-1-435 SO AS TO CREATE, POPULATE, AND PROVIDE TERMS FOR THE BOARD OF EMERGENCY MANAGEMENT; AND BY AMENDING SECTION 25-1-440, RELATING TO THE ADDITIONAL POWERS AND DUTIES OF THE GOVERNOR DURING A STATE OF EMERGENCY, SO AS TO PROVIDE THAT A STATE OF EMERGENCY CANNOT BE EXTENDED BEYOND FIFTEEN DAYS WITHOUT THE AUTHORIZATION OF THE BOARD OF EMERGENCY MANAGEMENT, TO PROVIDE THAT THE BOARD SHALL BE VESTED WITH THE SAME POWERS THAT WERE VESTED IN THE GOVERNOR DURING THE INITIAL FIFTEEN DAY EMERGENCY DECLARATION, AND TO PROVIDE FOR A PROCEDURE TO ALTER THE PROVISIONS OF AN EMERGENCY DECLARATION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 276 -- Senator Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, BY ADDING SECTION 16 TO PROVIDE THAT A PERSON'S BIOLOGICAL SEX AT BIRTH CONSTITUTES THAT PERSON'S GENDER FOR THE PURPOSES OF THE STATE CONSTITUTION AND LAWS.

sr-0147km23.docx : 9f0411e4-2c39-4952-864a-cc462415ff99

Prefiled and referred to the Committee on Judiciary.

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

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S. 277 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, TO AMEND SECTION 17-25-322, RELATING TO A RESTITUTION HEARING, SO AS TO REQUIRE THAT THE COURT MUST TAKE INTO CONSIDERATION THE FINANCIAL RESOURCES OF THE DEFENDANT AND ABILITY OF THE DEFENDANT TO PAY, TO REQUIRE IF A COURT FINDS A DEFENDANT FACES FINANCIAL HARDSHIP THAT THAT DEFENDANT MUST PAY NO LESS THAN A SPECIFIED AMOUNT, AND TO REQUIRE A HEARING IF THE DEFENDANT IS SIX MONTHS IN ARREARS; TO AMEND SECTION 24-21-280, RELATING TO DUTIES AND POWERS OF PROBATION AGENTS, SO AS TO REQUIRE PROBATION AGENTS TO TAKE INTO CONSIDERATION AN OFFENDER'S EFFECTIVE USE OF DISCRETIONARY FUNDS, TO PROVIDE FOR SUPERVISION FOR SENTENCES OF THREE HUNDRED SIXTY-FIVE DAYS OR MORE, TO SPECIFY HOW COMPLIANCE CREDITS MAY BE AWARDED AND HOW PROGRAMS MAY BE RECOGNIZED BY REGULATION AS PROPER FOR INCENTIVES, TO INFORM THE SENTENCING REFORM OVERSIGHT COMMITTEE OF THE PROGRAMS DESIGNATED FOR COMPLIANCE CREDITS, AND TO PROVIDE THAT OFFENDER ELIGIBILITY FOR COMPLIANCE CREDITS AS PROVIDED IN THIS SECTION BE EXTENDED TO OFFENDERS WHOSE OFFENSES OCCURRED PRIOR TO JANUARY 1, 2011; TO AMEND SECTION 24-21-440, RELATING TO THE PERIOD OF PROBATION, SO AS TO PROVIDE THAT THE PERIOD BE DEPENDENT UPON THE OFFENSE FOR WHICH THE DEFENDANT HAS BEEN SENTENCED, THAT RESTITUTION PAYMENTS MUST NOT BE REQUIRED FOR THE FIRST THREE MONTHS OF SUPERVISION AND THAT THE PERIOD FOR SUPERVISION OF RESTITUTION PAYMENTS MUST BE DETERMINED BY A JUDGE, THAT THE SUPERVISION OF RESTITUTION PAYMENT MUST NOT EXCEED FIVE YEARS AND IS ONLY REVOCABLE AFTER THE COMPLETION OF PROBATION FOR FAILURE TO MAKE RESTITUTION PAYMENTS; TO AMEND SECTION 24-21-560, RELATING TO THE COMMUNITY SUPERVISION PROGRAM, SO AS TO CLARIFY THAT ONCE COMMUNITY SUPERVISION IS COMPLETED AN OFFENDER IS STILL SUBJECT TO THE OTHER REQUIREMENTS OF SUPERVISION; TO AMEND THE S.C. CODE BY ADDING SECTION 43-5-1191, SO AS TO EXEMPT INDIVIDUALS FROM THE ELIGIBILITY RESTRICTION ON

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SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS FOR INDIVIDUALS WITH DRUG CONVICTIONS THAT WOULD OTHERWISE BE ELIGIBLE AND TO PROVIDE FOR INELIGIBILITY IN THE EVENT AN INDIVIDUAL VIOLATES PROBATION, COMMUNITY SUPERVISION, OR PAROLE; AND TO PROVIDE THAT THE SENTENCING REFORM OVERSIGHT COMMITTEE STUDY AND MAKE A REPORT TO THE GENERAL ASSEMBLY CONCERNING THE COLLECTION OF RESTITUTION AND THE RISK AND NEEDS TOOL USED TO EVALUATE THE ENTIRE SUPERVISION POPULATION; TO ADD ARTICLE 7, TO CHAPTER 27, TITLE 24 TO PROVIDE THE CIRCUMSTANCES IN WHICH AN INMATE WHO HAS BEEN INCARCERATED AT LEAST FIFTEEN YEARS MAY PETITION THE COURT TO HAVE HIS SENTENCE MODIFIED; TO AMEND SECTION 24-13-150, RELATING TO THE EARLY RELEASE OF AN INMATE TO REDUCE THE NUMBER OF YEARS AN INMATE WHO HAS COMMITTED A "NO PAROLE OFFENSE" MUST SERVE BEFORE HE MAY BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION, AND TO PROVIDE A PROCEDURE THAT ALLOWS CERTAIN INMATES TO PETITION THE COURT TO MODIFY THEIR SENTENCE; TO AMEND SECTION 24-13-210, RELATING TO CREDIT GIVEN TO AN INMATE FOR GOOD BEHAVIOR TO INCREASE THE NUMBER OF GOOD BEHAVIOR DAYS AN INMATE WHO HAS COMMITTED A "NO PAROLE OFFENSE" MAY RECEIVE; TO AMEND SECTION 24-13-230, RELATING TO CREDIT GIVEN TO AN INMATE FOR WORK AND EDUCATION CREDITS TO INCREASE THE NUMBER OF WORK AND EDUCATION CREDIT DAYS AN INMATE WHO HAS COMMITTED A "NO PAROLE OFFENSE" MAY RECEIVE; TO AMEND SECTION 24-21-110, RELATING TO ADMINISTRATIVE SANCTIONS TO ALLOW FOR CONFINEMENT PERIODS OF UP TO THIRTEEN DAYS AS A JAIL SANCTION; TO AMEND SECTION 24-21-430, RELATING TO CONDITIONS OF PROBATION TO ALLOW FOR CONFINEMENT PERIODS NOT TO EXCEED THIRTEEN DAYS AS A CONDITION OF PROBATION AND AS AN ADMINISTRATIVE SANCTION; TO AMEND SECTION 24-21-460, RELATING TO ACTIONS OF THE COURT IN CASES OF PROBATION VIOLATIONS TO LIMIT REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24-21-610,

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RELATING TO ELIGIBILITY FOR PAROLE TO ALLOW FOR PAROLE ELIGIBILITY TO BE COMPUTED USING AN INMATE'S ACTIVE INCARCERATIVE SENTENCE AND AMENDING REQUIREMENTS RELATED TO MEDICAL PAROLE; TO AMEND SECTION 24-21-620, RELATING TO A PAROLE BOARD'S REVIEW TO ALLOW FOR AUTOMATIC RELEASE ON PAROLE OF NON-VIOLENT INMATES WHO HAVE MET CERTAIN CONDITIONS; TO AMEND SECTION 24-21-645, RELATING TO PAROLE AND PROVISIONAL PAROLE ORDERS TO LIMIT REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24-21-660, RELATING TO THE EFFECT OF PAROLE TO LIMIT PAROLE REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24-21-680, RELATING TO VIOLATION OF PAROLE TO LIMIT PAROLE REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24-21-715, RELATING TO PAROLE FOR TERMINALLY ILL, GERIATRIC, OR PERMANENTLY DISABLED INMATES TO AMEND THE ELIGIBILITY REQUIREMENTS AND EXTEND ELIGIBILITY TO OTHER CATEGORIES OF INMATES AND LIMIT THE REASONS THE PAROLE BOARD CAN DENY THIS TYPE OF PAROLE; AND TO AMEND ARTICLE 7 OF CHAPTER 21 OF TITLE 24, RELATING TO PAROLE AND RELEASE FOR GOOD CONDUCT, SO AS TO ADD SECTION 24-21-720 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CREATE AN INTAKE CASE PLAN FOR ALL PAROLE ELIGIBLE INMATES; TO AMEND SECTION 1-7-400, RELATING TO CIRCUIT SOLICITORS DISABLED BY INTOXICATION, TO DELETE THE MINIMUM PENALTY; TO AMEND SECTION 1-11-26, RELATING TO THE RURAL INFRASTRUCTURE AUTHORITY, TO AMEND THE PENALTY FOR A VIOLATION FROM SIX MONTHS TO NOT MORE THAN SIX MONTHS IN PRISON; TO AMEND SECTION 2-17-50, RELATING TO FAILURE TO FILE BY A LOBBYIST, TO AMEND THE PENALTIES FOR A SECOND OFFENSE; TO AMEND SECTION 4-11-60, RELATING TO COUNTY OFFICERS KEEPING RECORDS OF MONEY, TO DELETE THE MINIMUM PENALTY FOR A VIOLATION; TO AMEND SECTION 5-21-130, RELATING TO THE UNLAWFUL USE OF A SPECIALLY LEVIED TAX, BY AMENDING THE PENALTY FOR A VIOLATION TO NOT MORE THAN SIX MONTHS IN PRISON; TO AMEND SECTION 5-21-500, RELATING TO A COUNTY OR MUNICIPAL COUNCIL MEMBER VOTING TO DIVERT FUNDS, TO DELETE THE MINIMUM

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PENALTY FOR A VIOLATION; TO AMEND SECTION 5-25-40, RELATING TO FAILURE TO INSTALL FIRE ALARM BOXES IN HOSPITALS AND SCHOOLS, TO DELETE THE MINIMUM PENALTY OF TEN DAYS IN PRISON FOR A VIOLATION; TO AMEND SECTION 5-31-20, RELATING TO INTERFERENCE WITH SEWERS AND WATERWORKS, TO AMEND THE PENALTY FOR A VIOLATION FROM THIRTY DAYS TO NOT MORE THAN THIRTY DAYS; TO AMEND SECTION 7-13-1910, RELATING TO THE UNLAWFUL POSSESSION OF VOTING MACHINES, TO DELETE THE MINIMUM PENALTY FOR A VIOLATION OF TEN DAYS IN JAIL; TO AMEND SECTION 7-13-1920, RELATING TO THE UNLAWFUL TAMPERING OF VOTING MACHINES, TO DELETE THE MINIMUM PENALTY FOR A VIOLATION OF NOT LESS THAN THREE MONTHS IN PRISON; TO AMEND SECTION 8-1-40, RELATING TO FAILURE OF CLERK, SHERIFF, OR MAGISTRATE TO PAY OVER FINES OR PENALTIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 8-3-60, RELATING TO PUBLIC OFFICIALS ASSUMPTION OF OFFICE BEFORE GIVING BOND, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 8-13-1510, RELATING TO ETHICS AND GOVERNMENT ACCOUNTABILITY, LATE FILING OR FAILURE TO FILE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 10-7-230, RELATING TO PUBLIC OFFICIALS FAILURE TO OBTAIN INSURANCE ON PUBLIC BUILDINGS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 10-9-260, RELATING TO INTERFERING WITH STATE, DEPARTMENT, OR LICENSEES; PHOSPHATE MINING WITHOUT LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 10-11-325, RELATING TO POSSESSING, TRANSPORTING, DETONATING EXPLOSIVE OR INCENDIARY DEVICE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 11-15-90, RELATING TO FAILURE OF POLITICAL SUBDIVISION DISBURSEMENT OFFICER TO MAKE PAYMENT OR REMIT FUNDS FOR PAYMENT OF OBLIGATIONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 11-15-290, RELATING TO FAILURE TO MAKE INVESTMENTS FROM SINKING FUNDS, TO DELETE THE MINIMUM SENTENCE

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REQUIRED FOR A VIOLATION; TO AMEND SECTION 12-21-2470, RELATING TO OPERATING A PLACE OF AMUSEMENT WITHOUT A LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12-21-2830, RELATING TO RECORD REQUIRED OF GROSS RECEIPTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12-21-3080, RELATING TO INTERFERENCE WITH AMUSEMENT TAX ENFORCEMENT OR REFUSAL TO ALLOW INSPECTION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12-37-1130, RELATING TO PENALTIES FOR FALSE STATEMENTS TO THE DEPARTMENT OF REVENUE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12-54-44, RELATING TO TAX OR REVENUE LAW PENALTIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 14-9-240, RELATING TO JUDGES AND SOLICITORS PROHIBITED FROM PRACTICING LAW IN CERTAIN CAUSES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 14-25-65, RELATING TO MAXIMUM PENALTIES THAT MUNICIPAL COURT MAY IMPOSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 15-43-70, RELATING TO VIOLATION OF INJUNCTION AND PUNISHMENT FOR CONTEMPT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-610, RELATING TO CERTAIN OFFENSES COMMITTED WITH A CARRIED OR CONCEALED DEADLY WEAPON, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-625, RELATING TO RESISTING ARREST WITH DEADLY WEAPON, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-755, RELATING TO SEXUAL BATTERY WITH A STUDENT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-1045, RELATING TO USE OR EMPLOYMENT OF PERSON UNDER EIGHTEEN TO COMMIT CERTAIN CRIMES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-1280, RELATING TO THE OFFENSE OF FALSE CLAIMS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTIONS 16-3-1710 AND 16-3-

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1720, RELATING TO THE OFFENSES OF HARASSMENT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-1730, RELATING TO THE OFFENSE OF STALKING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-3-1770, RELATING TO RESTRAINING ORDERS, TO AMEND THE SENTENCE; TO AMEND SECTION 16-3-2090, RELATING TO FORFEITURE OF PROPERTY USED IN TRAFFICKING IN PERSONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-9-230, RELATING TO PERSONS HOLDING OFFICE ACCEPTING EXTRA COMPENSATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-9-250, RELATING TO UNLAWFUL ACCEPTANCE OF REMUNERATION BY PEACE OFFICERS FOR PERFORMING OFFICIAL DUTIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-130, RELATING TO BURNING PERSONAL PROPERTY TO DEFRAUD INSURER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-180, RELATING TO NEGLIGENTLY ALLOWING FIRE TO SPREAD TO PROPERTY OF ANOTHER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-350, RELATING TO TRAIN ROBBERY BY STOPPING TRAIN, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-360, RELATING TO ROBBERY AFTER ENTRY UPON TRAIN, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-510, RELATING TO MALICIOUS INJURY TO ANIMALS AND OTHER PERSONAL PROPERTY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-520, RELATING TO MALICIOUS INJURY TO TREE, HOUSE, OUTSIDE FENCE, OR FIXTURE; TRESPASS UPON REAL PROPERTY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-535, RELATING TO MALICIOUS INJURY TO PLACE OF WORSHIP, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-11-590, RELATING TO DESTRUCTION OF SEA OATS OR VENUS FLYTRAP PLANTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO

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AMEND SECTION 16-11-650, RELATING TO REMOVING, DESTROYING, OR LEAVING DOWN FENCES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-13-10, RELATING TO THE OFFENSE OF FORGERY, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-30, RELATING TO PETIT LARCENY AND GRAND LARCENY, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-40, RELATING TO STEALING OF BONDS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-50, RELATING TO STEALING OF LIVESTOCK, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-66, RELATING TO STEALING OR DAMAGING AQUACULTURE OPERATIONS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-70, RELATING TO STEALING OF VESSELS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-110, RELATING TO THE OFFENSE OF SHOPLIFTING, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-180, RELATING TO THE OFFENSE OF RECEIVING STOLEN GOODS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-230, RELATING TO THE OFFENSE OF BREACH OF TRUST WITH FRAUDULENT INTENT, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-240, RELATING TO THE OFFENSE OF OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-260, RELATING TO THE OFFENSE OF OBTAINING PROPERTY UNDER FALSE TOKENS OR LETTERS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-300, RELATING TO FRAUDULENT REMOVAL OR SECRETING OF PERSONAL PROPERTY ATTACHED OR LEVIED UPON, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-420, RELATING TO THE OFFENSE OF FAILURE TO RETURN LEASED OR RENTED PROPERTY, TO AMEND THE PENALTIES; TO AMEND SECTION 16-13-430, RELATING TO FRAUDULENT ACQUISITION OR USE OF FOOD STAMPS, TO AMEND THE PENALTIES; TO AMEND SECTION 16-14-60, RELATING TO FINANCIAL TRANSACTION CARD FRAUD, TO AMEND THE JURISDICTION OF MAGISTRATE'S COURT AND TO AMEND THE PENALTIES; TO AMEND SECTION 16-14-80, RELATING TO RECEIVING STOLEN GOODS, TO AMEND THE JURISDICTION OF THE MAGISTRATE'S COURT AND AMEND THE PENALTIES; TO AMEND SECTION 16-15-10, RELATING TO THE OFFENSE OF BIGAMY, TO DELETE THE MINIMUM SENTENCE REQUIRED

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FOR A VIOLATION; TO AMEND SECTION 16-15-20, RELATING TO THE OFFENSE OF INCEST, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-15-60, RELATING TO THE OFFENSE OF ADULTERY OR FORNICATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-15-110, RELATING TO THE OFFENSE OF PROSTITUTION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-15-120, RELATING TO THE ABOMINABLE CRIME OF BUGGERY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-310, RELATING TO THE OFFENSE OF IMITATION OF ORGANIZATIONS' NAMES OR EMBLEMS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-520, RELATING TO THE OFFENSE OF DISTURBANCE OF RELIGIOUS WORSHIP, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-570, RELATING TO INTERFERENCE WITH FIRE AND POLICE ALARM BOXES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-580, RELATING TO REMOVING STATE LINE MARKS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-600, RELATING TO DESTRUCTION OR DESECRATION OF HUMAN REMAINS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-610, RELATING TO THE OFFENSE OF SOLICITING EMIGRANTS WITHOUT LICENSES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-690, RELATING TO THE OFFENSE OF FORTUNETELLING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-17-735, RELATING TO THE OFFENSE OF IMPERSONATING OFFICIALS OR LAW ENFORCEMENT OFFICERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-19-10, RELATING TO THE UNLAWFUL SETTING UP OF LOTTERIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-19-160, RELATING TO UNLAWFUL PUNCHBOARDS FOR GAMING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-21-80, RELATING TO THE OFFENSE OF

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RECEIVING, POSSESSING, CONCEALING, SELLING, OR DISPOSING OF STOLEN VEHICLE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-23-450, RELATING TO THE OFFENSE OF PLACING LOADED TRAP GUN, SPRING GUN, OR LIKE DEVICE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-23-460, RELATING TO THE OFFENSE OF CARRYING A CONCEALED WEAPON, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-23-730, RELATING TO HOAX DEVICE OR REPLICA OF DESTRUCTIVE DEVICE OR DETONATOR, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-23-740, RELATING TO HINDERING AN EXPLOSIVE ORDINANCE TECHNICIAN, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16-23-750, RELATING TO CONVEYING FALSE INFORMATION REGARDING ATTEMPTED USE OF A DESTRUCTIVE DEVICE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTIONS 16-27-30 AND 16-27-40, RELATING TO THE OFFENSE OF ANIMAL FIGHTING OR BAITING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 17-25-20, RELATING TO PUNISHMENT FOR FELONY WHEN A PENALTY IS NOT SPECIALLY PROVIDED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION AND TO REMOVE REFERENCE TO WORKHOUSE, HARD LABOR, AND SOLITARY CONFINEMENT; TO AMEND SECTION 20-1-210, RELATING TO LICENSE REQUIRED FOR MARRIAGE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 20-1-220, RELATING TO PROBATE JUDGE MARRIAGE LICENSE VIOLATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 20-3-220, RELATING TO UNLAWFUL ADVERTISING FOR PURPOSE OF PROCURING DIVORCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22-1-70, RELATING TO DISPOSITION OF FINES AND PENALTIES IMPOSED AND COLLECTED IN CRIMINAL CASES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22-1-140, RELATING TO RETURN OF BOOKS RECEIVED BY

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MAGISTRATE FROM COURT CLERK AT EXPIRATION OF MAGISTRATE'S TERM, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22-5-170, RELATING TO DUTY OF SPECIAL OFFICER APPOINTED BY MAGISTRATE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22-7-40, RELATING TO RECEIPT OF CERTAIN COMPENSATION BY MAGISTRATE IN CRIMINAL CASES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-1-140, RELATING TO RURAL POLICEMEN SHALL NOT COLLECT FEES IN CERTAIN CASES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-3-310, RELATING TO IMPROPER RELEASE OF INFORMATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-3-430, RELATING TO THE SEX OFFENDER REGISTRY, TO REQUIRE THE COURT TO MAKE A FINDING ON THE RECORD THAT THE OFFENSE INCLUDED A CRIMINAL SEXUAL OFFENSE FOR A PERSON CONVICTED OF KIDNAPPING IN ORDER FOR THE OFFENDER TO BE PLACED ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 23-3-470, RELATING TO FAILURE TO REGISTER AS A SEX OFFENDER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-3-475, RELATING TO REGISTERING WITH FALSE INFORMATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-15-70, RELATING TO VIOLATION OF THE CALL OUT FOR ASSISTANCE OR POSSE COMITATUS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-35-150, RELATING TO FIREWORKS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23-36-170, RELATING TO EXPLOSIVES CONTROL ACT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-3-410, RELATING TO SALE OF PRISON-MADE PRODUCTS ON OPEN MARKET GENERALLY PROHIBITED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-3-420, RELATING TO PRISON INDUSTRIES VIOLATIONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-3-950, RELATING TO PRISON CONTRABAND, TO

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DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-5-130, RELATING TO LEAVING JAILS UNATTENDED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-7-155, RELATING TO FURNISHING OR POSSESSING CONTRABAND IN JAIL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-13-260, RELATING TO FAILURE OF OFFICER HAVING CHARGE OF INMATE TO ALLOW DEDUCTION IN TIME OF SERVING SENTENCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-13-410, RELATING TO UNLAWFUL ESCAPE OR POSSESSING TOOLS OR WEAPONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-13-430, RELATING TO RIOTING OR INCITING TO RIOT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24-13-460, RELATING TO FURNISHING PRISONERS ALCOHOLIC BEVERAGES OR NARCOTIC DRUGS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 27-23-30, RELATING TO PUNISHMENT OF PARTIES TO FRAUDULENT CONVEYANCES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 29-1-30, RELATING TO THE WILFUL SALE OF PROPERTY ON WHICH LIEN EXISTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 29-7-20, RELATING TO FAILURE TO PAY LABORERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 33-45-170, RELATING TO MEMBERSHIP IN COTTON COOPERATIVE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34-3-10, RELATING TO UNLAWFUL USE OF THE WORD "BANK" OR "BANKING", TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34-3-80, RELATING TO CRIMINAL LIABILITY OF BANK OFFICIAL FURNISHING FALSE CERTIFICATE TO COMPTROLLER GENERAL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34-11-30, RELATING TO RECEIPT OF DEPOSITS OR TRUSTS AFTER KNOWLEDGE OF INSOLVENCY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO

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AMEND SECTION 34-11-90, RELATING TO FRAUDULENT CHECKS, TO AMEND THE JURISDICTION OF MAGISTRATE'S COURT AND TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 36-9-410, RELATING TO UNLAWFUL SALE OR DISPOSAL OF PERSONAL PROPERTY SUBJECT TO SECURITY INTEREST, TO AMEND THE PENALTIES; TO AMEND SECTION 38-2-30, RELATING TO INSURANCE AND ACTING WITHOUT A LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 38-55-170, RELATING TO PRESENTING FALSE CLAIMS FOR PAYMENT, TO AMEND THE PENALTIES; TO AMEND SECTION 39-1-20, RELATING TO MAKING INTENTIONALLY UNTRUE STATEMENT IN ADVERTISING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-1-80, RELATING TO INDUSTRIAL HYGIENE AND SAFETY PROFESSIONALS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-15-10, RELATING TO MANUFACTURER'S USE OF MARKED BEER, SODA WATER, OR MINERAL WATER CONTAINERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-15-15, RELATING TO REQUIREMENTS FOR LABELING PRODUCT AS "PEAT", TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-15-480, RELATING TO UNAUTHORIZED POSSESSION OF MARKED OR BRANDED CONTAINERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-15-750, RELATING TO DESTRUCTION OF BRAND OR REMOVAL OR TRANSFER OF TIMBER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-19-510, RELATING TO FRAUD IN SALE OF LEAF TOBACCO, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-33-1320, RELATING TO BUTTERFAT CONTENT AND WEIGHT OF MILK, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-33-1540, RELATING TO UNAUTHORIZED USE OF STAMPED BOTTLES OF OTHER DEALERS IN MILK IN SAME COUNTY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-41-160, RELATING TO FRAUDULENT VIOLATION OF PETROLEUM

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REQUIREMENTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-41-360, RELATING TO SALE OF LUBRICATING OILS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39-51-120, RELATING TO ANTIFREEZE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-2-590, RELATING TO REGULATION OF ACCOUNTING PRACTITIONERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-8-190, RELATING TO PERPETUAL CARE CEMETERY ACT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-36-30, RELATING TO OCCUPATIONAL THERAPISTS PRACTICING WHILE LICENSE SUSPENDED OR REVOKED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-41-710, RELATING TO RETAILERS RECORD OF STOLEN PROPERTY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-51-220, RELATING TO PODIATRY OR CHIROPODY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-56-200, RELATING TO FIRE CODES AND REGULATIONS ADOPTED BY STATE FIRE MARSHAL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-59-30, RELATING TO RESIDENTIAL SPECIALTY CONTRACTING LICENSE REQUIREMENT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-69-200, RELATING TO UNLAWFUL PRACTICE OR FILING FALSE INFORMATION TO OBTAIN VETERINARY LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40-82-200, RELATING TO OBTAINING LICENSE TO DO BUSINESS IN LIQUID PETROLEUM GAS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41-1-20, RELATING TO UNLAWFUL DISCRIMINATION AGAINST UNION MEMBERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41-1-60, RELATING TO TRANSACTIONS BETWEEN CARRIERS OR SHIPPERS AND LABOR ORGANIZATIONS PROHIBITED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41-3-140, RELATING TO

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IMPEDING DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN PERFORMANCE OF HIS DUTIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41-7-80, RELATING TO RIGHT TO WORK, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 42-5-45, RELATING TO PENALTY FOR FAILURE OF EMPLOYER TO SECURE PAYMENT OF COMPENSATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 42-5-240, RELATING TO ACTING AS AN INSURANCE AGENT WHILE SUSPENDED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-1-150, RELATING TO VIOLATION OF RULES OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-1-151, RELATING TO VIOLATIONS INVOLVING SHELLFISH, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-23-1080, RELATING TO PATIENTS AND PRISONERS DENIED ACCESS TO ALCOHOLIC BEVERAGES, FIREARMS, DANGEROUS WEAPONS, AND CONTROLLED SUBSTANCES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-52-165, RELATING TO PATIENTS RECEIVING ADDICTION SERVICES PROHIBITED FROM POSSESSING ALCOHOL, FIREARMS, WEAPONS, OR DRUGS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-53-370, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF CONTROLLED SUBSTANCES, TO AMEND THE PENALTIES, WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES; TO AMEND SECTION 44-53-375, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF METHAMPHETAMINE, COCAINE BASE, OR OTHER CONTROLLED SUBSTANCES, TO AMEND THE PENALTIES, WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES; TO AMEND SECTION 44-55-700, RELATING TO SEPTIC TANK INSTALLATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44-61-70, RELATING TO EMERGENCY SERVICES AND HINDERING AN AGENT OF

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 45-2-40, RELATING TO VIOLATIONS COMMITTED BY PERSON ON PREMISES OR PROPERTY OF LODGING ESTABLISHMENT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 45-3-20, RELATING TO OBSTRUCTION OF HOTEL AND RESTAURANT INSPECTION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 45-9-90, RELATING TO VIOLATION OF RIGHT TO EQUAL ENJOYMENT OF AND PRIVILEGES TO PUBLIC ACCOMMODATIONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46-1-20, RELATING TO STEALING CROPS FROM THE FIELD, TO AMEND THE PENALTIES; TO AMEND SECTION 46-1-40, RELATING TO STEALING TOBACCO PLANTS FROM BEDS, TO AMEND THE PENALTIES; TO AMEND SECTION 46-1-60, RELATING TO MAKING AWAY WITH OR DISPOSING OF PRODUCE BEFORE PAYING, TO AMEND THE PENALTIES; TO AMEND SECTION 46-1-70, RELATING TO FACTORS OR COMMISSION MERCHANTS FAILING TO ACCOUNT FOR PRODUCE, TO AMEND THE PENALTIES; TO AMEND SECTION 46-9-80, RELATING TO INTERFERING WITH AGRICULTURE COMMISSION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46-9-90, RELATING TO STATE CROP PEST COMMISSION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46-17-400, RELATING TO AGRICULTURAL COMMODITIES MARKETING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46-29-20, RELATING TO FRAUDULENT PACKING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-1-40, RELATING TO ILL-TREATMENT OF ANIMALS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-1-60, RELATING TO CUTTING MUSCLES OF TAILS OF HORSES, ASSES, AND MULES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-3-530, RELATING TO STEALING OR KILLING IDENTIFIABLE DOG, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-3-630,

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RELATING TO TEASING, MALTREATING, AND INJURING POLICE DOGS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-3-950, RELATING TO UNAUTHORIZED CONTROL OVER GUIDE DOG OR SERVICE ANIMAL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-7-160, RELATING TO UNLAWFUL RESCUING ANIMAL FROM CUSTODY OF PERSON IMPOUNDING IT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-9-410, RELATING TO LIVESTOCK BRANDING OR EARMARKING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47-13-70, RELATING TO SELLING FLESH OF DISEASED OR INJURED ANIMALS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 48-23-265, RELATING TO PAYMENT TO LANDOWNER FOR FOREST PRODUCTS PURCHASED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 48-43-550, RELATING TO REMOVAL OF DISCHARGES OF POLLUTANTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 49-1-50, RELATING TO SALE OR PURCHASE OF DRIFTED LUMBER OR TIMBER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-1-85, RELATING TO USE OF FIREARMS OR ARCHERY TACKLE IN CRIMINALLY NEGLIGENT MANNER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-1-125, RELATING TO TRAFFICKING IN WILDLIFE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-1-130, RELATING TO FISH, GAME, AND WATERCRAFT VIOLATIONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-5-730, RELATING TO TRAWLING NEAR PUBLIC FISHING PIER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-5-2535, RELATING TO MARINE RESOURCES ACT, ENGAGING IN PROHIBITED ACTIVITIES WHILE UNDER SUSPENSION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-100, RELATING TO ENCLOSURE IMPEDING FREE RANGE OF DEER BEING

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HUNTED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-730, RELATING TO UNLAWFUL TO HUNT, SHOOT, OR KILL DEER FROM A WATER CONVEYANCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-810, RELATING TO GAME BIRDS FOR WHICH NO SPECIFIC OPEN SEASON IS DESIGNATED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-852, RELATING TO THE UNLAWFUL MOLESTATION OR KILLING OF BIRDS OF PREY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-1105, RELATING TO AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES TO DECLARE CLOSED SEASON, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-1110, RELATING TO AUTHORITY OF DEPARTMENT TO CLOSE OR SHORTEN OPEN SEASON, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-1340, RELATING TO RESPONSIBILITY OF MANAGER, OWNER, OR LICENSEE FOR VIOLATIONS ON PRESERVE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-1730, RELATING TO TRANSPORTING OF GAME BIRDS OR ANIMALS OUT OF STATE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-11-2640, RELATING TO IMPORTING FOXES AND COYOTES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-1210, RELATING TO PROHIBITION OF THE PERMANENT OBSTRUCTION TO MIGRATION OF FISH, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-1410, RELATING TO POLLUTION OF WATERS INJURING FISH AND SHELLFISH, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-1420, RELATING TO POISONING WATERS OR PRODUCING ELECTRIC CURRENTS TO CATCH FISH, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-1430, RELATING TO CASTING IMPURITIES IN WATERS, TO

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DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-1630, RELATING TO IMPORTING, POSSESSING, OR SELLING CERTAIN FISH UNLAWFUL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-13-2015, RELATING TO FISH SANCTUARY IN ST. STEPHEN REDIVERSION CANAL, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-18-285, RELATING TO TAMPERING, DAMAGING, VANDALIZING, POISONING, OR STEALING OF AQUACULTURE PRODUCTS OR FACILITIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-19-251, RELATING TO SLADE LAKE FISHING AND RECREATIONAL REQUIREMENTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-19-590, RELATING TO FISHING NEAR GREENWOOD POWER PLANT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-19-1190, RELATING TO SHELLY LAKE FISH SANCTUARY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-21-112, RELATING TO BOATING UNDER THE INFLUENCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-21-113, RELATING TO BOATING UNDER THE INFLUENCE RESULTING IN PROPERTY DAMAGE, GREAT BODILY INJURY, OR DEATH, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-21-117, RELATING TO OPERATION OF WATER DEVICE WHILE PRIVILEGES SUSPENDED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50-23-385, RELATING TO HOUSEBOATS WITH WASTE-HOLDING TANKS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52-1-40, RELATING TO CIRCUSES, CARNIVALS, AND TRAVELING SHOWS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52-13-10, RELATING TO OPERATION OF DANCING HALL ON SUNDAY FORBIDDEN, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52-13-40, RELATING TO DANCE HALLS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 54-11-50,

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RELATING TO DESTROYING, DAMAGING, OR OBSTRUCTING MONUMENTS OR BUILDINGS OF UNITED STATES COAST SURVEYS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55-1-40, RELATING TO UNLAWFUL ENTRY OF AIRCRAFT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55-1-100, RELATING TO OPERATING OR ACTING AS FLIGHT CREW MEMBER OF AIRCRAFT WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55-13-40, RELATING TO TRESPASSING, PARKING, DRIVING, OR DRAG RACING ON AIRPORT PROPERTY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-1-350, RELATING TO FAILURE TO RETURN CANCELLED OR SUSPENDED DRIVER'S LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-1-440, RELATING TO PENALTIES FOR DRIVING WITHOUT LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-1-450, RELATING TO PENALTIES FOR UNLAWFUL OPERATION AFTER CONVICTION FOR WHICH SUSPENSION OR REVOCATION OF LICENSE MANDATORY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-1-460, RELATING TO PENALTIES FOR DRIVING WHILE LICENSE CANCELLED, SUSPENDED, OR REVOKED FOR DRIVING UNDER THE INFLUENCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-1-2070, RELATING TO DRIVING COMMERCIAL MOTOR VEHICLE WITHOUT VALID LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-3-1910, RELATING TO FORGERY OF LICENSE PLATES FOR HANDICAPPED PERSONS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-3-1960, RELATING TO TEMPORARY AND PERMANENT PARKING PLACARDS, ILLEGAL DUPLICATION OR FORGERY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-3-5400, RELATING TO FRATERNAL ORDER OF POLICE SPECIAL LICENSE PLATES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-5-2930,

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RELATING TO DRIVING UNDER THE INFLUENCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-5-2933, RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-5-2945, RELATING TO FELONY DRIVING UNDER THE INFLUENCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-9-340, RELATING TO FAILURE TO SURRENDER LICENSE AND REGISTRATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-10-250, RELATING TO THE UNLAWFUL SELLING OF A VEHICLE WITH SUSPENDED REGISTRATION TO FAMILY MEMBER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-10-260, RELATING TO FALSE CERTIFICATE OR FALSE EVIDENCE OF INSURANCE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56-10-520, RELATING TO OPERATING A MOTOR VEHICLE WITHOUT PAYING UNINSURED MOTOR VEHICLE FEE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 57-7-20, RELATING TO PUTTING FOREIGN SUBSTANCES ON HIGHWAYS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 57-13-110, RELATING TO INJURY TO OR DESTRUCTION OF BRIDGES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 57-17-110, RELATING TO COUNTY APPORTIONMENT OF ROAD FUNDS THROUGH YEAR, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58-15-840, RELATING TO TAKING OR REMOVING BRASSES, BEARINGS, WASTE, OR PACKING FROM RAILROAD CARS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58-17-2760, RELATING TO RAILROADS AND CONNECTING CARRIERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58-17-4090, RELATING TO OBSTRUCTION OF

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RAILROAD, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58-23-80, RELATING TO MOTOR VEHICLE CARRIERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58-23-920, RELATING TO INSURANCE REQUIRED OF OWNERS OF MOTOR VEHICLES TRANSPORTING GOODS FOR HIRE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-5-130, RELATING TO STATE BOARD OF EDUCATION, MEMBERS SHALL NOT CONTRACT WITH BOARD, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-19-310, RELATING TO EXERCISING OFFICE OF SCHOOL TRUSTEE AFTER TERMINATION OF OFFICE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-25-30, RELATING TO OFFICIALS NOT PERMITTED TO DESIGNATE PLACE FOR TEACHER TO BOARD OR LIVE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-29-560, RELATING TO SCHOOL DISBURSEMENT OF AND ACCOUNTABILITY FOR FUNDS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-31-590, RELATING TO SCHOOL PERSONNEL NOT PERMITTED TO ACT AS AGENTS FOR PUBLISHERS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-67-120, RELATING TO PROHIBITION OF TAMPERING WITH SCHOOL BUS GOVERNORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-67-210, RELATING TO UNLAWFUL SCHOOL BUS PASSING ANOTHER SCHOOL BUS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-67-280, RELATING TO TRANSPORTATION OF PUPILS AND SCHOOL BUSES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-69-260, RELATING TO OFFICIALS SHALL NOT ACQUIRE INTEREST IN CLAIMS OR CONTRACTS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-111-180, RELATING TO MISREPRESENTATION OF SCHOLARSHIP ELIGIBILITY, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-116-80, RELATING TO IMPERSONATION OF CAMPUS POLICE

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OFFICER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-150-250, RELATING TO LOTTERY TICKET SALE TO A MINOR OR ACCEPTING LOTTERY PRIZE WHILE INCARCERATED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF STANDARD FISCAL ACCOUNTABILITY SYSTEM, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-2-240, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, INTERFERENCE WITH OFFICER AND ABUSIVE LANGUAGE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-2-250, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-20, RELATING TO SALE OF ALCOHOL WITHOUT TAXES LEVIED, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-160, RELATING TO DISCOUNT PRICING FOR ON-PREMISES ALCOHOL CONSUMPTION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-560, RELATING TO BEER, ALE, PORTER, AND WINE, OPERATION WITHOUT A PERMIT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-600, RELATING TO SURRENDER OF BEER OR WINE SALES LICENSE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-610, RELATING TO UNLAWFUL SALES OF BEER AND WINE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-780, RELATING TO PROVISIONS AFFECTING WINE SALES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-4-910, RELATING TO PROVISIONS AFFECTING BEER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4010, RELATING TO UNLAWFUL MANUFACTURE, POSSESSION, OR SALES OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4025, RELATING TO POSSESSION OF UNLAWFULLY ACQUIRED OR MANUFACTURED ALCOHOLIC LIQUORS IN VEHICLE, VESSEL, OR AIRCRAFT, TO DELETE

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THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4030, RELATING TO TRANSPORTATION OF ALCOHOLIC LIQUORS IN A VEHICLE FOR HIRE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4040, RELATING TO RENDERING AID IN UNLAWFUL TRANSPORTATION, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4050, RELATING TO PURCHASE FROM UNLICENSED ALCOHOL RETAIL DEALER, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4060, RELATING TO UNLICENSED STORAGE OF ALCOHOLIC LIQUORS IN PLACE OF BUSINESS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4100, RELATING TO DISTILLERIES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4110, RELATING TO KNOWING PERMISSION TO LOCATE DISTILLERY ON PREMISES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4120, RELATING TO MATERIALS USED IN THE MANUFACTURE OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4130, RELATING TO PRESENCE AT DISTILLERY PRIMA FACIE EVIDENCE OF GUILT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4140, RELATING TO EMPLOYMENT OF PERSONS UNDER THE AGE OF TWENTY-ONE YEARS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4150, RELATING TO SALE OF ALCOHOLIC LIQUORS FROM VEHICLE, VESSEL, OR AIRCRAFT, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4160, RELATING TO SUNDAY AND CHRISTMAS DAY SALES OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4170, RELATING TO BILLBOARDS ENCOURAGING UNDERAGE DRINKING, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4180, RELATING TO POSSESSION OF FIREARM OR WEAPON BY SELLERS OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4200,

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RELATING TO DISPOSSESSION OR ATTEMPTED DISPOSSESSION OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4550, RELATING TO DISCOUNTING OF PRICES OF ALCOHOLIC LIQUORS, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-6-4700, RELATING TO CONSUMPTION OF ALCOHOLIC LIQUOR ON PREMISES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61-8-50, RELATING TO CONTEMPT PROCEEDINGS RELATED TO REGULATION OF ALCOHOL SALES, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 63-19-1670, RELATING TO CONTRABAND IN DEPARTMENT OF JUVENILE JUSTICE, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 63-19-2420, RELATING TO JUVENILE LOITERING IN A BILLIARD ROOM, TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; AND TO AMEND CHAPTER 22, TITLE 17, RELATING TO CRIMINAL INTERVENTION PROGRAMS, BY ADDING ARTICLE 13, TO ENACT THE "DRUG COURT PROGRAM ACT"; TO DIRECT EACH CIRCUIT SOLICITOR TO ESTABLISH A DRUG COURT PROGRAM FOR ADULTS AND JUVENILES; TO PROVIDE CRITERIA FOR THE ELIGIBILITY OF PERSONS CHARGED WITH NONVIOLENT OFFENSES; TO ALLOW EACH CIRCUIT SOLICITOR TO ESTABLISH AN OFFICE OF DRUG COURT PROGRAM COORDINATOR; TO DIRECT THE COMMISSION ON PROSECUTION COORDINATION TO ESTABLISH A STATE OFFICE OF DRUG COURT COORDINATION; TO PROVIDE FOR FEES FOR PARTICIPATION IN A DRUG COURT PROGRAM; TO PROVIDE FOR ANNUAL REPORTS DETAILING THE ACTIVITIES OF DRUG COURT PROGRAMS TO THE COMMISSION ON PROSECUTION COORDINATION, WITH A COPY PROVIDED TO THE SENTENCING REFORM OVERSIGHT COMMITTEE; AND TO PROVIDE FOR THE APPOINTMENT OF DRUG COURT JUDGES AND THEIR COMPENSATION.

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Prefiled and referred to the Committee on Judiciary.

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

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S. 278 -- Senators Malloy and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE, TO ENACT THE "SOUTH CAROLINA JUVENILE JUSTICE REFORM ACT", TO AMEND SECTION 63-1-20, RELATING TO THE CHILDREN'S POLICY OF SOUTH CAROLINA, TO INCLUDE WITHIN THE STATEMENT A PROVISION TO ESTABLISH A POLICY REGARDING THE CARE AND GUIDANCE OF CHILDREN WITHIN THE JUVENILE JUSTICE SYSTEM; TO AMEND CHAPTER 19, TITLE 63, RELATING TO THE JUVENILE JUSTICE CODE, BY ADDING ARTICLE 6 TO REQUIRE EACH CIRCUIT SOLICITOR TO ESTABLISH A JUVENILE OFFENDER CIVIL CITATION PROGRAM TO PROVIDE A CIVIL DIVERSION PROGRAM FOR CHILDREN WHO HAVE COMMITTED ACTS OF DELINQUENCY, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 16-17-425, RELATING TO UNLAWFUL STUDENT THREATS, TO ESTABLISH THAT IT IS UNLAWFUL FOR A STUDENT TO MAKE A THREAT TO COMMIT AN ACT OF MASS VIOLENCE AT A SCHOOL, COLLEGE, OR UNIVERSITY, OR AT A SCHOOL-, COLLEGE-, OR UNIVERSITY-SPONSORED ACTIVITY, AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-23-430, RELATING TO POSSESSION OF A WEAPON ON SCHOOL GROUNDS, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO CARRY, WHILE ON ELEMENTARY OR SECONDARY SCHOOL PROPERTY, A KNIFE, FIREARM, OR OTHER WEAPON WITH THE INTENT BY THE PERSON TO INFLICT SERIOUS BODILY INJURY OR DEATH, OR TO CARRY UPON HIS PERSON A WEAPON, DEVICE, OR OBJECT WITH THE INTENT TO INFLICT BODILY INJURY AND TO PROVIDE PENALTIES AND EXCEPTIONS; TO AMEND SECTION 63-1-40, RELATING TO THE DEFINITION OF "STATUS OFFENSE", TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND SECTION 63-3-520, RELATING TO THE CONCURRENT JURISDICTION OF FAMILY COURT AND MAGISTRATES COURT, TO INCREASE THE AGE OF CONCURRENT JURISDICTION FROM PERSONS UNDER SEVENTEEN YEARS OF AGE TO PERSONS UNDER EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-7-310, RELATING TO THE MANDATORY REPORTING OF CHILD ABUSE, TO REMOVE THE

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REQUIREMENT THAT A PERSON EMPLOYED BY A LAWYER MUST REPORT SUSPECTED ABUSE IF THE SUSPICION ARISES IN THE COURSE OF THE LEGAL REPRESENTATION; TO AMEND SECTION 63-19-20, RELATING TO THE DEFINITION OF "STATUS OFFENSE", TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND CHAPTER 19, TITLE 63, BY ADDING ARTICLE 2 TO ESTABLISH THE "CHILDREN'S BILL OF RIGHTS" TO PROVIDE THAT A CHILD HAS THE RIGHT TO BE TREATED WITH BASIC HUMAN DIGNITY, TO BE PROVIDED NECESSARY CARE, MEDICAL TREATMENT, FOOD, EDUCATION, ACCESS TO FAMILY, ADVOCATES, AND LAWYERS, AND TO BE FREE FROM ABUSE, NEGLECT, AND HARASSMENT, AND TO PROVIDE FOR THE APPLICATION OF THESE RIGHTS; TO AMEND ARTICLE 1, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-210 TO REQUIRE THAT LAW ENFORCEMENT MUST ARRANGE FOR A CHILD FIFTEEN YEARS OF AGE OR YOUNGER TO MEET WITH LEGAL COUNSEL PRIOR TO A CUSTODIAL INTERROGATION UNLESS THE OFFICER BELIEVES THAT THE INFORMATION SOUGHT IS NECESSARY TO PROTECT LIFE OR PROPERTY FROM AN IMMINENT THREAT; TO AMEND SECTION 63-19-340, RELATING TO THE ANNUAL REPORT BY THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE REPORT MUST INCLUDE SPECIFIC STATISTICS RELATING TO CHILDREN REFERRED TO THE DEPARTMENT, THEIR RELATED OFFENSES AND SENTENCES; TO AMEND SECTION 63-19-350, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THE DEPARTMENT TO DEVELOP AND UTILIZE STRUCTURED DECISION-MAKING TOOLS FOR ALL KEY POINTS OF THE JUVENILE JUSTICE PROCESS; TO AMEND SECTION 63-19-360 TO REQUIRE THE CHILD EVALUATION TO BE CONDUCTED BY THE DEPARTMENT TO INCLUDE A BIOPSYCHOSOCIAL ASSESSMENT AND A DETERMINATION OF THE CHILD'S MENTAL HEALTH FUNCTIONING; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO CHILD DELINQUENCY PETITIONS, BY ADDING SECTION 63-19-362 TO REQUIRE THAT BEFORE SUBMITTING A PETITION FOR A CHILD IN ITS CUSTODY FOR A MISDEMEANOR THAT WOULD CARRY A MAXIMUM TERM OF IMPRISONMENT OF FIVE

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YEARS OR LESS, THE DEPARTMENT OF JUVENILE JUSTICE MUST ATTEMPT TO RESOLVE THE SITUATION THROUGH AVAILABLE ADMINISTRATIVE APPROACHES; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, BY ADDING SECTION 63-19-365 TO PROHIBIT THE USE OF SOLITARY CONFINEMENT ON A CHILD AND PROVIDE LIMITS FOR THE USE OF CORRECTIVE ROOM RESTRICTIONS UPON CHILDREN WITHIN THE CUSTODY OF THE DEPARTMENT; TO AMEND SECTION 63-19-370, RELATING TO INTERDEPARTMENTAL AGREEMENTS, TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO ESTABLISH AGREEMENTS WITH THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF EDUCATION TO PROVIDE REENTRY SERVICES FOR CHILDREN RETURNING TO SCHOOLS AND COMMUNITIES FROM THE DEPARTMENT'S CUSTODY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-500, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THAT THE DEPARTMENT ESTABLISH AT LEAST ONE PRE-DETENTION INTERVENTION PROGRAM IN EACH JUDICIAL CIRCUIT AND TO ESTABLISH PROGRAM REQUIREMENTS AND ELIGIBILITY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-520 TO ESTABLISH THE JUVENILE JUSTICE IMPROVEMENT FUND, TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO DIVERT MONEYS SAVED FROM DECREASED RELIANCE ON OUT-OF-HOME PLACEMENT TO FUND COMMUNITY INTERVENTION PROGRAMS INCLUDING EDUCATIONAL, MENTAL HEALTH, AND BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 63-19-810, RELATING TO THE TAKING OF A CHILD INTO CUSTODY BY LAW ENFORCEMENT, TO REMOVE A DUPLICATIVE NOTIFICATION PROVISION BY LAW ENFORCEMENT TO SCHOOL PRINCIPALS AND TO REQUIRE THAT ANY CHILD SEVENTEEN YEARS OF AGE OR OLDER, WHO HAS BEEN TAKEN INTO CUSTODY BUT WHO HAS NOT BEEN RELEASED TO A PARENT OR GUARDIAN, MUST HAVE A BOND HEARING BEFORE A MAGISTRATE; TO AMEND SECTION 63-19-820, RELATING TO THE PRE-TRIAL DETENTION OF CHILDREN, TO LIMIT SECURE PRE-TRIAL DETENTION TO CIRCUMSTANCES WHERE IT IS THE LEAST RESTRICTIVE APPROPRIATE OPTION AND IF THE CHILD IS

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CHARGED WITH A CRIME THAT WOULD BE A FIVE YEAR FELONY OR GREATER, HAS EXHAUSTED COMMUNITY-BASED ALTERNATIVES, OR IS CHARGED WITH UNLAWFUL STUDENT THREATS OR FAILURE TO STOP FOR A BLUE LIGHT, TO REMOVE THE ELIGIBILITY OF JUVENILES CHARGED AS AN ADULT TO BE HOUSED IN ADULT DETENTION FACILITIES, AND TO PROHIBIT THE SECURE DETENTION OF STATUS OFFENDERS; TO AMEND SECTION 63-19-830, RELATING TO JUVENILE DETENTION HEARINGS, TO ALLOW THE COURT TO ORDER A CHILD DETAINED IN AN APPROVED HOME, PROGRAM, OR FACILITY OTHER THAN A SECURE JUVENILE DETENTION FACILITY WHILE AWAITING TRIAL; TO AMEND SECTION 63-19-1010, RELATING TO JUVENILE INTAKE AND PROBATION, TO REQUIRE THAT A CHILD BROUGHT BEFORE THE FAMILY COURT SHALL HAVE A PRESUMPTION FOR DIVERSION IF CERTAIN CONDITIONS ARE MET OR IF THE SOLICITOR HAS GOOD CAUSE TO BELIEVE THAT DIVERSION WOULD BE INSUFFICIENT; TO AMEND SECTION 63-19-1020, RELATING TO THE INSTITUTION OF PROCEEDINGS FOR A JUVENILE, TO REQUIRE SERVICES TO BE OFFERED BEFORE THE DEPARTMENT MAY ACCEPT A REFERRAL FOR A STATUS OFFENSE OR FOR SCHOOL-BASED OFFENSES; TO AMEND SECTION 63-19-1030, RELATING TO JUVENILE PREHEARING INQUIRIES, TO ESTABLISH THAT THE PREHEARING INVESTIGATION IS OPTIONAL AND TO ESTABLISH THE PARENTS' RIGHT TO RECEIVE NOTICE OF THE CHARGES AND THEIR RIGHTS TO AN ATTORNEY IN EVERY CASE UPON SERVICE OF A PETITION; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, RELATING TO INTAKE AND INITIATION OF PROCEEDINGS, BY ADDING SECTION 63-19-1050 TO PROHIBIT CHARGING A FEE TO A CHILD AS A CONDITION OF DIVERSION AND TO LIMIT THE AMOUNT OF RESTITUTION REQUIRED OF A CHILD IN DIVERSION TO FIVE HUNDRED DOLLARS; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-1070 TO ESTABLISH THAT THE FAMILY COURT MAY ADJOURN A CRIMINAL PROCEEDING AGAINST A JUVENILE IN CONTEMPLATION OF DISMISSAL UPON COMPLETION OF CERTAIN CONDITIONS ESTABLISHED BY THE COURT, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 63-19-1210, RELATING TO THE TRANSFER OF JURISDICTION, TO

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ELIMINATE THE TRANSFER TO GENERAL SESSIONS FOR A CHILD FOURTEEN OR FIFTEEN YEARS OF AGE, TO ALLOW A CHILD WHO IS TRANSFERRED TO GENERAL SESSIONS WHO HAS BEEN CHARGED WITH MURDER TO BE ELIGIBLE TO RECEIVE A SENTENCE LESS THAN THE MANDATORY MINIMUM, AND TO ALLOW THE DETERMINATION BY THE COURT TO TRANSFER THE CHILD'S CASE TO GENERAL SESSIONS TO BE IMMEDIATELY APPEALABLE TO THE SUPREME COURT; TO AMEND SECTION 63-19-1410, RELATING TO THE ADJUDICATION OF DELINQUENCY, TO REQUIRE THE COURT TO ORDER THE LEAST RESTRICTIVE APPROPRIATE PLACEMENT FOR A CHILD ADJUDICATED DELINQUENT, TO LIMIT THE LENGTH OF PROBATION TO TWO YEARS FOR A FELONY OR ONE YEAR FOR A MISDEMEANOR OR STATUS OFFENSE UNLESS THE CHILD IS IN VIOLATION OF PROBATION, THERE IS AGREEMENT AMONGST THE PARTIES, OR THE CHILD IS PARTICIPATING IN A EVIDENCED-BASED PROGRAM THAT IS LONGER THAN THE ALLOWED TERM, TO LIMIT PROBATION TO NOT EXTEND AFTER A CHILD'S TWENTIETH BIRTHDAY, TO LIMIT THE IMPOSITION OF RESTITUTION FOR A CHILD UNDER THE AGE OF SIXTEEN UNLESS IT IS PROVEN THAT THE CHILD HAS THE ABILITY TO PAY, TO PROHIBIT THE CHILD FROM BEING ORDERED TO PAY FOR DRUG SCREENS UNLESS THE CHILD HAS INSURANCE TO COVER THE COST, AND TO ALLOW FOR THE DEPARTMENT OF JUVENILE JUSTICE TO PLACE THE CHILD ON ADMINISTRATIVE SUPERVISION FOR UP TO ONE YEAR TO PAY FOR RESTITUTION OR COMPLETE COMMUNITY SERVICE; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE DISPOSITIONAL POWERS OF THE FAMILY COURT, BY ADDING SECTION 63-19-1415 TO ALLOW THE CIRCUIT SOLICITORS TO OPERATE ONE OR MORE SPECIALTY TREATMENT COURTS IF ALLOWED BY THE SUPREME COURT; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A JUVENILE FOUND DELINQUENT BY THE COURT, TO LIMIT THE PLACEMENT OF A CHILD INTO THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE UNLESS THE CHILD COMMITS CERTAIN FELONIES, THE OFFENSE INVOLVES FIREARMS, THE CHILD HAS A RECORD OF CERTAIN OFFENSES, THE CHILD IS ADJUDICATED FOR A LESSER OFFENSE THAT WOULD HAVE BEEN A FELONY AND THE

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PARTIES AGREE THAT COMMITMENT IS IN THE BEST INTERESTS OF THE CHILD, TO REQUIRE THE COURT TO ISSUE INDIVIDUALIZED FINDINGS AS TO WHY THE COMMITMENT IS THE LEAST RESTRICTIVE SENTENCING OPTION TO PROTECT THE PUBLIC AND REHABILITATE THE CHILD, TO PROHIBIT THE COMMITMENT OF A CHILD WHO HAS BEEN ADJUDICATED FOR A STATUS OFFENSE OR A PROBATION REVOCATION RELATED TO A STATUS OFFENSE, TO ALLOW THE COURT TO SENTENCE A CHILD WHO HAS COMMITTED AN OFFENSE WHICH CARRIES FIFTEEN YEARS OR MORE TO A DETERMINATE SENTENCE OF UP TO ONE HUNDRED EIGHTY DAYS, AND TO LIMIT THE CONSECUTIVE SENTENCING TO NOT EXCEED THE TIME ELIGIBLE FOR AN INDETERMINATE SENTENCE, TO LIMIT THE ELIGIBILITY FOR RESIDENTIAL EVALUATIONS, AND TO ALLOW FOR THE CHILD TO GET TIME SERVED CREDIT FOR COMMITMENTS TO SHORT-TERM ALTERNATIVE PLACEMENTS; TO AMEND SECTION 63-19-1450 TO CLARIFY THAT A CHILD MAY NOT BE COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE WHO IS HANDICAPPED BY MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY AND TO PROVIDE THAT THE COURT MAY ORDER AN EVALUATION AND HOLD A HEARING REGARDING WHETHER THE CHILD MUST BE COMMITTED TO THE SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE POWERS OF THE FAMILY COURT, BY ADDING SECTION 63-19-1480 TO PROVIDE THAT THE FAMILY COURT MAY CONDUCT POST-DISPOSITIONAL REVIEWS TO DETERMINE IF THE PURPOSES OF THE CRIMINAL SENTENCING HAVE BEEN MET AND THE CHILD'S SENTENCE MAY BE CLOSED, THE HEARING BEING HELD ONLY AFTER ONE YEAR OR IF THE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, THEN AFTER SIX MONTHS; TO AMEND SECTION 63-19-1810, RELATING TO PAROLE AND AFTERCARE, TO REMOVE THE AUTHORITY OF THE COURT TO COMMIT A CHILD TO SECURE CUSTODY FOR A PROBATION REVOCATION IF THE CHILD IS ON PROBATION FOR A STATUS OFFENSE; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, TO REQUIRE THE RELEASING ENTITY TO DETERMINE THE

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LENGTH OF STAY GUIDELINES ARE BASED ON EVIDENCE-BASED BEST PRACTICES, THE RISKS OF REOFFENDING AND THE SEVERITY OF THE OFFENSE; TO AMEND SECTION 63-19-1835, RELATING TO COMPLIANCE REDUCTIONS FOR PROBATIONERS AND PAROLEES, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO DEVELOP AND IMPLEMENT ADMINISTRATIVE COMMUNITY-BASED SANCTIONS FOR TECHNICAL VIOLATIONS OF PROBATION OR PAROLE; TO AMEND SECTION 63-19-2020, RELATING TO THE CONFIDENTIALITY OF JUVENILE RECORDS, TO REMOVE A REFERENCE TO A DELETED CRIMINAL OFFENSE, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO NOTIFY THE ADMINISTRATION OF A COLLEGE OR UNIVERSITY OF AN ENROLLED STUDENT'S CHARGES DELINEATED WITHIN THIS SECTION, AND TO ADD ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES TO THE LIST OF CRIMES THAT MUST BE DISCLOSED TO SCHOOL OFFICIALS; TO AMEND SECTION 63-19-2030, RELATING TO THE JUVENILE LAW ENFORCEMENT RECORDS, TO REQUIRE LAW ENFORCEMENT TO PROVIDE CERTAIN INCIDENT REPORTS OF STUDENTS TO APPROPRIATE COLLEGE AND UNIVERSITY ADMINISTRATION, TO REMOVE THE REFERENCE TO ASSAULT AND BATTERY AGAINST SCHOOL PERSONNEL AND ADD THAT REPORTS OF ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES MUST BE REPORTED, TO REQUIRE ANY SUCH NOTICE TO INCLUDE LANGUAGE THAT THE CHILD IS INNOCENT UNTIL PROVEN GUILTY, AND TO REQUIRE LAW ENFORCEMENT TO PROVIDE SUBSEQUENT UPDATES OF ANY DISMISSAL OR REDUCTION OF THE CHARGES; TO AMEND SECTION 63-19-2050, RELATING TO THE EXPUNGEMENT OF JUVENILE RECORDS, TO REQUIRE THE EXPUNGEMENT OF ALL OFFICIAL RECORDS RELATED TO THE ADJUDICATION OR DISPOSITION OF A STATUS OFFENSE UPON THE PERSON REACHING EIGHTEEN YEARS OF AGE OR AS SOON THEREAFTER AS HE COMPLETES ANY PENDING FAMILY COURT DISPOSITION AND TO REQUIRE THAT A CHILD SHALL NOT BE CHARGED FOR THE EXPUNGEMENT OF HIS RECORDS ORDERED UNDER THIS SECTION; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-18-1970, TO REQUIRE THAT A SCHOOL DISTRICT FOR A STUDENT WHO HAS TRANSFERRED BECAUSE OF

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HOMELESSNESS, STATUS AS A VICTIM OF ABUSE OR NEGLECT, ADJUDICATIONS OF DELINQUENCY, OR PLACEMENT IN A FACILITY FOR MENTAL HEALTH OR DEVELOPMENTAL DISABILITIES MUST CONTACT THE STUDENT'S PRIOR SCHOOL WITHIN TWO DAYS OF ENROLLMENT AND TO REQUIRE THE PREVIOUS SCHOOL DISTRICT TO SEND THE STUDENT'S RECORDS WITHIN TWO DAYS OF REQUEST TO THE NEW SCHOOL, AND TO REQUIRE THAT THE STUDENT RECEIVE TIMELY ASSISTANCE, EQUAL ACCESS, AND PRIORITY PLACEMENT RELATING TO THE TRANSFER; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-19-1980, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SCHOOL LIAISONS TO ASSIST STUDENTS TRANSFERRING DUE TO INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM; TO AMEND SECTION 59-24-60, RELATING TO THE REQUIREMENT OF SCHOOL OFFICIALS TO CONTACT LAW ENFORCEMENT, TO PROVIDE THAT SCHOOL OFFICIALS MUST CONTACT LAW ENFORCEMENT IF A PERSON COMMITS AN ACTION AT A SCHOOL OR SCHOOL-SPONSORED EVENT THAT WOULD BE A FELONY OR A CRIME PUNISHABLE BY FIVE YEARS OR MORE, OR IF THE ACTION RESULTS IN SERIOUS INJURY; TO AMEND SECTION 59-63-210, RELATING TO SCHOOL DISCIPLINE, TO LIMIT THE AUTHORITY OF A SCHOOL DISTRICT TO EXPEL, SUSPEND, OR TRANSFER A PUPIL UNLESS HE COMMITS A FELONY, A CRIME THAT WOULD CARRY A MAXIMUM PUNISHMENT OF FIVE YEARS OR MORE IF COMMITTED BY AN ADULT, THERE IS A THREAT OF VIOLENCE, OR IF THERE IS A VICTIM AT THE SCHOOL WHO HAS A REASONABLE FEAR FOR HIS SAFETY, AND TO LIMIT THE AUTHORITY OF THE SCHOOL DISTRICT IF THE CONDUCT COMMITTED BY THE STUDENT OCCURRED OUTSIDE OF SCHOOL, THEN THE ACTION BY THE SCHOOL DISTRICT MUST ONLY OCCUR IF THE STUDENT'S CONDUCT AMOUNTED TO A VIOLENT OFFENSE OR RESULTED IN MODERATE OR GREAT BODILY INJURY; TO AMEND SECTION 59-63-1320, RELATING TO ALTERNATIVE SCHOOLS, TO RESTRICT THE AUTOMATIC PLACEMENT OF A CHILD RETURNING FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE TO AN ALTERNATIVE SCHOOL UNLESS THE PARENT OR GUARDIAN AND CHILD AGREE THAT SUCH PLACEMENT IS APPROPRIATE, THERE IS AN INTERVENTION

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ASSESSMENT THAT DETERMINES THAT THERE IS AN IMMINENT THREAT OR THE LIKELIHOOD OF SERIOUS MISCONDUCT, OR THERE IS A HEARING BY THE DISTRICT WITHIN TEN DAYS, OR IF THE CHILD HAS A DISABILITY UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT THEN THE DISTRICT MUST HOLD A TEAM MEETING TO DETERMINE THE MOST APPROPRIATE EDUCATIONAL PLACEMENT; AND TO REPEAL SECTIONS 63-19-2420 AND 63-19-2430 RELATING TO THE OFFENSES OF UNLAWFUL LOITERING IN A BILLIARD ROOM AND THE UNLAWFUL PLAYING OF PINBALL.

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Prefiled and referred to the Committee on Judiciary.

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

S. 279 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-65-70, RELATING TO THE RECOVERY OF INDIRECT COSTS FOR PURPOSES OF OVERSIGHT OF OTHER FUNDS, SO AS TO PROVIDE THAT CERTAIN PROVISIONS DO NOT APPLY TO CERTAIN INSTITUTIONS.

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Prefiled and referred to the Committee on Finance.

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

S. 280 -- Senators Campsen and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSERVATION ENHANCEMENT ACT"; BY AMENDING SECTION 12-24-90, RELATING TO THE DEED RECORDING FEE, SO AS TO REQUIRE A PORTION OF THE FEE TO BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND BY AMENDING SECTION 48-59-40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ADD ADDITIONAL MEMBERS TO THE BOARD.

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Prefiled and referred to the Committee on Finance.

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

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S. 281 -- Senators Campsen and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA PUBLIC LANDS ENHANCEMENT ACT"; AND BY ADDING SECTION 12-36-2700 SO AS TO REQUIRE THAT AN AMOUNT EQUAL TO THE ANNUAL GENERAL FUND PORTION OF SALES TAX REVENUE DERIVED FROM SPORTING GOODS STORES BE APPROPRIATED FOR CAPITAL IMPROVEMENTS ON CERTAIN LANDS OWNED, LEASED, OR MANAGED FOR PUBLIC USE BY AN AGENCY OF THIS STATE.

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Prefiled and referred to the Committee on Finance.

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

S. 282 -- Senators Campsen and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 25 TO TITLE 51, SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT FOR THE FUND ANNUALLY, TO PROVIDE THAT FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND; AND TO REPEAL CHAPTER 40 OF TITLE 48, RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

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Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 283 -- Senator Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-1-220, RELATING TO WRITTEN MARRIAGE LICENSE APPLICATIONS, SO AS TO REMOVE THE REQUIRED TWENTY-FOUR HOUR APPLICATION REQUIREMENT BEFORE A MARRIAGE LICENSE MAY BE ISSUED.

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Prefiled and referred to the Committee on Judiciary.

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

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S. 284 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

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Prefiled and referred to the Committee on Finance.

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

S. 285 -- Senators Davis and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR

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EXCEPTIONAL NEEDS CHILDREN'S FUND.

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Prefiled and referred to the Committee on Finance.

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

S. 286 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-25-40, RELATING TO APPLICATIONS BY A REGIONAL TRANSIT AUTHORITY OR PUBLIC TRANSIT OPERATOR TO INSTALL COMMERCIAL ADVERTISEMENT BENCHES, SO AS TO ALLOW A POLITICAL SUBDIVISION TO INSTALL AND MAINTAIN COMMERCIAL ADVERTISEMENT BENCHES, REMOVE THE PROVISION THAT REQUIRES A BENCH TO BE LOCATED AT THE APPLICANT'S BUS STOP, AND REMOVE THE EXPIRATION DATE OF PERMITS ISSUED PURSUANT TO THIS SECTION.

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Prefiled and referred to the Committee on Transportation.

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

S. 287 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-7-25 SO AS TO PROVIDE FOR THE NUMBER OF UNRELATED ADULT PERSONS THAT MAY LIVE IN A SINGLE-FAMILY RESIDENCE; AND TO PROVIDE EXCEPTIONS, TO DEFINE CERTAIN TERMS, AND TO PROVIDE CIVIL PENALTIES FOR VIOLATION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 288 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ALL SALES MADE TO MILITARY VETERANS ON VETERANS DAY.

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Prefiled and referred to the Committee on Finance.

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

S. 289 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-26-20, RELATING TO THE DUTIES OF THE STATE BOARD OF EDUCATION AND THE COMMISSION ON HIGHER EDUCATION,

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SO AS TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL DEVELOP A SCHOLARSHIP PROGRAM FOR CERTAIN RESIDENTS THAT INTEND ON BECOMING CERTIFIED TEACHERS EMPLOYED IN THE STATE IN AREAS OF CRITICAL NEED; BY AMENDING SECTION 59-149-10, RELATING TO LIFE SCHOLARSHIPS, SO AS TO PROVIDE FOR THE AMOUNT OF THE SCHOLARSHIP BASED ON THE STUDENT'S HOUSEHOLD INCOME; AND BY AMENDING SECTION 59-150-370, RELATING TO HOPE SCHOLARSHIPS, ELIGIBILITY, ADMINISTRATION, AND REPORTING REQUIREMENTS, SO AS TO INCREASE THE AMOUNT OF THE SCHOLARSHIP TO THREE THOUSAND DOLLARS AND TO PROVIDE THAT A STUDENT IS ELIGIBLE FOR THE HOPE SCHOLARSHIP IF HIS ANNUAL HOUSEHOLD INCOME IS LESS THAN SEVENTY-FIVE THOUSAND DOLLARS.
smin-0046aa23.docx : cb20c082-fe17-4ac5-99d5-83495fc37a0f

Prefiled and referred to the Committee on Education.

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

S. 290 -- Senators Scott, Davis, Young and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-37-30, RELATING TO SALES AND USE TAXES OR TOLLS AS REVENUE FOR TRANSPORTATION FACILITIES, SO AS TO DEFINE THE TERM "MASS TRANSIT SYSTEM".

smin-0048aa23.docx : 149d891b-c41a-4693-b2ee-51dac4db86f8

Prefiled and referred to the Committee on Finance.

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

S. 291 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 41-10-210 SO AS TO ENACT THE "SOUTH CAROLINA MINIMUM WAGE ACT"; BY ADDING ARTICLE 3 TO CHAPTER 10, TITLE 41 SO AS TO PROVIDE FOR A CITATION; BY ADDING SECTION 41-10-220 SO AS TO PROVIDE EMPLOYERS SHALL PAY EMPLOYEES A CERTAIN MINIMUM WAGE; BY ADDING SECTION 41-10-230 SO AS TO PROVIDE IT IS UNLAWFUL FOR AN EMPLOYER TO RETALIATE AGAINST AN EMPLOYEE WHO EXERCISES HIS RIGHTS WITH RESPECT TO THE MINIMUM WAGE; BY ADDING SECTION 41-10-240 SO AS TO PROVIDE CERTAIN REMEDIES TO THE EMPLOYEE AND STATE; BY ADDING SECTION 41-10-250 SO AS TO PROVIDE CIVIL ENFORCEMENT AUTHORITY TO ENFORCE THE ACT TO THE ATTORNEY GENERAL; BY

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ADDING SECTION 41-10-260 SO AS TO PROVIDE A STATUTE OF LIMITATIONS; BY ADDING SECTION 41-10-270 SO AS TO PROVIDE THAT AN ACTION BROUGHT UNDER THE ACT MAY BE BROUGHT AS A CLASS ACTION; BY ADDING SECTION 41-10-280 SO AS TO LIMIT AUTHORITY OF THE DEPARTMENT WITH RESPECT TO IMPLEMENTING THE ACT; BY AMENDING SECTION 6-1-130, RELATING TO POLITICAL SUBDIVISIONS, SO AS TO ESTABLISH A SCOPE OF AUTHORITY TO SET MINIMUM WAGE RATES; BY AMENDING SECTION 44-22-160, RELATING TO EMPLOYMENT WITHIN FACILITY, COMPENSATION, AND THE RIGHT TO REFUSE NONTHERAPEUTIC EMPLOYMENT, SO AS TO REQUIRE PAYMENT OF THE MINIMUM WAGE RATE; BY AMENDING SECTION 53-1-100, RELATING TO OPERATION OF MACHINE SHOPS EXEMPT FROM CHAPTER AND CONSCIENTIOUS OPPOSITION TO SUNDAY WORK, SO AS TO REQUIRE PAYMENT OF THE MINIMUM WAGE RATE; BY AMENDING SECTION 53-1-110, RELATING TO THE MANUFACTURE OR FINISHING OF TEXTILE PRODUCTS EXEMPT FROM CHAPTER AND CONSCIENTIOUS OPPOSITION TO SUNDAY WORK, SO AS TO REQUIRE PAYMENT OF THE MINIMUM WAGE RATE; TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 10, TITLE 41 AS ARTICLE 1 ENTITLED "PAYMENT OF WAGES GENERALLY"; AND TO MAKE CONFORMING CHANGES.

smin-0052aa23.docx : fec8bbd3-f0c0-4c7d-a657-33aa9b6f2602

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 292 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-7-110, RELATING TO THE PROHIBITION ON WEARING A MASK WHICH CONCEALS A PERSON'S IDENTITY, SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, THIS PROHIBITION DOES NOT APPLY DURING AN ACTIVE PANDEMIC OR EPIDEMIC IN THIS STATE OR DURING AN ACTIVE AND LAWFULLY DECLARED STATE OF EMERGENCY

TUESDAY, JANUARY 10, 2023

IN THIS STATE.

smin-0060aa23.docx : c89dbeb0-5993-4e41-a6fe-6f58b879d6f2

Prefiled and referred to the Committee on Judiciary.

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

S. 293 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 25, TITLE 59 SO AS TO ESTABLISH THE SCHOOL DISTRICT TEACHER RECRUITMENT AND RETENTION PROGRAM UNDER THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE THAT CERTAIN TEACHERS QUALIFY FOR CERTAIN MONTHLY STIPENDS, STUDENT LOAN PAYMENTS, AND ONE-TIME PAYMENTS FOR A DOWN PAYMENT ON A HOME.

smin-0047aa23.docx : ab2452c2-622a-44bc-81eb-baf3f25d370f

Prefiled and referred to the Committee on Education.

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

S. 294 -- Senator Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA AGRIBUSINESS, RURAL, AND OPPORTUNITY ZONE JOBS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THE DEPARTMENT OF REVENUE SHALL ACCEPT APPLICATIONS FOR APPROVAL AS A GROWTH FUND, TO PROVIDE FOR CRITERIA FOR THE DEPARTMENT TO EITHER GRANT OR DENY AN APPLICATION, TO PROVIDE FOR CERTAIN INCOME TAX CREDITS, TO PROVIDE FOR CRITERIA FOR THE DEPARTMENT TO REVOKE A TAX CREDIT CERTIFICATE, TO PROVIDE THAT A GROWTH FUND MAY REQUEST FROM THE DEPARTMENT CERTAIN WRITTEN OPINIONS, TO PROVIDE FOR THE SUBMITTAL OF REPORTS, TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND ISSUE FORMS AND NOTICES, AND TO PROVIDE THAT THE DEPARTMENT SHALL NOTIFY THE DEPARTMENT OF INSURANCE OF THE NAME OF ANY INSURANCE COMPANY ALLOCATED CERTAIN TAX CREDITS.

smin-0054aa23.docx : ec5dae7e-60c7-459b-a4d5-3de8aa244e4c

Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 10, 2023

S. 295 -- Senator Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-20-50, RELATING TO TEACHER SALARY REQUIREMENTS, SO AS TO REQUIRE EACH TEACHER TO BE PAID THE NATIONAL AVERAGE TEACHER SALARY INSTEAD OF THE SOUTHEASTERN AVERAGE.

smin-0035mw23.docx : 528c5dd5-35df-4c69-88a1-2df7e7e7fcfc

Prefiled and referred to the Committee on Education.

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

S. 296 -- Senator Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-2410 SO AS TO PROVIDE PENALTIES FOR A PERSON CONVICTED OF A CRIME CONTAINED IN THIS CHAPTER WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN A PERSON BECAUSE OF HIS RACE, RELIGION, COLOR, SEX, AGE, NATIONAL ORIGIN, OR SEXUAL ORIENTATION; BY AMENDING SECTION 16-11-510, RELATING TO MALICIOUS INJURY TO PERSONAL PROPERTY, SO AS TO SO AS TO REVISE THE PENALTIES FOR MALICIOUS INJURY TO PERSONAL PROPERTY; AND BY AMENDING SECTION 16-11-520, RELATING TO MALICIOUS INJURY TO REAL PROPERTY, SO AS TO REVISE THE PENALTIES FOR MALICIOUS INJURY TO REAL PROPERTY AND TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO MALICIOUSLY INJURE PERSONAL OR REAL PROPERTY OF ANOTHER PERSON WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN THAT PERSON.

smin-0033mw23.docx : 284fbccb-397c-4a15-a878-d27b9eaedb22

Prefiled and referred to the Committee on Judiciary.

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

S. 297 -- Senator Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-13-150, RELATING TO EARLY RELEASE, DISCHARGE, AND COMMUNITY SUPERVISION, LIMITATIONS; FORFEITURE OF CREDITS, SO AS TO PROVIDE FOR A REDUCTION IN THE SENTENCE OF AN INMATE CONVICTED OF CERTAIN "NO PAROLE OFFENSES" UPON SATISFYING CERTAIN CONDITIONS; BY AMENDING SECTION 24-13-210, RELATING TO CREDIT GIVEN INMATES FOR GOOD BEHAVIOR, AND REDUCTION IN A SENTENCE FOR CERTAIN INMATES, SO AS TO PROVIDE FOR A REDUCTION IN THE SENTENCE OF AN

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INMATE CONVICTED OF CERTAIN "NO PAROLE OFFENSES" UPON SATISFYING CERTAIN CONDITIONS; AND BY AMENDING SECTION 24-13-230, RELATING TO REDUCTION OF SENTENCE FOR PRODUCTIVE DUTY ASSIGNMENT OR PARTICIPATION IN ACADEMIC, TECHNICAL, OR VOCATIONAL TRAINING PROGRAM, SO AS TO PROVIDE FOR A REDUCTION IN THE SENTENCE OF AN INMATE CONVICTED OF CERTAIN "NO PAROLE OFFENSES" UPON SATISFYING CERTAIN CONDITIONS.

smin-0034mw23.docx : 41898be3-76a6-4201-b64e-b1c17a881f76

Prefiled and referred to the Committee on Corrections and Penology.

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

S. 298 -- Senator Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

lc-0036dg23.docx : ddffc934-528b-41a2-8543-1e037511954b

Prefiled and referred to the Committee on Finance.

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

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

sr-0021jg23.docx : 00063ea8-fbcb-4788-b39c-b7ce6494a4e5

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 300 -- Senators Shealy, Hutto, Jackson, Senn and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX SO AS TO PROVIDE EXEMPTIONS FOR BABY FORMULA AND BABY FOOD.

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sr-0141km23.docx : afa6b270-787d-41a8-b4ba-2f3fc6af2a60

Prefiled and referred to the Committee on Finance.

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

S. 301 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-7-920, RELATING TO THE MEMBERSHIP OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO ADD THE ATTORNEY GENERAL FOR THE TERM FOR WHICH HE IS ELECTED OR HIS DESIGNEE TO THE MEMBERSHIP OF THE COMMISSION.

sr-0151km23.docx : d4200637-2cc7-4a16-b4d8-295691a50512

Prefiled and referred to the Committee on Judiciary.

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

S. 302 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-8-10, RELATING TO DEFINITIONS, SO AS TO INCLUDE THE ATTORNEY GENERAL OF THIS STATE IN THE DEFINITION OF "SOLICITOR" AND TO MAKE THE NECESSARY PROVISIONS FOR THE ATTORNEY GENERAL TO BECOME A MEMBER OF THE SYSTEM; AND BY AMENDING SECTION 9-8-40, RELATING TO MEMBERSHIP IN SYSTEM; CESSATION OF MEMBERSHIP, SO AS TO ALLOW THE ATTORNEY GENERAL SERVING ON JULY 1, 2023, TO ELECT TO BECOME A MEMBER.

sr-0150km23.docx : c05cc9ea-3353-455d-9c7c-7a003d4ba8ff

Prefiled and referred to the Committee on Finance.

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

S. 303 -- Senators Shealy and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-

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350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

sr-0146km23.docx : abfec2db-5f0c-4c16-b598-c7f3b678f174

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 304 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

sr-0149km23.docx : bab193ca-13b4-4bfc-80ee-7a24c230182a

Prefiled and referred to the Committee on Transportation.

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

S. 305 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

sr-0148km23.docx : 2e113514-ff53-46d0-9bd5-15bb749b8272

Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 10, 2023

S. 306 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-900 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-101-910 SO AS TO PROVIDE THAT PARTICIPATING INSTITUTIONS IN THIS STATE SHALL ANNUALLY AWARD A STIPEND TO A STUDENT ATHLETE WHO PARTICIPATES IN AN INTERCOLLEGIATE SPORT AND MAINTAINS GOOD ACADEMIC STANDING DURING THE PREVIOUS YEAR AND TO PROVIDE CONDITIONS FOR THE RECEIPT OF STIPENDS; BY ADDING SECTION 59-101-920 SO AS TO PROVIDE THAT AN ATHLETE MAY ONLY RECEIVE ONE STIPEND; BY ADDING SECTION 59-101-930 SO AS TO PROVIDE THAT ALL STIPENDS ARE FINANCIAL AID; BY ADDING SECTION 59-101-940 SO AS TO PROVIDE THAT PARTICIPATING INSTITUTIONS PROVIDE COMPLETE ACCOUNTING OF THE STIPENDS; BY ADDING SECTION 59-101-1000 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-101-1010 SO AS TO PROVIDE THAT PARTICIPATING INSTITUTIONS SHALL CREATE A STUDENT ATHLETE TRUST FUND AND FUND THE TRUST WITH A PERCENTAGE OF THE INTERCOLLEGIATE SPORT GROSS REVENUE; BY ADDING SECTION 59-101-1020 SO AS TO PROVIDE THAT FIVE THOUSAND DOLLARS WILL BE DEPOSITED INTO THE FUND ON A STUDENT ATHLETE'S BEHALF FOR EACH YEAR THAT HE MAINTAINS GOOD ACADEMIC STANDING, AND TO PROVIDE THAT THE TOTAL TRUST FUND AMOUNT MAY NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS PER STUDENT ATHLETE, TO PROVIDE THAT A PARTICIPATING INSTITUTION SHALL PROVIDE A ONE-TIME PAYMENT TO EACH STUDENT ATHLETE AFTER THE FULFILLMENT OF CERTAIN REQUIREMENTS; BY ADDING SECTION 59-101-1030 SO AS TO PROVIDE THAT AN ATHLETE MAY ONLY RECEIVE ONE PAYMENT; BY ADDING SECTION 59-101-1040 SO AS TO PROVIDE THAT ALL PAYMENTS ARE FINANCIAL AID; BY ADDING SECTION 59-101-1050 SO AS TO PROVIDE THAT PARTICIPATING INSTITUTIONS PROVIDE COMPLETE ACCOUNTING OF THE PAYMENTS.

smin-0043mw23.docx : 1a2ecae6-f171-4a06-9157-6e92ee422daf

Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 10, 2023

S. 307 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-17-410, RELATING TO CIRCUMSTANCES UNDER WHICH A PERSON MAY BE ADMITTED TO A PUBLIC OR PRIVATE HOSPITAL, MENTAL HEALTH CLINIC, OR MENTAL HEALTH FACILITY FOR EMERGENCY ADMISSION, SO AS TO PROVIDE FOR THE EXTENSION OF A CERTIFICATION BY A PHYSICIAN DURING A NATURAL DISASTER OR LIFE-THREATENING CONDITIONS; AND BY AMENDING SECTION 44-17-440, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON WHO IS BELIEVED TO HAVE A MENTAL ILLNESS AND IS REQUIRING IMMEDIATE CARE, SO AS TO PROVIDE THAT A STATE OR LOCAL LAW ENFORCEMENT OFFICER RESPONSIBLE FOR TRANSPORTING THE PATIENT MUST BE A PART OF A THERAPEUTIC TRANSPORT UNIT AND HAVE UNDERGONE MENTAL HEALTH AND CRISIS INTERVENTION TRAINING, AND TO PROVIDE THAT A PHYSICIAN RESPONSIBLE FOR THE PATIENT'S CARE MUST NOTIFY A FRIEND OR RELATIVE THAT THE FRIEND OR RELATIVE MAY TRANSPORT THE PATIENT TO THE MENTAL HEALTH FACILITY AND THAT THE FRIEND OR RELATIVE FREELY CHOOSES TO ASSUME RESPONSIBILITY AND LIABILITY FOR THE TRANSPORT.

smin-0042mw23.docx : 6f9b0d8a-d33f-4a0b-81a4-b33d9e89e2dd

Prefiled and referred to the Committee on Medical Affairs.

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

S. 308 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-242, SO AS TO PROHIBIT THE DELETION OR DESTRUCTION OF DATA FROM A BODY-WORN CAMERA WITH THE INTENT TO ALTER OR INFLUENCE A CRIMINAL ACTION, CRIMINAL INVESTIGATION, INTERNAL POLICE INVESTIGATION, CIVIL ACTION, OR POTENTIAL CIVIL ACTION IF NOTICE IS PROVIDED BY THE ADVERSE PARTY, OR IF LITIGATION IS REASONABLY ANTICIPATED, TO PROVIDE PENALTIES, AND TO PROVIDE EXEMPTIONS; AND BY AMENDING SECTION 23-1-240, RELATING TO POLICIES AND PROCEDURES FOR THE USE OF BODY-WORN CAMERAS, SO AS TO PROVIDE THAT A TRIAL JUDGE MAY INSTRUCT A JURY THAT IT MAY INFER NEGLIGENCE IF AN OFFICER

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WEARING A BODY-WORN CAMERA FAILED TO PRODUCE VIDEO.

smin-0040mw23.docx : 05536a3d-b841-4081-ba4a-b5ac6ea137cf

Prefiled and referred to the Committee on Judiciary.

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

S. 309 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA INCLUSIONARY ZONING ACT"; BY ADDING SECTION 6-7-510 SO AS TO PROVIDE FOR THE GENERAL ASSEMBLY'S FINDINGS; AND BY ADDING SECTION 6-7-520 SO AS TO PROVIDE THAT COUNTIES AND MUNICIPALITIES ARE AUTHORIZED TO USE INCLUSIONARY ZONING STRATEGIES TO INCREASE THE AVAILABILITY OF AFFORDABLE HOUSING.

smin-0041mw23.docx : c6175823-3c49-4eed-86c5-bc49b9d13e5f

Prefiled and referred to the Committee on Judiciary.

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

S. 310 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA HARM REDUCTION ACT"; BY ADDING SECTION 44-140-20 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A SYRINGE SERVICES PROGRAM; BY ADDING SECTION 44-140-30 SO AS TO ESTABLISH AN ADVISORY COMMITTEE; BY ADDING SECTION 44-140-40 SO AS TO ESTABLISH DUTIES OF THE ADVISORY COMMITTEE; BY ADDING SECTION 44-140-50 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY; BY ADDING SECTION 44-140-60 SO AS TO PROVIDE FOR CERTAIN CIRCUMSTANCES THAT A PROGRAM EMPLOYEE OR PARTICIPANT SHALL NOT BE IN VIOLATION OF CHAPTER 53, TITLE 44; AND BY AMENDING SECTION 44-130-20, RELATING TO THE DEFINITION OF COMMUNITY DISTRIBUTOR, SO AS TO INCLUDE SYRINGE SERVICES.

smin-0039mw23.docx : 5672e4e3-8a4b-444c-8897-26dfa1ec3a67

Prefiled and referred to the Committee on Medical Affairs.

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

TUESDAY, JANUARY 10, 2023

S. 311 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; BY AMENDING SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; BY AMENDING SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; BY AMENDING SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD-PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE

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ENTERPRISE ZONE ACT OF 1995.

lc-0127wab23.docx : 8dfe64a5-5e3e-40bc-92d1-05726b3a5577

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 312 -- Senators McLeod, Shealy, Matthews, Senn, Gustafson and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-11-790 SO AS TO REQUIRE THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO CONSULT WITH TREATING PHYSICIANS AND MEDICAL PROFESSIONALS WHEN PROPOSING CHANGES TO A CURRENT STATE HEALTH CARE PLAN; BY AMENDING SECTION 9-4-10, RELATING TO THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY BOARD, SO AS TO CHANGE CERTAIN QUALIFICATIONS; AND BY AMENDING SECTION 9-4-10, RELATING TO BOARD COMPOSITION, SO AS TO PROVIDE THAT AT LEAST FIVE MEMBERS APPOINTED TO THE BOARD MUST BE LICENSED PHYSICIANS AND AT LEAST FIVE MEMBERS APPOINTED TO THE BOARD MUST BE FEMALE.

smin-0037mw23.docx : c225709e-5319-40ea-a98c-2312237d6f10

Prefiled and referred to the Committee on Finance.

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

S. 313 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-25-180, RELATING TO UNLAWFUL DISTRIBUTION OF CAMPAIGN LITERATURE, SO AS TO ALLOW FOR PLACEMENT OF POLITICAL POSTERS ON PRIVATE PROPERTY.

sj-0003af23.docx : c15434b1-a198-45b1-8931-f468a1aa81ad

Prefiled and referred to the Committee on Judiciary.

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

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND

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REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

sedu-0044db23.docx : 617749ca-a5df-47b2-829a-92f5fa26df76

Prefiled and referred to the Committee on Education.

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

S. 315 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-25 SO AS TO PROVIDE AN OPEN ENROLLMENT OPTION IN PUBLIC SCHOOLS; BY AMENDING SECTION 59-63-30, SECTION 59-63-32(B), (C), AND (E), AND SECTION 59-63-480, TO MAKE CONFORMING CHANGES TO IMPLEMENT THE OPEN ENROLLMENT OPTION.

sr-0134km23.docx : 22bce640-e2d0-497d-b331-a1a9ed996c3f

Prefiled and referred to the Committee on Education.

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

S. 316 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-45, RELATING TO ADDITIONAL DUTIES AND FUNCTIONS OF COMMISSION REGARDING PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO ESTABLISH AND MANDATE A PATHWAY FOR FULL ARTICULATION AGREEMENTS BETWEEN TECHNICAL COLLEGES AND FOUR-YEAR PUBLIC INSTITUTIONS LEADING TO A BACCALAUREATE DEGREE IN

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EDUCATION, TO FURTHER PROVIDE AN ANNUAL REPORT OF ANY INSTITUTION PREVENTING THE COMMISSION FROM CARRYING OUT ITS DUTIES AND FUNCTIONS.

sedu-0040db23.docx : 4b1b82b1-5aac-4d28-8fec-6b0a3762c3d8

Prefiled and referred to the Committee on Education.

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

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN; PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS; AND ESTABLISH A FOUR-YEAR TERM.

sr-0023jg23.docx : a5c597fa-0342-452c-a5fb-ee3f7973eedc

Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 318 -- Senators Hembree, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE SARAH "SALLY" CAUTHEN UPON THE OCCASION OF HER RETIREMENT AS RESEARCH DIRECTOR OF THE SENATE EDUCATION COMMITTEE, TO COMMEND HER FOR HER SIXTEEN YEARS OF DEDICATED SERVICE TO THE SOUTH CAROLINA STATE SENATE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0187km-hw23.docx : c3670375-3e1e-4149-a086-ed8e70656a0f

The Senate Resolution was adopted.

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S. 319 -- Senators Williams and Reichenbach: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0190km-vc23.docx : 00192594-572b-448c-8504-f6e3ea4c29d7

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

S. 320 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE DANIEL HIGH SCHOOL MARCHING BAND, DIRECTOR, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A MARCHING BAND STATE CHAMPIONSHIP.

sr-0135km-hw23.docx : 2cd8e004-a819-4102-8647-3b70f8e9cfb8

The Senate Resolution was adopted.

S. 321 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE SENECA HIGH SCHOOL GIRLS GOLF TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A STATE CHAMPIONSHIP.

sr-0133km-vc23.docx : 64841284-f312-4ae0-8610-d45c20479efd

The Senate Resolution was adopted.

S. 322 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ROBERT MITCHUM AS ONE OF THE GREATEST MOTION PICTURE STARS OF THE TWENTIETH CENTURY.

sr-0142km-vc23.docx : 005108f7-23b9-49f9-9daf-c754cbe201cb

The Senate Resolution was adopted.

S. 323 -- Senator Matthews: A SENATE RESOLUTION TO CONGRATULATE MS. IRIS HILL UPON THE OCCASION OF HER FOURTEENTH ANNIVERSARY AS TOWN ADMINISTRATOR AND TO COMMEND HER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE EDISTO BEACH COMMUNITY

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AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0183km-hw23.docx : 204d72dc-54f3-4aad-9cea-b9a3d91b63f9

The Senate Resolution was adopted.

S. 324 -- Senator Davis: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. LYNN W. MCGEE, A SENIOR EXECUTIVE AND PROFESSOR AT THE UNIVERSITY OF SOUTH CAROLINA BEAUFORT, UPON THE OCCASION OF HER RETIREMENT AFTER YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0116vr-gm23.docx : b5d3dfae-d7d2-4d30-a7f9-e0ab5ac54c3c

The Senate Resolution was adopted.

S. 325 -- Senators Jackson and Goldfinch: A SENATE RESOLUTION TO CONGRATULATE THE STUDENTS, TEACHERS, ADMINISTRATORS, AND STAFF OF ST. JAMES ELEMENTARY SCHOOL IN MYRTLE BEACH ON THEIR SCHOOL'S RECEIVING A 2022 NATIONAL BLUE RIBBON AWARD.

lc-0120wab-rm23.docx : c7cbdf03-5d60-492e-ae13-5cfc625a1161

The Senate Resolution was adopted.

S. 326 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KIMBERLY DAVIS, THE SOUTH CAROLINA COMMUNITY DEVELOPMENT OFFICER FOR WELLS FARGO, FOR THIRTY-FIVE YEARS OF OUTSTANDING SERVICE IN BANKING FOR THE ENRICHMENT OF CITIZENS THROUGHOUT THE STATE OF SOUTH CAROLINA.

lc-0122sa-gm23.docx : c470b3f1-0f26-4b8f-8be8-6a1d8a86ddad

The Senate Resolution was adopted.

S. 327 -- Senator Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CRESCENT HIGH SCHOOL SPORTING CLAYS TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2022 SCHOLASTIC CLAY TARGET PROGRAM NATIONAL CHAMPIONSHIP TITLE.

lc-0089dg-rm23.docx : b1041296-8f03-478e-ac9d-d4bd8f1ca12d

The Senate Resolution was adopted.

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S. 328 -- Senators Matthews, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF ARTHUR ARNOLD MURPHY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0186km-vc23.docx : 6316becb-24bb-4bbf-a86d-b2afbf44b1a3

The Senate Resolution was adopted.

S. 329 -- Senators Kimpson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DAVID AYLOR AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0185km-vc23.docx : 6d7e4dc0-d893-4399-8228-6815a9531b9b

The Senate Resolution was adopted.

S. 330 -- Senators Rankin and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

sj-0037bm23.docx : 8c13fe80-edce-42da-ba7e-767aa23cf984

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

S. 331 -- Senators Rankin and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO UTILITY SYSTEMS, SO AS TO CREATE THE OFFENSE OF MALICIOUS INJURY OF A GASOLINE, NATURAL GAS, PROPANE, OR ELECTRIC UTILITY BY USE OF A FIREARM OR DESTRUCTIVE

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DEVICE AND TO ESTABLISH APPROPRIATE PENALTIES.

sj-0036bm23.docx : ee4eed36-c0a6-4e11-933d-a5ce37f5846d

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

S. 332 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-1-330, RELATING TO ISSUANCE OF MARRIAGE LICENSE CERTIFICATES, SO AS TO PROVIDE FOR THE SIGNATURE OF THE BRIDE AND GROOM ON THE CERTIFICATE.

lc-0130vr23.docx : 199aa88d-b5e9-4204-b9c2-19c8726e7ff09

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

S. 333 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-100 SO AS TO PROVIDE PUBLIC SCHOOLS MAY NOT CONTRACT WITH PRIVATE ENTITIES FOR THE SUPERVISION, SANCTIONING, OR REGULATION OF INTERSCHOLASTIC COMPETITIONS UNLESS THE ENTITY REQUIRES MEMBER CHARTER SCHOOLS AND PRIVATE SCHOOLS TO PARTICIPATE AT HIGHER CLASSIFICATION LEVELS OF COMPETITION IF THEY ACCEPT STUDENTS LIVING OUTSIDE OF THE PUBLIC HIGH SCHOOL ATTENDANCE ZONE IN WHICH THE THEY ARE LOCATED.

lc-0143wab23.docx : ff206f60-651f-405e-93da-901bc9eba55a

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

S. 334 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-65 SO AS TO REQUIRE VACANCIES ON A SCHOOL DISTRICT BOARD OF TRUSTEES TO BE FILLED IN THE SAME MANNER OF ORIGINAL APPOINTMENT OR BY A SPECIAL ELECTION; BY AMENDING SECTION 59-19-60, RELATING TO THE REMOVAL OF MEMBERS OF SCHOOL DISTRICT BOARDS OF TRUSTEES, SO AS TO REMOVE A DUPLICATIVE PROVISION; AND BY AMENDING SECTION 59-19-70, RELATING TO THE SELECTION OF A CHAIRMAN AND CLERK OF A BOARD OF TRUSTEES, SO AS TO REQUIRE THE SELECTION OF A CHAIRMAN AND CLERK AS SOON AS PRACTICABLE AFTER THE ELECTION OF A NEW TRUSTEE.

sfgf-0008bc23.docx : f0b960c0-6369-40bf-9581-c72f2f64533c

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

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S. 335 -- Senator Davis: A BILL TO AMEND ACT 596 OF 1969, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

sr-0175km23.docx : 3be55f49-0805-4b26-ab52-6c5354a51346

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

S. 336 -- Senator Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-13-1820, RELATING TO THE MAXIMUM PERIOD OF TIME PERMITTED TO VOTERS TO REMAIN IN THE VOTING BOOTH, SO AS TO INCREASE THE MAXIMUM TIME ALLOWED FROM THREE MINUTES TO A REASONABLE AMOUNT OF TIME OR WITHIN FIVE MINUTES OF BEING ASKED TO LEAVE AND PROVIDING THAT VOTERS MUST LEAVE THE VOTING BOOTH PROMPTLY AFTER VOTING.

sr-0006jg23.docx : 0c7ac2cd-08af-4e8a-b861-3f5a390a4ca5

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

S. 337 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-32-10, RELATING TO DEFINITIONS FOR THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO AMEND THE DEFINITION OF "REPRODUCTIVE HEALTH EDUCATION" TO PROVIDE FOR AGE APPROPRIATE, COMPREHENSIVE, AND MEDICALLY ACCURATE INSTRUCTION, AND TO PROVIDE THAT ABSTINENCE MAY NOT BE TAUGHT AS THE ONLY OR PRIMARY METHOD OF PREGNANCY PREVENTION AND THE PREVENTION OF SEXUALLY TRANSMITTED DISEASES; BY AMENDING SECTION 59-32-10, RELATING TO DEFINITIONS FOR THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO AMEND THE DEFINITION OF "PREGNANCY PREVENTION EDUCATION" TO INCLUDE THE BENEFITS OF ABSTINENCE UNTIL MARRIAGE; AND BY AMENDING SECTION 59-32-30, RELATING TO LOCAL SCHOOL BOARDS IMPLEMENTING THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO INCLUDE DOMESTIC VIOLENCE AND

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PREGNANCY PREVENTION EDUCATION IN THE CURRICULUM FOR GRADES SIX THROUGH EIGHT.

sr-0192km23.docx : 59a25957-a3bf-4882-aaaa-f0913267c307

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

S. 338 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-30-140 SO AS TO PROVIDE THAT CERTAIN STATE GOVERNMENTAL AGENCIES MUST PROVIDE INCREASED ACCESS OF CONTRACEPTIVES FOR ANY PERSON OLDER THAN THIRTEEN, TO PROVIDE GUIDANCE CONCERNING INCREASED ACCESS, AND TO PROVIDE THAT A PERSON YOUNGER THAN SIXTEEN REQUESTING CONTRACEPTIVES PURSUANT TO THIS SECTION MAY NOT RECEIVE CONTRACEPTIVES UNLESS THEY HAVE WRITTEN PARENTAL CONSENT.

sr-0194km23.docx : 938a125d-4ecf-4179-908e-7202dd6e256c

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

S. 339 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-11-735 SO AS TO PROVIDE THAT THE STATE HEALTH PLAN MUST INCLUDE COVERAGE FOR CONTRACEPTIVES FOR DEPENDENTS OF PARTICIPANTS IN THE PLAN; AND BY ADDING SECTION 38-71-146 SO AS TO PROVIDE THAT ALL HEALTH INSURANCE PLANS IN THIS STATE MUST INCLUDE COVERAGE FOR CONTRACEPTIVES.

sr-0193km23.docx : 87b02b8e-f179-4608-80bb-e393e9a2f949

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

S. 340 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-11-20(B)(2), RELATING TO PRESIDENTIAL PRIMARIES, SO AS TO DECREASE THE MAXIMUM FILING FEE THAT MAY BE CHARGED BY THE STATE ELECTION COMMISSION TO EACH CANDIDATE CERTIFIED BY A POLITICAL PARTY FOR THE CONDUCT OF A PRESIDENTIAL PREFERENCE PRIMARY.

smin-0022aa23.docx : 060c69c1-7074-4a6c-ada2-5057043e214e

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

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S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

smin-0069aa23.docx : 64283970-4e4e-47c7-9bc8-63d32278ab33

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

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

smin-0068aa23.docx : df14d4be-d0bd-482e-9194-73cda524760c

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

S. 343 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

smin-0070aa23.docx : 8fcf8481-880d-4229-88ed-da0326522d5e

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

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S. 344 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-9-130 SO AS TO REQUIRE A MOTOR VEHICLE DEALER WHO CHARGES A CLOSING FEE TO PAY A REGISTRATION FEE AND REQUIRE THAT THE FEE MUST BE INCLUDED IN THE ADVERTISED PRICE OF THE MOTOR VEHICLE; TO DEFINE THE TERM CLOSING FEE; TO ESTABLISH THE PROCEDURES A DEALER SHALL UNDERTAKE BEFORE CHARGING A CLOSING FEE AND TO AUTHORIZE THE SECRETARY OF STATE TO DETERMINE WHETHER A CLOSING FEE IS REASONABLE; TO PROVIDE THAT A DEALER WHO COMPLIES WITH CERTAIN STATUTORY REQUIREMENTS MAY LAWFULLY CHARGE A CLOSING FEE, TO ALLOW A MOTOR VEHICLE DEALER TO ASSERT ANY DEFENSES PROVIDED TO A CREDITOR PURSUANT TO TITLE 37, AND TO ALLOW A PURCHASER INJURED OR DAMAGED BY THE ACTION OF A MOTOR VEHICLE DEALER IN VIOLATION OF CERTAIN STATUTORY REQUIREMENTS MAY ASSERT THE REMEDIES AVAILABLE PURSUANT TO TITLE 37; TO AUTHORIZE THE SECRETARY OF STATE TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES, AND TO EXPRESS THE INTENT OF THE GENERAL ASSEMBLY, AND BY REPEALING SECTION 37-2-307 RELATING TO MOTOR VEHICLE SALES CONTRACTS CLOSING FEES.

sr-0189km23.docx : 554149d9-2347-47e3-995f-7d690b110d06

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

S. 345 -- Senators Kimpson, Matthews and Stephens: A RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF LATE "TYLER" NORMAN DAVIS, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0111km-vc23.docx : f77f4315-6706-45c7-b16b-42dba6640382

The Senate Resolution was adopted.

S. 346 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-39-410, RELATING TO PROPERTY THAT MAY BE ORDERED TO BE APPLIED TOWARD THE SATISFACTION OF A JUDGMENT, SO AS TO PROVIDE THAT, INSTEAD OF A COMPLETE EXEMPTION OF THE EARNINGS OF A JUDGMENT DEBTOR FOR HIS PERSONAL SERVICES, ONLY SEVENTY-FIVE PERCENT OF

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THE EARNINGS OF THE DEBTOR FOR HIS PERSONAL SERVICES CANNOT BE APPLIED, AND THAT THE EARNINGS OF THE JUDGMENT DEBTOR FOR HIS PERSONAL SERVICES TO BE WITHHELD MAY NOT EXCEED THE LIMITS SET FORTH BY THE FEDERAL CONSUMER CREDIT PROTECTION ACT.

sr-0164km23.docx : ece29ead-3b89-4b01-8a11-e54fd13bb955

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

S. 347 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-29-120, RELATING TO TOPICS OF STUDY ON VETERANS DAY AND ATTENDANCE AT VETERANS DAY ACTIVITIES, SO AS TO REQUIRE PUBLIC SCHOOLS IN THIS STATE TO PROVIDE AT LEAST ONE HOUR OF INSTRUCTION ON NOVEMBER ELEVENTH ON THE HISTORY AND MEANING OF VETERANS DAY.

sr-0163km23.docx : 40a66c3e-b950-48f6-abc5-cba49a001b63

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

S. 348 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-11-10, RELATING TO THE DEPARTMENT OF ADMINISTRATION, SO AS TO MOVE THE PROCUREMENT SERVICES DIVISION TO THE DEPARTMENT; BY AMENDING SECTION 1-11-10, RELATING TO THE DEPARTMENT OF ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 1-11-20, RELATING TO THE TRANSFER OF OFFICES, DIVISIONS, AND OTHER AGENCIES FROM THE STATE BUDGET AND CONTROL BOARD TO APPROPRIATE ENTITIES, SO AS TO REMOVE THE PROCUREMENT SERVICES DIVISION FROM THE STATE FISCAL AFFAIRS AUTHORITY; AND BY AMENDING SECTION 11-35-310, RELATING TO THE SOUTH CAROLINA PROCUREMENT CODE, SO AS TO MAKE CONFORMING CHANGES.

sr-0162km23.docx : 03c56a16-ef0f-4a2d-a61c-ef67e173843a

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

S. 349 -- Senator Matthews: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO DECLARATION OF RIGHTS, BY ADDING SECTION 26, TO RECOGNIZE THAT SECTIONS 3 AND 10 OF ARTICLE I PROVIDE THAT THE STATE

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SHALL NOT DENY OR INTERFERE WITH AN INDIVIDUAL'S REPRODUCTIVE FREEDOM IN THEIR MOST INTIMATE DECISIONS AND TO AUTHORIZE THE GENERAL ASSEMBLY TO PROVIDE FOR BY LAW FOR THE REGULATION OF ABORTION.

sr-0195km23.docx : cb99d25f-da9f-482c-a359-27046a050b52

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

S. 350 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 63-17-1020(B), RELATING TO CHILD SUPPORT ENHANCEMENT THROUGH LICENSE REVOCATION; AND BY REPEALING SECTION 56-1-171 RELATING TO SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT.

smin-0046mw23.docx : bbffa813-ee2-4ccf-89ed-dc97a85576fb

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

S. 351 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-122, RELATING TO THE ISSUANCE OF AUTOMOBILE INSURANCE COVERAGE AND THE AMOUNT OF AUTOMOBILE INSURANCE PREMIUMS, SO AS TO PROVIDE THAT INSURERS MAY NOT USE A NUMERICAL, CREDIT-BASED INSURANCE SCORE OR OTHER CREDIT RATING AS A BASIS FOR DETERMINING COVERAGE OR THE AMOUNT OF A PREMIUM; AND BY AMENDING SECTION 38-77-123, RELATING TO RENEWALS OF AUTOMOBILE INSURANCE POLICIES, SO AS TO PROVIDE THAT INSURERS MAY NOT USE A NUMERICAL, CREDIT-BASED INSURANCE SCORE OR OTHER CREDIT RATING AS A BASIS FOR DETERMINING THE RENEWAL OF A POLICY FOR AUTOMOBILE INSURANCE.

sr-0161km23.docx : 9176a6a0-1939-4279-828b-b49c44e7852c

Read the first time and referred to the Committee on Banking and Insurance.

S. 352 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-6540, RELATING TO THE ADMISSIBILITY AS EVIDENCE OF NEGLIGENCE IN A CIVIL ACTION REGARDING THE USE OF SAFETY BELTS, SO AS TO REMOVE THE PROVISION THAT A VIOLATION OF CERTAIN PROVISIONS RELATING TO SAFETY BELTS IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY

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NEGLIGENCE, AND TO REMOVE THE PROVISION THAT A VIOLATION IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION.

sr-0160km23.docx : bce66739-8489-4bb4-9967-374c3e3fa231

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

S. 353 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 15-38-15, 15-38-20(A), 15-38-40(B), AND 15-38-50, ALL RELATING TO THE SOUTH CAROLINA CONTRIBUTION AMONG TORTFEASORS ACT, SO AS TO INCLUDE PERSONS OR ENTITIES FOR THE PURPOSES OF ALLOCATION OF FAULT, AND TO MAKE CONFORMING CHANGES.

sr-0166km23.docx : da11e5da-74ea-45a8-9541-148edbf0e87b

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

S. 354 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-7-840, RELATING TO EXEMPTION FROM JURY SERVICE; REQUIREMENT OF DIRECTION BY COURT; MAINTENANCE OF LIST OF PERSONS EXCUSED, SO AS TO RAISE THE AGE EXEMPTION FROM SIXTY-FIVE YEARS OF AGE OR OLDER TO SEVENTY-FIVE YEARS OF AGE OR OLDER.

sr-0167km23.docx : 02939986-9a3f-42a3-8c82-381677df51c4

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

S. 355 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-39-260, RELATING TO RECORD OF SALES OR CONVEYANCES AND RESULTING CHANGES IN DUPLICATES; ENDORSEMENT OF DEEDS BY AUDITOR; FEES, SO AS TO PROVIDE GUIDELINES FOR THE RECORDS OF COUNTY REAL PROPERTY SALES AND TO REMOVE COUNTY AUDITOR FEES; BY AMENDING SECTION 30-5-120, RELATING TO VALIDATION OF CERTAIN CONVEYANCES NOT ENDORSED BY AUDITOR, SO AS TO PROVIDE THAT ANY CONVEYANCE MEETING THE STATUTORY PREREQUISITES FOR RECORDING ARE VALID AND BINDING; BY REPEALING SECTION 30-5-80; AND BY REPEALING SECTION 8-21-130.

sr-0171km23.docx : 8a8bb39a-42e5-4e63-8d8f-3dfc7b22bf81

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

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S. 356 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF PERMITS, SO AS TO REMOVE THE APPLICATION FEE; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT FOR THE COMPLETION OF A BASIC OR ADVANCED HANDGUN EDUCATION COURSE.

sr-0172km23.docx : 038ac805-38cd-4fd2-9c50-7513a9b6545c

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

S. 357 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-9-85 SO AS TO PROVIDE THAT AN OFFER TO SETTLE A CLAIM FOR PERSONAL INJURY, BODILY INJURY, OR DEATH ARISING FROM THE USE OF A MOTOR VEHICLE THAT IS PREPARED, WITH THE ASSISTANCE OF COUNSEL, PRIOR TO FILING A CIVIL ACTION MUST BE IN WRITING AND CONTAIN CERTAIN TERMS.

sr-0170km23.docx : f8b64e1d-3cbc-4272-b44b-cfd5e8a18730

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

S. 358 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-750, RELATING TO REQUIREMENTS FOR THE RENEWAL OF POLICIES OF INSURANCE, SO AS TO PROVIDE THAT AN INSURED MUST HAVE NOTICE OF AND GIVE WRITTEN CONSENT TO ANY INCREASE IN THE AMOUNT OF A DEDUCTIBLE PRIOR TO RENEWAL.

sr-0159km23.docx : 7df760f6-717f-45e2-ba0b-58ef63a0b8bd

Read the first time and referred to the Committee on Banking and Insurance.

S. 359 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SECOND AMENDMENT SANCTUARY ACT"; AND BY ADDING ARTICLE 9, TO PROVIDE THAT THE ATTORNEY GENERAL MUST ISSUE AN OPINION REGARDING THE CONSTITUTIONALITY OF ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION RELATED TO THE SECOND AMENDMENT, TO PROVIDE FOR ACTIONS THAT MAY NOT BE TAKEN BY THE STATE, POLITICAL SUBDIVISIONS, OR OFFICIALS, AGENTS, OR EMPLOYEES OF THE STATE UPON AN OPINION OF

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UNCONSTITUTIONALITY, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND THE STATE AND ITS POLITICAL SUBDIVISIONS AGAINST ANY LEGAL ACTIONS BROUGHT AGAINST THE STATE OR A POLITICAL SUBDIVISION FOR CERTAIN ACTIONS, AND TO PROVIDE THAT THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF IN ANY COURT OF COMPETENT JURISDICTION TO ENJOIN ANY OFFICIAL, AGENT, OR EMPLOYEE OF THE GOVERNMENT OF THE UNITED STATES OR EMPLOYEE OF A CORPORATION PROVIDING SERVICES TO THE GOVERNMENT OF THE UNITED STATES FROM ENFORCING ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION.

sr-0178km23.docx : 8ff5096a-fcb3-47c5-825e-a758a44a83fa

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

S. 360 -- Senator Sabb: A BILL TO AMEND ACT 402 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED POSITIONS.

smin-0055aa23.docx : ed418360-81ea-4615-a112-90462f0010b5

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

S. 361 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

sr-0176km23.docx : 86a4dd93-f6eb-4ef8-84ca-85c062c1a076

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

S. 362 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE STATE PROCUREMENT CODE, SO AS TO ADD PLANNING FOR REPAIRS TO BRIDGES, HIGHWAYS, ROADS, AND OTHER

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IMPROVEMENTS ON THE STATE RIGHT-OF-WAY TO THE LIST OF EXEMPTIONS.

sr-0177km23.docx : b55ba04f-55a9-4ab2-b18f-d520facebce2

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

S. 363 -- Senators Rankin and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

sr-0179km23.docx : 09ce736d-0ada-4472-8dc3-4bc983c5b3d0

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

S. 364 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-63-100, RELATING TO THE PROCESS THROUGH WHICH A PERSON MAY MAKE CHANGES TO HIS BIRTH CERTIFICATE, SO AS TO PROVIDE THAT GENDER CHANGES TO A PERSON'S BIRTH CERTIFICATE MAY ONLY BE TO CHANGE FROM MALE TO FEMALE OR FROM FEMALE TO MALE AND TO PROVIDE FOR AFFIDAVITS THAT MUST ACCOMPANY A PETITION TO MAKE A GENDER CHANGE TO A PERSON'S BIRTH CERTIFICATE.

sr-0191km23.docx : c9b6bea2-ee36-482c-8e2b-22e7f975bb7d

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

S. 365 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-140 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR", SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE

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SENATE; BY AMENDING SECTIONS 37-6-104(6), 37-6-117(I), 37-6-501 THROUGH 510, 37-6-602, AND 37-6-604(B), ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

sr-0157km23.docx : 8645e6bb-8fc6-4483-a1c4-bf8edd24860b

Read the first time and referred to the Committee on Banking and Insurance.

S. 366 -- Senators Shealy, Senn, Gustafson and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-41-10, RELATING TO DEFINITIONS CONCERNING ABORTIONS, SO AS TO PROVIDE DEFINITIONS FOR FATAL FETAL ANOMALY AND MEDICAL EMERGENCY AND TO REMOVE DEFINITIONS THAT ARE NO LONGER NECESSARY; BY AMENDING SECTION 44-41-20, RELATING TO LEGAL ABORTIONS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PERFORM ABORTIONS AFTER THE FIRST TRIMESTER OF PREGNANCY WITH CERTAIN EXCEPTIONS AND TO PROVIDE FOR IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR MEDICAL PERSONNEL ACTING CONSISTENTLY WITH THE CURRENT STANDARD OF CARE; BY AMENDING SECTION 44-41-30(C), RELATING TO PERSONS FROM WHOM CONSENT IS REQUIRED, SO AS TO PROVIDE THAT CONSENT IS NOT NECESSARY IN A MEDICAL EMERGENCY AND A WOMAN IS INCAPABLE OF GIVING CONSENT; BY AMENDING SECTION 44-41-30(D), RELATING TO PERSONS FROM WHOM CONSENT IS REQUIRED, SO AS TO PROVIDE THAT CRIMINAL SEXUAL CONDUCT RESULTING IN A PREGNANCY MUST BE REPORTED; BY AMENDING SECTION 44-41-80, RELATING TO PERFORMING OR SOLICITING UNLAWFUL ABORTION; TESTIMONY OF A WOMAN MAY BE COMPELLED, SO AS TO REPEAL PROVISIONS THAT COULD LEAD TO A WOMAN BEING PROSECUTED FOR AN ABORTION AND TO REMOVE PROVISIONS REQUIRING A WOMAN TO TESTIFY IN CRIMINAL PROSECUTIONS INITIATED PURSUANT

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TO CHAPTER 41, TITLE 44; AND TO REPEAL ARTICLE 5 AND ARTICLE 6, CHAPTER 41, TITLE 44.

sr-0198km23.docx : bec72d0d-1d1e-4a49-acd6-5a2086c058a5

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

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian and Cash: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF

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PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

sj-0009bm23.docx : c93949b4-8429-4c29-ad1e-2e82bed0dc11

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

S. 368 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Cash and Harpootlian: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-55, RELATING TO RECONSIDERATION BY THE CIRCUIT COURT OF BOND SET BY THE SUMMARY COURT, SO AS TO PROVIDE THAT IF A PERSON RECEIVES A SUBSEQUENT BOND AFTER BEING RELEASED ON BOND FOR A PREVIOUS VIOLENT OFFENSE OR FELONY OFFENSE INVOLVING A FIREARM, THE BONDSMAN MUST CERTIFY THAT ALL FEES ASSOCIATED WITH THE BOND WERE PAID IN FULL AT THE TIME OF THE BONDING, AND TO PROVIDE THAT IF A PERSON RECEIVES A BOND AFTER TWO PRIOR BONDS SET FOR SEPARATE VIOLENT OR FELONY OFFENSES INVOLVING A FIREARM, THAT BOND MAY NOT BE POSTED BY A BOND SURETY; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO PROVIDE THAT THE COURT MUST CONSIDER WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR A PRIOR OFFENSE WHEN SETTING BOND; AND BY AMENDING SECTION 22-5-510, RELATING TO BAIL AND BOND HEARINGS AND INFORMATION TO BE PROVIDED TO THE MAGISTRATE, SO AS TO PROVIDE THAT A MAGISTRATE MUST CONSIDER WHETHER A PERSON IS OUT ON BOND FOR ANOTHER PRIOR OFFENSE WHEN SETTING A BOND.

sj-0010bm23.docx : a31be6c3-ecb5-4ce2-be16-02edf2277d45

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

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S. 369 -- Senator Rice: A CONCURRENT RESOLUTION TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT THAT IMPOSES FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

lc-0145wab-wab23.docx : 0fe498bd-bf18-4d6f-88d2-8b92a3b8b4cc

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

S. 370 -- Senators Kimpson and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-91 (RIVER ROAD) AND FT. TRENHOLM ROAD IN CHARLESTON COUNTY "ABRAHAM JENKINS, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0199km-vc23.docx : aae3795c-25ba-413c-bf63-4caf18e1b23a

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

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, January 10, 2023 - 5:30pm - 7:30pm

Members Only, Reception, USC Alumni Center, by the **South Carolina Bankers Association**

Tuesday, January 10, 2023 - 6:00pm - 9:00pm

Members Only, Reception, Columbia Convention Center, by **Riley-Wilkins Legislative/Civic Leadership Awards**

Thursday, January 12, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **Bleeding Disorders Association of South Carolina**

TUESDAY, JANUARY 10, 2023

Tuesday, January 17, 2023 - 5:30pm - 7:00pm

Members and Staff, Reception, Bourbon 1214 Main St., by the **South Carolina Craft Distillers Guild**

Tuesday, January 17, 2023 - 6:00pm - 9:00pm

Members and Staff, Reception, Columbia Convention Center, by **Lexington County**

Tuesday, January 17, 2023 - 5:00pm - 7:00pm

Members Only, Dinner, USC Alumni Center, by the **South Carolina Chamber of Commerce**

Wednesday, January 18, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **South Carolina DREAM TEAM Social Justice Coalition**

Wednesday, January 18, 2023 - 11:30am - 2:00pm

Members and Staff, Luncheon, Blatt 112, by the **South Carolina Student Loan Corporation**

Wednesday, January 18, 2023 - 5:00pm - 7:00pm

Members Only, Reception, Palmetto Club, by **South Carolina Design Construction**

Thursday, January 19, 2023 - 8:00am - 10:00am

Members Only, Breakfast, Blatt 112, by the **South Carolina Association of Special Purpose Districts**

Tuesday, January 24, 2023 - 5:30pm - 8:00pm

Members and Staff, Reception, Bourbon 1214 Main St., by the **Conservation Voters of South Carolina**

Tuesday, January 24, 2023 - 6:00pm - 8:00pm

Members and Staff, Reception, Palmetto Club, by the **Wine and Spirit Wholesalers Association of South Carolina**

Wednesday, January 25, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **South Carolina EMS Association**

TUESDAY, JANUARY 10, 2023

Wednesday, January 25, 2023 - 11:30am - 2:00pm

Members Only, Luncheon, Blatt 112, by the **Wil Lou Gray Opportunity School**

Wednesday, January 25, 2023 - 5:00pm -7:00pm Members and Staff, Reception, Atrium, Truist Building 1201 Main St., by the **South Carolina Bar Association**

Thursday, January 26, 2023 - 8:00am - 10:00am

Members Only, Breakfast, Blatt 112, by the **South Carolina Emergency Management Association**

Tuesday, January 31, 2023 - 5:00pm - 7:00pm

Members Only, Reception, Capital City Club, by the **South Carolina Economic Developer's Association**

Tuesday, January 31, 2023 - 5:30pm - 8:00pm

Members and Staff, Reception, Capitol Center Lobby 1201 Main Street, by the **City of Columbia**

Statement by Senator YOUNG

I am not attending session today because I am assisting with my father who is ill in the hospital in Augusta.

Motion Adopted

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

TUESDAY, JANUARY 10, 2023

MOTION ADOPTED

On motion of Senators GROOMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David Scott "Scotty" Adams of Goose Creek, S.C. Scott was the father of our beloved Senator Brian Adams. He was United States Navy Veteran of 25 years where he worked as a chief boiler technician, Navy career counselor and Navy recruiter. Scott was an avid golfer and Ranger. He was an active member of the Fleet Reserve Association 269. He enjoyed going to casinos, family gatherings and spending time with fellow servicemen. Scott was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Representative Eldon Dewitt McCraw of Gaffney, S.C. Dewitt served in the South Carolina House of Representatives District 29 from 1961-1962 and 1990-2007. He retired from the South Carolina Tax Commission. Dewitt served and was a member of numerous organizations including being past president of the Gaffney Lion's Club, commissioner and former Chairman of the Board at Gaffney Board of Public Works, former board member at Winthrop College and the Cherokee County Cattlemen's Association to mention a few. He served in the South Carolina National Guard, was a recipient of the Order of the Palmetto and was an active member of First Baptist Church. He enjoyed volunteering with the Cherokee County Sheriff's Department Senior Calling Program. Dewitt was a loving husband, devoted father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Linda Jefferies McCraw of Gaffney, S.C. Linda attended and taught Home Economics at Gaffney High School and taught Child Care at Cherokee Vocational Center. After 32 years of teaching, she retired and opened Little Angels Daycare for over 30 years. Linda was a member of First Baptist Church. She enjoyed spending time with her family and loved animals, reading and shopping. Linda was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators MALLOY and SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Brian DeQuincey Newman of Columbia, S.C. Brian was a graduate of Spring Valley High school, Morehouse College and the University of South Carolina Law School. Brian was a former councilman for Columbia City District 2 who was elected in 2010 as the youngest councilman ever and also worked for the fifth circuit solicitor's office as a prosecutor before opening his own law firm in 2013. Brian loved people, new adventures and great challenges. He was a champion of justice and civility and a visionary who worked for the prosperity of Columbia. He was a charter member of I. DeQuincey Newman United Methodist Church. Brian was a loving son, brother and friend who will be dearly missed.

ADJOURNMENT

At 1:06 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:30 A.M.

* * *

Wednesday, January 11, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:30 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 111:10

The Psalmist reminds us that: "The fear of the Lord is the beginning of wisdom; all who follow his precepts have good understanding. To him belongs eternal praise."

Let us pray: Indeed, dear Lord, this is truly a time for new beginnings here at the State House of South Carolina. During this week of the bold new year of 2023 we find ourselves initiating the first session of this 125th General Assembly, today our Governor and other State Constitutional Officers are soon to be sworn in, and this Senate itself stands once more poised to do what hopefully will enhance life for the people of South Carolina. So truly, O God, we fervently call upon You to bestow Your richest blessings upon not only our Governor, but upon all women and men serving in this place, as they do what is required to accomplish good for all. And through it all, O Lord, may the collective efforts of these leaders truly bring You eternal praise. In Your wondrous name we pray, Lord. Amen.

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

RECESS

At 10:45 A.M., on motion of Senator MASSEY, the Senate receded from business for the purpose of attending the Inaugural Ceremony and following the ceremony, the Senate would stand adjourned.

WEDNESDAY, JANUARY 11, 2023

INAUGURAL PROGRAM

Processional

282nd Army Band, Fort Jackson, Columbia, South Carolina
Chief Warrant Officer Three Kevin I. Pick, *Commander*

Escorts -- Cadets from the Citadel

CEREMONY

The Honorable Thomas C. Alexander,
President of the Senate, Presiding

Welcome	The Honorable Thomas C. Alexander
Invocation	Rabbi Jonathan Case <i>Beth Shalom Synagogue, Columbia</i>
Presentation of the Colors	The Citadel Color Guard
Pledge of Allegiance	Maj. Gen James E. Livingston, MOH, USMC, ret.
Star Spangled Banner	<i>Francis Scott Key and John Stafford Smith</i> Emma Brooke Alley Dr. Valerie MacPhail, <i>Accompanist</i>

“Tshotsholoza”	<i>arr. Jefery Ames</i>
“City Called Heaven”	<i>arr. Josephine Poelinitz</i>
The Hammond School Select Ensemble Steven Hillard, <i>Director</i> Lucinda Shields, <i>Accompanist</i>	

Remarks	The Honorable G. Murrell Smith, Jr. <i>Speaker of the House</i>
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Administration of the Oath to the Office

Lieutenant Governor	Lieutenant Governor Pamela Sue Evette <i>by The Honorable G. Murrell Smith, Jr.</i>
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State Officers

by Lieutenant Governor Pamela Sue Evette

Secretary of State	The Honorable Mark Hammond
State Treasurer	The Honorable Curtis M. Loftis, Jr.
Attorney General	The Honorable Alan M. Wilson
Comptroller General	The Honorable Richard Eckstrom
Superintendent of Education	The Honorable Molly Spearman
Superintendent of Education Elect	The Honorable Ellen E. Weaver

WEDNESDAY, JANUARY 11, 2023

Commissioner of Agriculture The Honorable Hugh E. Weathers

“Hallelujah” *arr. Pentatonix*
University of South Carolina Cockappella Group

“Stars I Shall Find” *Victor C. Johnson*
Irmo High School Concert Choir
Frank Turner, *Choral Director*
Alison Hilbish, *Accompanist*

Administration of the Oath to the Governor

The Honorable Henry Dargan McMaster
by Justice John W. Kittredge

Inaugural Address *The Honorable Henry Dargan McMaster*
His Excellency, Governor of South Carolina

Ladies and gentlemen, I am happy to welcome you to your magnificent State House on another beautiful South Carolina day. Your presence expresses your confidence in our bright future. The people of our great State have given me the honor and privilege of serving as your Governor for another four years. My family and I thank you.

If we were at the famous Darlington raceway, these early days of 2023 would be the moment we hold our breath just before the green flag is dropped. Much history has been made here, and we are about to make some more.

I have in my office a framed drawing of the City of Charleston, dated 1739, accompanied by a report inscribed upon it and addressed to "His Excellency James Glen Esq. Capt. General, Governor and Commander in Chief in and over his Majesty's province of South Carolina, and Vice Admiral within the same" and "humbly inscrib'd by his much Obligated humble Servant B. Roberts." It was "Published according to Act of Parliament by B. Roberts & W.H. Toms, June 9, 1739." It reads, in part: "CHARLES-TOWN the METROPOLIS of the Province of South Carolina is pleasantly situated between Cooper & Ashley Rivers... The Climate of Carolina... is extremely agreeable & wholesome &... may well be looked upon as the most temperate part of the habitable Earth... (I)t is the fairest & most fruitful Province belonging to Great Britain... Its Silk is preferable to any, & its Rice is the best in the world. ... So that it is no wonder of Charles Town... be now a very great and flourishing Town, adorned with handsome & commodious buildings... amongst

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which the Church of St. Phillip, may justly be reckoned the finest structure in America. ... (T)his Town and Province may justly be esteemed the most flourishing of any of His Majesty's Dominions in America."

I believe that Mr. B. Roberts' estimation of the remarkable nature of South Carolina was accurate. It was shared by the French and Spanish explorers and their sovereigns before him, and by the Native Americans before them. And I believe it still is true today, with the notable exception that South Carolina no longer belongs to King George, but to us.

Unmentioned but implicit in the success observed by Mr. B. Roberts is the character, nature and circumstances of the inhabitants of the Province of South Carolina, that is, the people. According to the historian Walter Edgar, our early inhabitants had arrived at different times under a variety of conditions from eight European countries, as many as twenty-five West African cultures, today comprising four countries, and over twenty-five Native American nations, bearing such familiar names as Congaree, Combahee, Kiawah, Catawba, Waccamaw, Pee Dee and Edisto.

Through those years and centuries long ago up to our living memories, our people have seen it all: hurricanes, fires, floods, tornadoes, earthquakes, piracy, Indian Wars, indentured servitude, slavery, a Revolutionary War, a Civil War, World Wars and all the others. No state has a more fascinating, momentous history than our own. And through it all -- and perhaps because of it -- we have grown, endured and prospered. The greatest asset we have is each other -- the people -- the great, unique people of South Carolina.

Today, when business leaders from around the world measure the assets of our State, they remark on our people -- the character and nature of the people themselves. Visitors do the same. They sense their loyalty, patriotism, kindness and steadfastness. They see the natural paradise in which we work and live. They see the historic confluence of our Judeo-Christian and military traditions. And they like what they see, sometimes more clearly than we do ourselves.

For these reasons and more, our economy is flourishing and opportunities abound. I view our foundations for great prosperity and happiness as resting on three pillars: economic strength, education and our natural environment.

Today our economy is as strong as it has ever been in modern times. South Carolina's booming economy has once again created a record budget surplus. So, it should come as no surprise that 2022 was the most

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successful year for economic development in our state's history. In fact, we broke the record for the largest economic development project announcement -- not once, but twice -- in the same year. State government is in superior fiscal shape, we have the largest rainy day reserve fund balance and lowest amount of debt than at any other time in recent memory.

Until recently, South Carolina had the highest personal income tax rate in the southeast and the 12th highest in the Nation. No more. Last year, I was honored to sign into law the largest income tax cut in state history. We have made -- and will continue to make -- transformative investments in our state's infrastructure. From widening interstates, repairing, and replacing roads, bridges, and highways -- to over a billion and a half dollars for new water, sewer and stormwater in our rural communities -- we are setting our State on an accelerated path to compete globally for new jobs and future investment. We dredged our Charleston Harbor to fifty-two feet, the deepest on the Atlantic coast and able to handle the biggest ships "any day, any time, any tide."

We relied on common sense and the Constitution during the pandemic, and while other states faltered, we flew, with some of our businesses having their best years ever.

So, what is our plan? As once all roads led to Rome, today all quests for prosperity lead to education. Education has been described as a footrace in which the baton of knowledge is passed from one generation to the next. The historian Barbara Tuchman wrote, "Books are the carriers of civilization. Without books, history is silent, literature dumb, science crippled, thought and speculation at a standstill. Without books, the development of civilization would have been impossible."

We must do whatever it takes to see that every child in our State has the opportunity to receive an excellent education. Albert Einstein said, "A problem can never be solved by thinking on the same level that produced it." He was right; we must think big and be bold, and we will. Standing here four years ago I said, "Being perceived as weak in education is not good. But, being perceived as not committed to fixing it is disastrous."

Six years ago, the minimum starting salary of a teacher in South Carolina was \$30,113. Today, it is \$40,000. My goal by 2026 is that we have a minimum starting salary of at least \$50,000. Until last year, South Carolina's system for funding K-12 education was archaic and confusing, a piecemeal system consisting of 29 separate line-item appropriations. Now, a consolidated formula makes sure that funding follows the child and provides transparency for parents.

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To increase the percentage of children who enter our public schools ready to learn, we expanded full day four-year-old kindergarten to all at-risk children in the State. Today, we are serving 16,103 children in the program, which is an all-time high. And we have placed an armed, certified school resource officer -- an SRO -- in 90% of our state's public schools. We will not stop until there is an officer in every school, in every county, all day, every day.

We know that access to an affordable degree or skilled trade certificate is essential to ensure that our State has the trained and educated workforce to compete for jobs and investment in the future. To that end, we have frozen college tuition for four straight years and provided a record amount of financial aid and scholarships to students in need. To address the historic labor shortage, our workforce scholarships have allowed over 10,000 South Carolinians to earn an industry credential in high demand careers like manufacturing, healthcare, computer science, information technology, transportation, logistics and construction.

Remember -- major businesses in the United States and abroad have clearly demonstrated their desire to bring their fortunes and facilities to South Carolina and to employ our people. They are "putting their money where our people are." What we must do now is double down. We must continue investing in our people to ensure that they are prepared to reap the benefits of our future prosperity.

This brings us to the third pillar of our prosperity: our natural and cultural heritage. Few states, if any, can match the natural beauty, bounty and variety of South Carolina, from the mountains to the sea. And few can match the elegance and craftsmanship of the historic homes, churches, synagogues and other structures found in our land, including Beaufort, Charleston, Georgetown and Camden, built during the times when Mother Nature herself was the fount of our prosperity. I truly believe that if we cannot find peace and comfort in the pine forests and tidal creeks of South Carolina, we'll just have to wait until we get to Heaven.

Numerous scholars recognize that the Revolutionary War was won here, with over two hundred battles and skirmishes in Britain's unsuccessful southern campaign, notably the Battles of Kings Mountain and Cowpens. Many historical sites still need markers today, including the camp of General Francis Marion and his patriots in the Pee Dee swamps; the British could not find it and neither can we. Our Gullah-Geechee culture in the low country survives as a living link to our past. Our magnificent live oaks have seen more history than any of us. This natural and cultural heritage is an integral part of our quality of life.

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It is why we stay here, and why others come, many as tourists, some as investors. And with them comes money, sometimes millions, even billions, and from that comes jobs and careers which, in turn produce funds for schools and educations, which in turn produce a deep appreciation of our natural and cultural heritage. As so the cycle goes, 'round and 'round, up and up.

We recently created a new cabinet agency, the Office of Resilience, which adopted findings of our Floodwater Commission. Its purposes include measuring our strengths and weaknesses concerning flooding, erosion and the conditions of our rivers, coast and barrier islands, and to mitigate, accommodate and respond to flooding, and also to coordinate efforts of economic and natural resilience with governmental and non-governmental entities.

Vigorous economic growth and the preservation of our shared natural heritage and environment are not opposing objectives which must be balanced as in a competition, one against the other. Instead, they are complementary, intertwined, and inseparable, each dependent on the other. Each can be accomplished to the fullest if we plan now and be bold.

The question today is will anyone recognize South Carolina in 100 years? Will we allow our state's culturally and environmentally significant structures, monuments, lands, islands, and waterways to be lost forever to overdevelopment, mismanagement, flooding, erosion or from storm damage? Or will we preserve and protect our history and our environment, and the public's access to them? This is our moment to act, while we still can. And of course, to preserve these great resources and to realize our full economic and educational potentials, the first duty of government is to keep South Carolinians safe. To do that we must maintain a robust law enforcement presence -- and properly "fund the police" -- while closing the revolving door for career criminals -- keeping them behind bars and not out on bail. And this includes stronger laws to keep illegal guns out of the hands of criminals and juveniles.

We must also ensure that the public has confidence in whom and how all our judges are selected -- by making the processes more transparent and accountable; so that every South Carolinian, born and unborn, may enjoy life, liberty and happiness.

In closing, to the members of the General Assembly: The State of South Carolina is richly blessed with a hardworking and talented people. I have faith in our people, and I have faith in those whom they have elected to represent them in this State House. Let us continue our successful partnership, one that has been based on communication,

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collaboration, and cooperation, and let us set our State on a course that will provide the opportunity for prosperity, success, and happiness for generations of South Carolinians. The best is yet to come. May God continue to bless America, and our Great State of South Carolina.

“The Rain is Over and Gone” *Paul Halley*
South Carolina Governor’s School for the Arts and Humanities Choir
Dr. Elliott Smith, *Conductor*
Tom Taylor, *Accompanist*

Benediction CH(BG) Norris D. Darden, ret.

Recessional

“America The Beautiful” *arr. Warren Baker*
South Carolina Governor’s School for the Arts and Humanities Choir
The Hammond Select Ensemble
Irmo High Concert Choir
282nd Army Band
Dr. Elliott Smith, *Conductor*
Audience invited to participate as directed

Statement by Senator YOUNG

I am not attending session today because I am assisting with my father who is ill in the hospital in Augusta.

Motion Adopted

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

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend George F. Manigo, Jr. of Bamberg, S.C. George earned a master of divinity degree from Gammon in Atlanta, Georgia. Rev. Manigos service included appointments in Cheraw, Seneca, Camden and Orangeburg. He also served as a district superintendent of Walterboro for six years, was a member of the board at Claflin University, Methodist Oaks and the Mental Health Board of Bamberg, Orangeburg and Calhoun Counties. Reverend Manigo was deeply loved and will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joe E. Taylor of Columbia, S.C. Joe began his career after graduating from Wofford as chief executive of precut log building with Southland Log Homes. He served as state commerce secretary under Governor Mark Sanford and was instrumental in bringing Boeing to South Carolina. In 2021, he was elected to Columbia City Council where he chaired the council's Economic and Community Development Committee. Joe was a loving husband and devoted father who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lavel Davis, Jr. of Ridgeville, S.C. Lavel was academically gifted and an extraordinary athlete who played football at the University of Virginia. Lavel was a loving son and brother who will be dearly missed.

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ADJOURNMENT

At 1:05 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Thursday, January 12, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSORS ADDED

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

S. 164 Sens. Loftis, Peeler

S. 179 Sens. Gambrell, Garrett

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 371 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF KAIYAH T'SELANI TYANNA HORTON-SEAWRIGHT OF COLUMBIA, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

lc-0121ph-rm23.docx : 8ed81732-0aff-49e4-81c0-4f40382011f5

The Senate Resolution was adopted.

S. 372 -- Senator Matthews: A SENATE RESOLUTION TO CONGRATULATE NEW HOPE CHRISTIAN CHURCH (DISCIPLES OF CHRIST) UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE BURTON COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0208km-vc23.docx : 9266f28c-6a0b-4aed-835b-7a91583f85e8

The Senate Resolution was adopted.

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S. 373 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MICHAEL HARRIOT FOR HIS CONTRIBUTIONS AS A WRITER, POET, CULTURAL CRITIC, JOURNALIST, AND BROADCASTER, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

lc-0125ph-jn23.docx : 0203f0fb-9c44-432e-86a8-c9038f4e8648

The Senate Resolution was adopted.

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023,

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AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

sj-0003ec-ec23.docx : c2a24ec5-4c53-4866-9a3e-d4ce95b2f0b2

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

S. 375 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

sr-0213km23.docx : 99899f71-6f67-4556-85c7-199f48fc1da7

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

S. 377 -- Senator Campsen: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

lc-0075ph23.docx : 0527c639-7a3b-4cd0-a011-bce8c88657e2

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

S. 378 -- Senator Allen: A RESOLUTION TO RECOGNIZE AND HONOR BARBARA BOLLING-WILLIAMS FOR HER ILLUSTRIOUS CAREER AS AN ATTORNEY AND TO WELCOME HER TO THE STATE OF SOUTH CAROLINA TO ADDRESS THE NAACP FREEDOM FUND BANQUET IN LAURENS.

lc-0050ha-gm23.docx : fa9fe9be-2215-42ac-a57d-4382a3ed099a

The Senate Resolution was adopted.

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S. 379 -- Senator Shealy: A RESOLUTION TO RECOGNIZE AND HONOR DARIUS RUCKER FOR HIS CONTRIBUTIONS TO MUSIC AND TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.
sr-0211km-vc23.docx : 14efa224-7aea-42cd-a16e-81a6d87f6f5e

The Senate Resolution was adopted.

S. 380 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION

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PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

sr-0011jg23.docx : 78154632-5bee-4723-ad9f-aaa915ad8201

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

S. 381 -- Senator Peeler: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

lc-0103dg23.docx : cdb9b0c3-a989-406a-b550-6eb503439362

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

S. 382 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-625 SO AS TO PROVIDE THAT STATE EMPLOYEES EARNING ANNUAL LEAVE AT THE RATE OF THIRTY DAYS A YEAR MUST RECEIVE A LUMP SUM PAYMENT FOR DAYS OF ANNUAL LEAVE FEWER THAN THIRTY DAYS NOT USED OR DONATED BY THE EMPLOYEE IN A CALENDAR YEAR, TO PROVIDE ELIGIBILITY REQUIREMENTS, AND TO PROVIDE THAT SUCH PAYMENTS ARE NOT CONSIDERED EARNABLE COMPENSATION IN THE CALCULATION OF RETIREMENT BENEFITS.

smin-0065aa23.docx : c6944334-a734-489f-9c49-f3699690a98d

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

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S. 383 -- Senator Malloy: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE; TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE; AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

sr-0051km23.docx : 8e020aa7-b5c7-4093-b8fc-c5a0dd44f09c

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

S. 384 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220(B)(3), RELATING TO GENERAL EXEMPTION FROM PROPERTY TAXES, SO AS TO PROVIDE FOR AN EXEMPTION FOR A DISABLED VETERAN'S VEHICLE IF THE VEHICLE IS OWNED BY A TRUST, THE DISABLED VETERAN IS THE BENEFICIARY OF THE TRUST, AND THE DISABLED VETERAN OTHERWISE WOULD QUALIFY FOR THE EXEMPTION IF HE OWNED THE VEHICLE.

sr-0188km23.docx : 17b8d65f-043b-488a-9835-b76510a2f19a

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

S. 385 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2910, RELATING TO RECKLESS VEHICULAR HOMICIDE, SO AS TO PROVIDE PENALTIES FOR RECKLESS VEHICULAR HOMICIDE, AND TO PROVIDE THAT A PERSON MAY PETITION THE CIRCUIT COURT IN THE COUNTY OF THE PERSON'S CONVICTION FOR REINSTATEMENT OF HIS DRIVER'S LICENSE AFTER ONE YEAR FROM THE DATE OF REVOCATION OF HIS LICENSE; AND BY ADDING SECTION 56-5-2925 SO AS TO PROVIDE FOR THE OFFENSE OF FELONY RECKLESS

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DRIVING, TO PROVIDE PENALTIES, TO PROVIDE A PROCEDURE FOR DRIVER'S LICENSE REINSTATEMENT FOR A PERSON CONVICTED OF FELONY RECKLESS DRIVING, AND TO PROVIDE THAT A SUBSEQUENT MOVING VIOLATION REQUIRES THE AUTOMATIC CANCELLATION OF ANY REINSTATED DRIVER'S LICENSE AND IMPOSITION OF THE FULL PERIOD OF REVOCATION FOR THE FELONY RECKLESS DRIVING VIOLATION; AND TO DEFINE NECESSARY TERMS.

sr-0158km23.docx : fee536e3-7ded-4b76-b6a7-406aa61ca7a4

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

REPORTS OF STANDING COMMITTEES

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

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS

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OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis and Peeler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTIONS 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTHCARE IN RURAL SOUTH CAROLINA.

Ordered for consideration tomorrow.

Motion Adopted

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

REPORT

Judicial Merit Selection Commission

Report of Candidate Qualifications for 2022

Date Draft Report Issued: Thursday, January 12, 2023

Date and Time: Final Report Issued: Noon, Tuesday, January 17, 2023

Judicial candidates are not free to seek or accept commitments until Tuesday, January 17, 2023, at Noon.

THURSDAY, JANUARY 12, 2023

Judicial Merit Selection Commission

Sen. Luke A. Rankin, Chairman Erin B. Crawford, Chief Counsel
Rep. Micajah P. “Micah” Caskey, IV, Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
Rep. J. Todd Rutherford
Rep. Wallace H. “Jay”
Jordan, Jr.
Hope Blackley
Lucy Grey McIver
Andrew N. Safran
J.P. “Pete” Strom Jr.



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 12, 2023

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission’s Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service.

The Commission’s finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission’s evaluative criteria. The attached Report details each candidate’s qualifications as they relate to the Commission’s evaluative criteria.

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, January 17, 2023.** Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate’s qualifications, or commitments to vote for a candidate **until 12:00 Noon on Tuesday, January 17, 2023.** In summary, no

THURSDAY, JANUARY 12, 2023

member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the release of the Judicial Merit Selection Commission's Report of Candidate Qualifications. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,

Senator Luke A. Rankin

Judicial Merit Selection Commission

Sen. Luke A. Rankin, Chairman Erin B. Crawford, Chief Counsel

Rep. Micajah P. "Micah" Caskey, IV, Vice-Chairman

Sen. Ronnie A. Sabb

Sen. Scott Talley

Rep. J. Todd Rutherford

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Lucy Grey McIver

Andrew N. Safran

J.P. "Pete" Strom Jr.



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 12, 2023

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003, Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the current screening.

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior

THURSDAY, JANUARY 12, 2023

to 48 hours after the release of the final report of the Judicial Merit Selection Commission (“Commission”). The purpose of this section is to ensure that members of the General Assembly have full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that “the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate’s qualifications” (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

In April 2000, the Commission determined that Section 2-19-70(C) means ***no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the Commission’s report.*** The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, ***only candidates, and not members of the General Assembly,*** are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates’ qualifications.

The Commission would again like to remind members of the General Assembly that ***a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate’s fitness*** for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,
Senator Luke A. Rankin
Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission’s findings, as well as each candidate’s qualifications as they relate to the Commission’s evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997,

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as amended, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these reports as a tool for further investigation of the candidate if the

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committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, experience, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;
- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

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The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision.

Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate submitted to the Commission.

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the South Carolina Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

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**SUPREME COURT
QUALIFIED AND NOMINATED**

**The Honorable David Garrison “Gary” Hill
Supreme Court, Seat 4**

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Judge Hill meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Judge Hill was born in 1964. He is 58 years old and a resident of Greenville, South Carolina. Judge Hill provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Judge Hill.

Judge Hill demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Hill reported that he has made \$429.95 in campaign expenditures for:

Postage - \$70

Stationary - \$109.95

Clerical Assistance - \$250

Judge Hill testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Hill testified that he is aware of the Commission’s 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Judge Hill to be intelligent and knowledgeable.

Judge Hill reported that he has taught the following law-related courses:

- (a) I have appeared on panels at SC Bar Ethics CLEs.
- (b) I have appeared on panels at the Solicitors' conference.
- (c) I have spoken on trial advocacy at CLEs held at the Southeastern Asbestos Conference.
- (d) I have spoken on Crawford v. Washington and the Confrontation Clause at a conference held by the Greenville Bar, Batson v. Kentucky at a SCAJ conference, Ethics to the SCDTAA Trial Academy, given a caselaw update at a conference sponsored by the Colleton County Bar Association, spoken at the York County Bar Association, and presented at "Super CLEs" sponsored by the Greenville Bar and the Hilton Head Island Bar. In February 2020 I moderated a panel discussion on State constitutional law at the USC School of Law.
- (e) As a member of the Circuit Judges Advisory Committee, I gave annual presentations on "Judicial Ethics" and "Inherent Powers of Courts" to the New Judges' Orientation School sponsored by S.C. Court Administration.
- (f) I have taught a January Interim course at Wofford College entitled "The Bill of Rights and Modern Citizenship." This course involves intensive study of the origins and development of the Bill of Rights, and also provides the students the opportunity to be exposed to volunteer community service as they in turn teach what they have learned to students of a local literacy association who are preparing for the civics portion of the GED exam or the Naturalized Citizenship exam.
- (g) "Doing Business with S.C. Local Governments," S.C. Bar CLE, 2001.
- (h) "Construction Contracting for Public Entities," Lorman, 2001.

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- (i) "Appellate Advocacy," S.C. Bar 2000.
- (j) "Representing a Public Body," S.C. Bar 1997
- (k) "Freedom of Information Act Update" S.C. Ass'n of counties CLE, 1999.
- (l) I have spoken on the Freedom Information Act at a seminar for employees of the S.C. Department of Revenue and at conferences held by the S.C. Ass'n of Public Service Districts.
- (m) I have spoken on Trial Advocacy to the Construction Law section of the S.C. Bar, the S.C. Ass'n of Counties, and the SCDTAA.
- (n) I have taught the Ethics class at the LEAPP program presented by the S.C. Bar

Judge Hill reported that he has published the following:

- (a) "Back to the Future: United States v. Jones and the search for Fourth Amendment Coherence," May 2012 South Carolina Lawyer
- (b) "Celebrate the Bill of Rights and act as its Guardian," December 12, 2010 Op-Ed column in The Greenville News (article also published in The State)
- (c) "Celebrate That We're a Nation of Laws, Not Men," May 2, 2008 Op-Ed column in The Greenville News.
- (d) "Lay Witness Opinions," September 2007 South Carolina Lawyer at 34.
- (e) "Rule 30(j), Charlie McCarthy and The Potted Plant," September 2005 South Carolina Lawyer at 26.
- (f) Doing the Public's Business, (2001) (book authored with Leo H. Hill).
- (g) "Recent Changes to the South Carolina Freedom of Information Act," South Carolina Lawyer May/June 1999.

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- (h) "The Fourth Amendment, Substance Abuse and Drug Testing in the Public Sector," South Carolina Lawyer, May/June 1997
- (i) "Mayhem," 7 S.C. Juris. 213 (1991)
- (j) "Direct Criminal Contempt," South Carolina Lawyer, Sept/Oct 1992

From approximately 1994 to 1998 I served on the editorial board of the South Carolina Lawyer magazine published by the S.C. Bar. I served as editor-in-chief for three of these years.

I also published three student Notes in volume 40 of the South Carolina Law Review (1988). These Notes examined recent state supreme court and U.S. Court of Appeals cases dealing with post-conviction relief, the 6th amendment right to counsel, and federal civil procedure.

(4) Character:

The Commission's investigation of Judge Hill did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Hill did not indicate any evidence of a troubled financial status. Judge Hill has handled his financial affairs responsibly.

The Commission also noted that Judge Hill was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Hill reported his last rating as of 2004 was AV by Martindale-Hubbell. He was also listed in the Martindale-Hubbell Register of Preeminent Lawyers.

Judge Hill reported that he has not served in the military.

Judge Hill reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Hill appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Judge Hill appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Hill was admitted to the South Carolina Bar in 1990.

He gave the following account of his legal experience since graduation from law school:

From 1989-90 I was a law clerk to Judge Billy Wilkins on the United States Court of Appeals for the Fourth Circuit. In 1990, I joined the law firm of Hill, Wyatt & Bannister. I became a partner in the firm in 1994. I had a general practice that included civil and criminal cases and appeals in all courts. In 2000, I started the law firm of Hill & Hill, LLC with my late father, Leo H. Hill. We enjoyed a wide client base and practice area, concentrating in business litigation and representation of governmental bodies including municipalities and special purpose districts. I also handled numerous civil and criminal appeals. We were fortunate to be listed in the Martindale-Hubbell Register of Pre-Eminent Lawyers. I was the managing partner and responsible for the trust accounts.

Judge Hill reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: From 1999-2004 I appeared in federal court on civil and criminal matters several times each month.
- (b) State: Once or more each week.

Judge Hill reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 65%
- (b) Criminal: 15%
- (c) Domestic: 20%
- (d) Other:

Judge Hill reported the percentage of his practice in trial court prior to his service on the bench as follows:

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- (a) Jury: Not more than 10%. Like most trial attorneys, most of my litigation cases began as potential jury trials but settled before trial;
- (b) Non-jury: The remaining 90% of my practice in trial court consisted of motion practice and bench trials

Judge Hill provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Hill's account of his five most significant litigated matters:

- (a) American Heart Association, et al. v. County of Greenville, et al., 331 S.C. 498, 489 S.E.2d 921 (1997). In this case I represented pro bono the American Heart Association and the American Cancer Society. These two charities were the residuary beneficiaries under the Will of Mrs. Kate Jackson, the widow of Baseball Legend Joseph "Shoeless Joe" Jackson. The charities sought possession and ownership of Mr. Jackson's original Last Will and Testament, on the ground that it was an asset that passed to Mrs. Jackson at her husband's death. The original was extremely valuable, as it contained one of the few known genuine signatures of "Shoeless Joe," who rarely gave autographs. Experts contend that an original "Shoeless Joe" signature is the third most valuable signature in the world, outranked only by that of Martin Luther and Button Gwinnett, a Georgia signer of the Declaration of Independence. The charities wanted to auction the original Will and use the proceeds for medical research.

Although we lost the case, it was significant to me because of the uniqueness of the parties, the subject matter and the legal principles involved.

- (b) WCRSA v. DHEC, et al.

Our firm was general counsel to Western Carolina Regional Sewer Authority (WCRSA) (n/k/a REWA), the largest sewer treatment facility in Upstate South Carolina. WCRSA brought this action challenging numerous actions of DHEC as arbitrary, unlawful rulemaking in excess of DHEC's regulatory authority. The case was eventually settled but

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involved important issues of administrative law and rulemaking under our state Administrative Procedures Act and the S.C. Constitution.

- (c) Gardner v. S.C. Dep't of Revenue, 353 S.C. 1 (2003)

Although I was by no means lead counsel, I represented the City of Seneca as a class defendant in this case where the plaintiffs challenged the constitutionality of the Setoff Debt Collection Act, Act 474 of 1988.

- (d) SCDOT v. Antonakos. I represented the Landowner in this condemnation case that arose out of construction of the "Southern Connector" toll road in Greenville County. The case was significant because the jury returned a sizeable verdict in favor of the Landowner, and the trial also involved some novel issues under the Eminent Domain Procedures Act, S.C. Code section 28-2-10 et seq.

- (e) In Re: Safety Kleen Litigation. This was a class action case litigated in federal district court for the District of South Carolina. It involved allegations of securities fraud, corporate wrongdoing, and other causes of action on behalf of certain Safety Kleen shareholders. I served as local counsel to one of the lead Plaintiffs.

The following is Judge Hill's account of five civil appeals he has personally handled:

- (a) Poole v. Incentives Unlimited, Inc., 338 S.C. 271, 525 S.E.2d 898 (S.C. Supreme Court June 4, 2001).

This employment law case presented the issue of whether continued at-will employment constitutes sufficient consideration for a covenant not to compete.

- (b) Nedrow v. Pruitt, 336 S.C. 668, 521 S.E.2d 755 (S.C. Court of Appeals September 13, 1999).

This appeal from a jury verdict involved a challenge to the trial court's jury instructions and rulings on the admissibility of impeachment evidence.

- (c) Nalley v. Nalley, 53 F.3d 649 (4th Cir. 1995).

This appeal concerned the appropriate measure of damages for violations of the federal

- (d) Medlock v. 6.18 Acres of Real Property (S.C. Sup. Ct. 1992)

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This arose out of and was the companion case to Medlock v. 1985 Ford F-150, 308 S.C. 68, 417 S.E.2d 85 (1992), which established the right to a jury trial under the civil forfeiture statute, S.C. Code section 44-53-30.

- (e) Bradley v. Cherokee School District, 322 S.C. 181, 470 S.E.2d 570 (S.C. Supreme Court May 2, 1996).

This appeal addressed the constitutionality of Act No. 588 of 1994, specifically whether the Act constituted special legislation, amounted to taxation without representation, and unlawfully delegated taxing power.

The following is Judge Hill's account of five criminal appeals he has personally handled:

- (a) United States v. Holmes, et al., 2002 WL 440225 (4th Cir. 2002).

This appeal raised Bruton issues, and challenged the admissibility of expert testimony and juror conduct.

- (b) State v. Anders, 331 S.C. 474, 503 S.E.2d 443 (S.C. Supreme Court July 20, 1998).

This appeal involved whether a defendant's statement was admissible under the co-conspirator exception to the hearsay rule, SCRE 801, or as a statement against penal interest, SCRE 804.

- (c) State v. Harry, 321 S.C. 273, 468 S.E.2d 76 (S.C. Court of Appeals February 5, 1996).

This appeal raised issues related to circumstantial evidence, impeachment evidence, and severance.

- (d) State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (S.C. Supreme Court January 17, 1994) (on brief).

This appeal from a State Grand Jury prosecution decided important questions concerning enforceability of plea agreements and immunity from prosecution.

- (e) United States v. Winchester, 993 F.2d 229 (4th Cir.1993).

This appeal presented the issue of whether the offense of entering a bank with the intent to commit a felony constituted a "crime of violence" sufficient to support a conviction under 18 U.S.C. section 924(c).

Judge Hill reported that he has held the following judicial offices:

- (a) Resident Circuit Judge for the Thirteenth Judicial Circuit, Seat No. 4, 2004-2017

THURSDAY, JANUARY 12, 2023

- (b) Judge, South Carolina Court of Appeals, Seat 9, 2017-present

Judge Hill provided the following list of his most significant orders or opinions:

- (a) *Cornelius v. Oconee County*, 369 S.C. 531, 633 S.E.2d 492 (2006)

I was invited to sit as an acting Associate Justice of the S.C. supreme court, and wrote this opinion for the unanimous court concerning whether a 1976 voter referendum and the S.C. Constitution precluded Oconee County from expanding its sewerage system using certain financing sources.

- (b) *Hackworth v. Greenville County*, 371 S.C. 99, 637 S.E.2d 320 (2006)

This was a claim by the Hackworths against the Greenville County Sheriff's office for return of monies forfeited under the gambling laws. The Court of Appeals affirmed dismissal of the claim based on the Statute of Limitations.

- (c) *State v. Jeffrey Motts*

I wrote the trial court order granting Mr. Motts' request to waive his right to appeal his death sentence. The supreme court affirmed. *State v. Motts*, 391 S.C. 635, 707 S.E.2d 804 (2011).

- (d) *In Re South Carolina Asbestos Docket*

While a circuit judge, I was assigned by the supreme court to handle the asbestos trial docket throughout the state, which consists of hundreds of civil lawsuits claiming personal injury due to asbestos exposure. I wrote several significant orders in this capacity, involving such issues as product identification, proximate cause, product liability, and the sophisticated user defense.

- (e) *In Re ITG Merger Litigation*

This case, which I was assigned through the complex case procedure, was a shareholder and derivative class action related to the merger of two Upstate textile companies. The plaintiffs alleged hundreds of millions of dollars in damages. During the pre-trial phase, I wrote opinions dealing with Rule 23 class certification, civil conspiracy, fiduciary duty, discovery, damages and numerous other issues arising under both South Carolina and Delaware law.

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Judge Hill reported no other employment while serving as a judge:

Judge Hill further reported the following regarding unsuccessful candidacies:

In May 2014, I was one of three candidates qualified and nominated for Court of Appeals Seat No. 7 but withdrew before the election.

(9) Judicial Temperament:

The Commission believes that Judge Hill's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Hill to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. There were no summary or related comments.

Judge Hill is not married. He has three children.

Judge Hill reported that he was a member of the following bar and professional associations:

(a) S.C. Bar

Member House of Delegates, 1997-2004

President, Government Law Section, 1999

(b) Greenville County Bar Association, Member of Executive Committee

(c) Haynsworth-Perry Inn of Court, 2012-current

Judge Hill provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

Member of Westminster Presbyterian Church

Judge Hill further reported:

I am grateful to this Commission and the Legislature for the faith they placed in me 18 years ago when I was elected a circuit judge. I have done my level best to contribute to the fair and impartial administration of justice. There is nothing more professionally satisfying than having a

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positive impact on others, and knowing you made a difference in an important matter in a fellow person's life.

If given the opportunity, I would like to continue to serve the public in our judicial branch. I would strive to uphold the great traditions of our bench and bar and to make positive contributions to the public image of the justice system. I firmly believe we have the finest justice system in the world, and it is a humbling honor and solemn responsibility to be entrusted with a judicial office.

(11) Commission Members' Comments:

The Commission commended Judge Hill for his service as a judge on the Court of Appeals. They noted his great intellect and outstanding reputation which have ably served him in discharging his responsibilities on the Court of Appeals.

(12) Conclusion:

The Commission found Judge Hill qualified, and nominated him for election to Supreme Court, Seat 4.

**The Honorable Aphrodite Konduros
Supreme Court, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Konduros meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Judge Konduros was born in 1959. She is 63 years old and a resident of Simpsonville, South Carolina. Judge Konduros provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Konduros.

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Judge Konduros demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Konduros reported that she has not made any campaign expenditures.

Judge Konduros testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Konduros testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Konduros to be intelligent and knowledgeable.

Judge Konduros reported that she has taught the following, non-exhaustive list of law-related courses:

- (a) Guest professor at the Charleston School of Law for a number of years, lecturing on practice in the area of family court and appellate practice. The courses were designed as a practicum for third year students to actually learn how to hire a secretary, open a trust account, behave in the courtroom setting, and prosper in the practice of law
- (b) Speaker at the American Legion's Palmetto Girls' State for many years on a possible career in law and government, and to regional events throughout the state
- (c) Speaker for many years to the American Board of Trial Advocates youth program, the James Otis Lecture Series
- (d) SCTL Conference on ethical considerations in family court

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- (e) Numerous Omnibus Adult Protection Act presentations at the Criminal Justice Academy
- (f) DSS-sponsored CLE seminars on Termination of Parental Rights, Adult issues and Adoptions
- (g) Abuse and Neglect to Greenville School District teachers
- (h) “Grand Rounds” training to interns at Greenville Hospital on recognizing abuse
- (i) Annual training to Greenville Chamber of Commerce young members on the court system and moderated a law enforcement panel
- (j) Annual training to “Leadership Greenville” on recognizing abuse, and question and answers at the Court of Appeals on the appellate process
- (k) Lecturer at the Summer School on Gerontology at Winthrop University
- (l) Panelists on various panels at the SC Bar Family Law Section
- (m) Panelist on the Chief Justice’s Mini-summit on Children
- (n) Speaker many times on appellate issues for SCDTAA
- (o) Speaker many times on appellate issues for SC Access to Justice
- (p) Speaker to the inaugural class of the USC Legal Writing Academy
- (q) Addressed the Biannual National Court Technology Conference in Baltimore. Maryland on the use of the iPad for the appellate review of cases.
- (r) Taught a “Maymester” class at the Charleston School of Law on abuse and neglect law.

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- (s) Addressed the National Governors' Conference in Washington, D.C. on sentencing considerations
- (t) Speaker many times at the Greenville Bar Year-End CLE on family law, appellate issues, and mentoring lawyers with substance abuse issues
- (u) Speaker at the annual SC Magistrates and Municipal Court Judges Annual Conference twice
- (v) Speaker to the annual conference of the SC Clerks of Court on docketing issues in family court
- (w) Spoken to the Greenville Kiwanis on Adoption issues
- (x) Spoken at the Greenville Bar Law Day Luncheon and Summer Associate Luncheon many times
- (y) Presented to the Greenville Tech Paralegal Program on ethical responsibilities and was their graduation speaker
- (z) Twice addressed the SC Probate Judges Conference
- (aa) Speaker at the Furman Foundation Annual Meeting
- (bb) Numerous training sessions to the Upstate Fatherhood Coalition on the logic of child support
- (cc) "Welcome the Judge" at Welcome Elementary and Sara Collins Elementary Schools
- (dd) Commencement Speaker for Charleston School of Law graduation twice
- (ee) Commencement speaker at Colleton Academy, Walterboro, SC
- (ff) Commencement speaker at Wilson Hall, Sumter, SC
- (gg) Judged USC's Kate Bockman Moot Court numerous times
- (hh) Finer Points of Legal Writing to the Public Service Commission legal staff

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- (ii) Many presentations at Circuit and Family Court Judges Conferences
- (jj) Downtown Greenville Rotary Speaker for Law Enforcement Appreciation Day

Judge Konduros reported that she has published the following:

- (a) "Chief of the Catawbas", Sandlapper Magazine, Summer Issue. 1999
- (b) "An Unlikely Mentor", SCWLA Briefcase, Spring Issue, 2007
- (c) SC Adoption Law and Practice (SC Bar 2010), Editorial Board
- (d) Marital Litigation in SC, Professor Emeritus Roy T. Stuckey (SC Bar 2010), Third and Fourth Editions Editorial Board

(4) Character:

The Commission's investigation of Judge Konduros did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Konduros did not indicate any evidence of a troubled financial status. Judge has handled her financial affairs responsibly.

The Commission also noted that Judge Konduros was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Konduros reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Judge Konduros reported that she has not served in the military.

Judge Konduros reported that she has never held public office other than judicial office.

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(6) Physical Health:

Judge Konduros appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Konduros appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Konduros was admitted to the South Carolina Bar in 1985.

She gave the following account of her legal experience since graduation from law school:

- (a) 1984-85 Weinberg, Brown & McDougall- Associate. General practice, civil, criminal, appellate, Armed Services Board of Contract Appeals- no financial involvement
- (b) 1985-87 Law Clerk to the Honorable David F. McInnis, Circuit Judge, Thirteenth Judicial Circuit – Accompanied judge to 33 counties assisting him in criminal and civil trials-no financial involvement
- (c) 1987-89 Todd & Barber Law Firm, Columbia, SC- Associate. General practice including residential and commercial real estate and development, domestic, probate, appellate practice, criminal, civil, outdoor advertising licensure, and collection. - no financial involvement
- (d) 1989-94 SC Department of Disabilities and Special Needs, Columbia, SC - Assistant General Counsel. Practice included juvenile hearings, unemployment, workers compensation, civil, criminal, probate commitments, Medicaid and Social Security benefits practice. - no financial involvement
- (e) 1994-97 SC Department of Social Services, Greenville, SC-County attorney. Prosecuted abuse and neglect cases, child support, appellate practice, unemployment and probate. -no financial involvement

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- (f) 1/1997-12/1997 The Code Law Firm, Greenville, SC- Associate. Private practice including divorce, child support, representing DSS, DJJ, DDSN, City of Greenville, City of Greer Police Department, Department of Corrections through the Insurance Reserve Fund, magistrate court- no financial involvement, other than setting some of my fees.
- (g) 1997-2000 SC Department of Social Services, Columbia, SC- Assistant General Counsel. Adoptions, DSS prosecution, appellate practice, state procurement, day care licensure appeals, state employee grievances. - no financial involvement
- (h) 2000-2008 SC Department of Social Services, Greenville, SC- County Director and Attorney-Managed 314 state employees and multi-million-dollar budget, administering Medicaid and Medicare, food stamps, child and adult protective services, foster care licensing, and over 400 foster children. Supervised five attorneys and continued to try cases myself in child abuse, elder abuse, adoptions, termination of parental rights. Handled unemployment cases myself. - no financial involvement. All finances handled through the Columbia office and local business manager.
- (i) 2002-2008 SC Family Court Judge, Thirteenth Circuit, Seat 3- no financial involvement.
- (j) 2008- present SC Court of Appeals Judge- no financial involvement

Judge Konduros reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) Federal: rare, maybe three times;
- (b) State: predominately family court, with a fair percentage of circuit court and appellate appearances. I appeared in family court three times a week on average.

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Judge Konduros reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:

- (a) Civil: 6%;
- (b) Criminal: 4%;
- (c) Domestic: 90%;
- (d) Other: 0%.

Judge Konduros reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Konduros provided that during the past five years prior to her service on the bench she most often served as sole counsel, and sometimes chief counsel.

The following is Judge Konduros' account of her five most significant litigated matters:

- (a) SCDSS v Elizabeth Rochelle Maddox, et al. Termination of parental rights case concerning mother and father's rights to remaining siblings of murdered sibling. Parents had been convicted of murdering their child and the case raised whether termination their rights to their other children was premature while the convictions were on appeal.
- (b) SCDSS v Partridge, Harris, et al. Children were sexually abused but too young to testify. The parents, boyfriend and grandparents were all suspects.
- (c) SCDSS v Walker, Thompson, et al. Complicated neglect and custody case where father of all the children and both mothers were all individuals with mental retardation. Each litigant had a lawyer and a guardian and each case was tried carefully to ensure the defendants understood the proceedings against them.
- (d) SCDSS v Plunkett, Sullivan, et al. Contested four-day termination of parental rights case between the natural parents, who were also full siblings and their mother versus the foster/adoptive parents. The parents relinquished their rights, and then changed their minds forcing a two-day trial on the voluntariness of their relinquishments, followed by a two-day trial between the grandmother and the foster parents.
- (e) Hooper v Rockwell, SCDSS, et al. 334 S.C. 281, 513 S.E.2d 358 (1999) Mother appealed termination of her rights which the Court upheld. This case still stands for what matters in family court are interlocutory and which are final.

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The following is Judge Konduros' account of three civil appeals she has personally handled:

- (a) SCDSS v Beeks, et al. 325 S.C. 243, 481 S.E.2d 703 (1997)-joined in another's brief.
- (b) Hooper v Rockwell, et al. 334 S.C. 281, 513 S.E.2d 358 (1999).
- (c) Charping v J.P. Scurry & Company, Inc., 296 S.C. 312, 372 S.E. 2d 120 (Ct. App. 1988).

Judge Konduros reported that she has not personally handled any criminal appeals.

Judge Konduros reported that she has held the following judicial office(s):

- (a) SC Family Court Judge in the Thirteenth Judicial Circuit. First elected February 6, 2002, and reelected February 4, 2004, serving until February 6, 2008. Jurisdiction is set forth in SC Code Section 63-3-510, et seq. Elected by the SC Legislature.
- (b) SC Court of Appeals Judge since February 6, 2008 to present. Jurisdiction is set forth in SC Code Ann. Section 14-8-200. Elected by the SC Legislature.

Judge Konduros provided the following list of her most significant orders or opinions:

- (a) SCDSS v Williams, 412 S.C. 458, 772 S.E.2d 279 (Ct. App. 2015).
- (b) Nakatsu v Encompass Indem. Co., 390 S.C. 172, 700 S.E. 2d 283 (Ct. App. 2010) (affirmed by Carter v Standard Fire Ins. Co., 406 S.C. 609, 753 S.E.2d 515 (2013)).
- (c) Neeltec Enters., Inc. v Long, 402 S.C. 524, 741 S.E.2d 767 (Ct. App. 2013), (rehearing denied May 16, 2013).
- (d) State v Pradubsri, 403 S.C. 270, 743 S.E.2d 98 (Ct. App. 2013) (cert. denied June 25, 2014).
- (e) Scott v McAlister, 436 S.C. 324, 871 S.E.2d 620 (Ct. App. 2022)

Judge Konduros reported the following regarding her employment while serving as a judge:

I served as a guest lecturer at Charleston School of Law from 2013-2019 for a month every summer. Arrangements for my lecturing were handled through Dean Andy Abrams.

Judge Konduros further reported the following regarding unsuccessful candidacies:

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Yes. I ran unsuccessfully for the SC Court of Appeals, Seat 3 to which the Hon. Paula Thomas was elected on February 7, 2007, for the SC Court of Appeals, Seat 7 to which the Hon. Danny Pieper was elected on May 23, 2007, and the SC Supreme Court, Seat 2 to which the Hon. John Few was elected in February 3, 2016.

(9) Judicial Temperament:

The Commission believes that Judge Konduros's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Konduros to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Konduros is married to Samuel James Konduros. She does not have any children.

Judge Konduros reported that she was a member of the following Bar and professional associations:

- (a) SC Women's Law Association, member
- (b) Greenville County Bar, member since 1994
- (c) SC Bar member since 1985
- (d) Richland County Young Lawyers Association in the early 1990's
- (e) Family Court Judges Association, member 2002-2008
- (f) Haynsworth-Perry Inn of Court, 2013 to present
- (g) SC Family Law Inn of Court

Judge Konduros provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

University Associates. I have held no office in the group. Four times a year, there is a lunch at Capstone House with a guest speaker from the

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University of South Carolina's administration, faculty or coaching staff. I am no longer a member, but I have been a member in the last five years.

Judge Konduros further reported:

- (a) Co-recipient of the Claude N. Sapp Award for Outstanding Law Graduate (with David Dukes, Esq. of Columbia).
- (b) Served as Acting Associate Justice of the South Carolina Supreme Court on a number of occasions since 2004.
- (c) 2007-2008 Vocational Service Award from the Greenville East Rotary.
- (d) Recipient of the Statewide Fatherhood Advocate Award, 2005.
- (e) Recipient of the Award of Excellence from the SC Coalition Against Domestic Violence and Sexual Assault, 2005.
- (f) Recipient of the SC Chapter of the American Board of Trial Advocates (ABOTA) Jurist of the Year, 2013.
- (g) Chairman of the Family Court Docketing section of the Supreme Court Docketing Commission.
- (h) Vice-chairman of the Chief Justice's Commission on the Profession under chairman Justice John Kittredge.
- (i) Past chairman of the Magistrates and Municipal Court Judges Mentoring Program.
- (j) Board member, SC Bar Lawyers Helping Lawyers Program.
- (k) Awarded an Honorary Doctorate from the Charleston School of Law.
- (l) Served as a volunteer substitute teacher in Greenville County in 2022.
- (m) I have served as a mentor for Lawyers Helping Lawyers through the SC Bar where I agree to follow a lawyer with substance abuse issues for a minimum of two years. I make weekly or monthly contact until they are released from their period of observation as set by Disciplinary Counsel and State Supreme Court. I have also intervened personally on mental health issues through the same organization.
- (n) I have authored over 400 opinions in my 14 years on the Court of Appeals and have probably signed on to more than twice that number.

(11) Commission Members' Comments:

The Commission was impressed that Judge Konduros has been actively involved in community service for most of her professional

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career. They also noted her reputation for kindness, her pleasant temperament, and her work ethic.

(12) Conclusion:

The Commission found Judge Konduros qualified, and nominated her for election to Supreme Court, Seat 4.

**The Honorable Stephanie Pendarvis McDonald
Supreme Court, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge McDonald meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Judge McDonald was born in 1969. She is 53 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge McDonald.

Judge McDonald demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McDonald reported that she has made \$252.95 in campaign expenditures:

- (a) \$92.00: to USPS for postage
- (b) \$60.95: to Staples for linen paper and envelopes
- (c) \$50.00: to my law clerk to notarize the sworn documents
- (d) \$50.00: to my administrative assistant to pick up some of the signed original letters for the application packet

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Judge McDonald testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge McDonald testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge McDonald to be intelligent and knowledgeable.

Judge McDonald reported that she has taught the following law-related courses:

- (a) On May 6, 2022, at the South Carolina Bar Association's "Why Family Court Attorneys should do Appeals" CLE seminar, I gave a presentation on the appellate court rules and preservation pitfalls, and I participated on an appellate practice panel;
- (b) On November 19, 2021, I participated on a judicial panel addressing "How the Last 18 Months have Changed the Practice of Law" for the SC Defense Trial Attorneys' Association's Annual Meeting;
- (c) I participated in a judicial panel for the Charleston School of Law Women in Law networking event in November 2021;
- (d) On April 7, 2021, I participated on a James L. Petigru Inn of Court Zoom panel discussion on "The Practice of Law in and out of the Courtroom and Everywhere in Between";
- (e) In March 2021, I participated in a Virtual Fireside Chat for Women's History Month sponsored by the South Carolina Bar's Diversity Committee;
- (f) On February 22, 2021, I gave a Zoom presentation for the Charleston County Bar Law Student Division;

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- (g) On February 5, 2021, I participated on the judicial panel for the Charleston County Bar Association's annual "What Works" CLE;
- (h) On December 10, 2020, I moderated a mock trial and spoke on the topic of expert testimony at a course for firefighters and law enforcement investigators sponsored by the International Association of Arson Investigators (IAAI);
- (i) From April 28-29, 2020, I participated in WebEx seminars organized and conducted by Charleston County Clerk of Court, Julie Armstrong, as she worked to address issues resulting from the COVID-19 epidemic in Common Pleas, General Sessions, Family Court, and before the Master-in-Equity. These WebEx seminars involved discussions of docket management and practice/procedure issues as well as question and answer sessions with members of the Bar attending the webinars;
- (j) I presented on the topic of "Joint Custody—Recent Developments" and served on an Appellate Practice panel at the February 10, 2020 Hilton Head Island Bar Association Super CLE;
- (k) I spoke at and conducted a "behind the scenes" tour of the South Carolina Court of Appeals with Chief Judge James Lockemy as an event for the 2020 South Carolina Bar Convention in January 2020;
- (l) I spoke at a Washington D.C. event and introduced a group of attorneys from the South Carolina Women Lawyers Association for admission to the Bar of the United States Supreme Court in December 2019;
- (m) I served on a judicial panel with Judge Aphrodite Konduros at the 2019 Annual Meeting of the SC Defense Trial Attorneys' Association;
- (n) I served as a panelist for the October 2019 "Ethics with the Judges" SC Bar Sporting Clays CLE;

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- (o) Judge Katherine Tiffany and I co-presented on the topic of joint custody in September 2019 at the S.C. Bar’s annual “Hot Tips from the Coolest Domestic Law Practitioners” CLE;
- (p) I presented on “Appellate Court” at the 2019 New Circuit Judges Orientation School;
- (q) I served as a panelist on “Leading from the Bench” at The Citadel’s 12th Annual Principled Leadership Symposium (2019);
- (r) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2019 Trial Academy;
- (s) I served as a panelist at the 2019 SC Defense Trial Attorneys’ Women in Law Committee forum titled “Can We Really Have It All? (A discussion about challenges unique to female professionals)”;
- (t) Judge Aphrodite Konduros and I co-presented a three-hour program on “Tips from the Bench” at CSOL’s 2nd Annual CLE Seminar on November 30, 2018;
- (u) I presented at the SC Bar’s 2018 CLE “The Unauthorized Practice of Law and How it Impacts Licensed Attorneys”;
- (v) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2018 Trial Academy;
- (w) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2017 Trial Academy;
- (x) I served on a panel with Justice Few and Justice James addressing questions relating to appeals in workers’ compensation cases at the Injured Workers’ Advocates’ 2017 Annual Meeting;
- (y) I served as a panelist at the Charleston County Bar’s 2017 “What Works” CLE;
- (z) I served as a panelist for the SC Bar’s 2016 “Ethics with the Judges” Sporting Clays CLE;

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- (aa) I served as a trial judge and speaker at Professor Debra Gammons's 2016 CSOL Mock Trial competition;
- (bb) I co-presented with Justice Hearn and Commissioner Melody James on the topic "How to Best Present Your Case Before the Appellate Courts" at the 2015 Injured Workers' Advocates' Annual Meeting;
- (cc) I presented on "Tips from the Appellate Bench" at the Fourteenth Circuit's 2015 "Tips from the Bench: What Your Judges Want You to Know" CLE;
- (dd) I served as a panelist for the 2015 SC Women Lawyers Association's 2015 breakfast program on women running for public office;
- (ee) I served as a panelist for the 2015 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (ff) I presented on the "Top Ten Ways to Avoid Reversal on Appeal" at the 2015 South Carolina Circuit Judges Conference;
- (gg) I served as a panelist for the 2014 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (hh) I spoke on "Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls" at the 2014 USC School of Law's Reunion CLE;
- (ii) I served as a panelist for "A View from the Bench" at the SC Association for Justice's 2014 Annual Meeting;
- (jj) I served as a panelist for the 2013 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (kk) I served as a panelist for "Tips from the Bench" at the 2013 SC Defense Trial Attorneys Summer Meeting;
- (ll) I served as a panelist for the 2013 SC Bar Program "Fast Break on Fast Track Jury Trials: How it will Work";

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- (mm) I spoke to law students attending the 2013 CSOL Professionalism Series on “Professionalism in the Courthouse”;
- (nn) In 2013, I presented a lunch program on “Mental Health Issues and the Courts” to the Historic Rotary Club of Charleston;
- (oo) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2012 Trial Academy;
- (pp) I spoke on “Ethics in the Courtroom” at the Charleston Lawyers Club’s 2012 “Tips from the Bench and Bar” CLE;
- (qq) I co-presented on “The Fairness in Civil Justice Act of 2011” at the 2011 SC Defense Trial Attorneys’ Annual Meeting;
- (rr) I served as a panelist for the 2011 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (ss) In 2010, I served on the faculty for a day-long CLE seminar on “The Mechanics of Civil Procedure”;
- (tt) In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;
- (uu) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE), I spoke about the operation of South Carolina’s Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;
- (vv) In 2003, I taught a one-hour session at the South Carolina Defense Trial Attorneys’ Trial Academy. I believe it was on cross-examination;
- (ww) (ww) I presented the “Ethics” portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was

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“Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter”;

- (xx) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation;
- (yy) In 1998, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Las Vegas about the South Carolina Bar Young Lawyer’s Division’s “Lawyers as Mentors” project and provided instruction for other YLDs interested in starting similar programs in other states; and
- (zz) In 1997, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Tampa about the South Carolina Bar Young Lawyer’s Division’s “Citizenship in Schools” project and provided instruction for other YLDs interested in starting similar programs in other states.

Judge McDonald reported that she has published the following:

- (a) Co-author, Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities, The Urban Lawyer, 1997.
- (b) Author, Clerkships: A Foundation for Successful Private Practice, After the Bar (an ABA Young Lawyers Division Publication), 2020.

(4) Character:

The Commission’s investigation of Judge McDonald did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Judge McDonald did not indicate any evidence of a troubled financial status. Judge McDonald has handled her financial affairs responsibly.

The Commission also noted that Judge McDonald was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Judge McDonald reported that her last available rating by a legal rating organization, Martindale Hubbell, was AV.

Judge McDonald reported that she has not served in the military.

Judge McDonald further reported: I have not held public office other than judicial office, but in the past, I have been appointed by the Supreme Court to positions affiliated with the Office of Disciplinary Counsel. From 1999-2002, I served as an Attorney to Assist Disciplinary Counsel. From 2003-2011, I was an attorney member of the Judicial Conduct Commission. No such Ethics Commission reports were required until my election to the bench, and I have filed my Rule 501, SCACR, disclosure statement each year.

(6) Physical Health:

Judge McDonald appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge McDonald appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge McDonald was admitted to the South Carolina Bar in 1994.

She gave the following account of her legal experience since graduation from law school:

Prior to my election to the Circuit Court in 2011, my legal experience included:

- (a) Associate, Stuckey & Kobrovsky, which later became Stuckey & Senn

(Aug. 1994-June 1997)

Approximately 70% of this practice included civil defense work in state and federal courts, primarily involving constitutional and governmental issues. The remainder of my work included probate administration/estate representation, non-complex family court work and the firm's DSS appointments, property/business litigation, plaintiff's work, and appellate work in state and federal courts. My first three solo trials involved constitutional claims in United States District Court.

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I was not involved in the financial management of the firm.
Administrative work included timekeeping and reviewing bills.
I did not handle or have access to the firm's trust account.

(b) Solo practitioner (1998-2003)

In June 1997, I became quite ill while pregnant with my only child and took a two-month leave of absence for home intravenous treatments. I attempted to return to part-time work in August, 1997; however, when my doctor prescribed bedrest a few weeks later, I made the decision to leave the law firm.

In early 1998, I started my own practice in order to stay home with my daughter as much as possible. My practice focused on appellate work and a variety of research, writing, and editing for other attorneys. I also continued some trial work for other attorneys in state and federal court during this time period.

During this time, I handled appellate matters for:

Stuckey Law Firm

Sandra J. Senn, P.A.

Clawson and Staubes

Rhoad Law Firm (Bamberg)

Padgett Law Firm (Bennettsville)

Jennings and Harris (Bennettsville)

Jay Ervin (Darlington)

I did other litigation research, writing, or editing for:

E. Bart Daniel

J. Brady Hair

Larry Kobrovsky

Joye Law Firm

David Whittington

Robert Gailliard

John Price Law Firm

Stanley Feldman

I handled all billing and administrative matters. I did not maintain a trust account as all of my work during this time period was billed hourly to other attorneys or firms.

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(c) Senn, McDonald, and Leinbach, LLC (2003-2011)

Once my daughter was in school, I joined Senn, McDonald, and Leinbach. By this time, approximately 50% of my practice consisted of appellate matters for other firms (for plaintiffs, defendants, and family court litigants). The remainder of my practice focused primarily on civil defense work for public officials, law enforcement officials and agencies, state agencies, and local governments. This work included frequent appearances in state and federal courts. I handled some trial level work for plaintiffs as well, primarily in the area of employment discrimination and harassment.

From 2010-2011, I served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of this work took place in Orangeburg County. Prior to 2010, our firm also assisted with the prosecution of cases for the Attorney General's Dogfighting Task Force.

I was not involved in the financial management of the firm. Administrative work included timekeeping, reviewing bills, and addressing personnel matters as needed.

I did not handle or have access to the firm's trust account.

Judge McDonald reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) Federal: 1-2 times per month, more when in trial
- (b) State: 5-7 times per month, more when in trial

Judge McDonald reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:

- (a) Civil: 70%
- (b) Criminal: 10%
- (c) Domestic: 15%
- (d) Other: 5%

Judge McDonald reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury: 85% (this figure includes matters in which summary judgment or directed verdict was granted)
- (b) Non-jury: 15%

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Judge McDonald provided that during the past five years prior to her service on the bench she most often served as sole counsel, and sometimes co-counsel.

The following is Judge McDonald's account of her five most significant litigated matters:

- (a) Erickson v. Winner, Charleston County Court of Common Pleas (March 2006). This case arose from the Domestic Court Reform Movement that took place in South Carolina in the 1990s. The plaintiff, a former Dorchester County guardian ad litem, sued several defendants for defamation and other torts following the issuance of "The Winner Report," which offered a scathing view of South Carolina's private guardian system. A lengthy article in the Charleston City Paper followed the report. Our firm represented the Governor's GAL Office and a county office supervisor. After three weeks of trial, the Honorable Buddy Nicholson directed a verdict for our clients on all causes of action. Following a fourth week of trial, the jury returned a verdict of 6.5 million dollars against some of the remaining co-defendants. After the appeal involving our trial clients was dismissed, two of the private defendants hired me to argue their case before the South Carolina Supreme Court. The Supreme Court affirmed the Circuit Court's reformation of the actual damages verdict to \$243,540.82 and vacated "the punitive damages verdict in its entirety." See Erickson v. Winter, 2010-MO-006, 2010 WL 10097768 (S.C. March 1, 2010).
- (b) Jamison v. Ford Motor Company, 373 S.C. 248, 644 S.E.2d 755 (Ct. App. 2007), cert. dismissed as improvidently granted, 385 S.C. 238 (S.C. Sept. 28, 2009). Although I was not involved with this case at trial, I handled the plaintiffs' appeals before the South Carolina Court of Appeals and Supreme Court. This case involved complex issues of products liability, federal pre-emption, and discovery abuse following the tragic death of a young driver after her 1993 Ford Escort seatbelt lacerated her liver in a frontal, angular automobile collision.

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- (c) Pelaccio v. Charleston County Sheriff's Office, Berkeley County Court of Common Pleas (April 2005). This wrongful death action arose after a father held his infant hostage, threatening to kill the child and detonate explosives in the family home. He also threatened several members of law enforcement responding to the domestic incident. After an all-night standoff, the father emerged from the house, holding a knife to the baby's neck. When he refused to release the child and remain in a location safe enough for the Charleston County SWAT team to retrieve the baby from the porch, a police sniper shot him in order to ensure the safety of the baby and the on-scene officers. We represented the Charleston County Sheriff's Office, and the jury returned a defense verdict after a four-day trial.
- (d) Cowsert v. Brown, Charleston County Court of Common Pleas (April 2006). Our firm represented the plaintiffs in this matter, which arose after Mrs. Cowsert fell from the elevated second-story porch of her Folly Beach home. The contractor who built the home had failed to secure a portion of the porch railing in any way—it was not nailed, glued, or otherwise secured to the main railing area. When the railing gave way, Mrs. Cowsert fell, suffering serious, permanent injuries. Following the four-day trial, the jury returned a significant verdict for the plaintiffs.
- (e) The City of Charleston "Sofa Super Fire" aftermath (2007-2010)

We represented the City of Charleston in the investigations and litigation arising from this tragic fire, which took the lives of nine Charleston firefighters. The work involved numerous related matters, including representation during the SC-OSHA investigation, before the OSHA hearing officer, and throughout the series of investigations conducted by federal agencies and law enforcement entities. The subsequent civil action involved several private co-defendants and issues of Worker's Compensation Act exclusivity, exemptions under the South Carolina Tort Claims Act, and considerations related to the South Carolina Contribution Among Tortfeasors Act.

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The following is Judge McDonald's account of five civil appeals she has personally handled:

- (a) Henry v. Horry County, 334 S.C. 461, 514 S.E.2d 122 (1999).
- (b) Brown v. Daniel, 230 F.3d 1351, 2000 WL 1455443 (4th Cir. Sept. 9, 2000) (unpublished per curiam opinion).
- (c) Mentavlos v. Anderson, 249 F.3d 301 (4th Cir. 2001), cert denied, 534 U.S. 952 (Oct. 9, 2001).
- (d) Sunset Cay v. City of Folly Beach, 357 S.C. 414, 593 S.E.2d 462 (2004).
- (e) Eargle v. Horry County, 335 S.C. 425, 517 S.E.2d 3 (Ct. App. 1999) (en banc) and Eargle v. Horry County, 344 S.C. 449, 545 S.E.2d 276 (2001).

The following is Judge McDonald's account of three criminal appeals she has personally handled:

- (a) United States v. Luther Ray Cyrus, 132 Fed. Appx. 441 (4th Cir. May 24, 2005). (I wrote the 4th Circuit brief and prepared the Joint Appendix for attorney Jay Ervin).
- (b) United State v. Dalton, 477 F.3d 195 (4th Cir. 2007). (I assisted the late Stanley Feldman with his brief and with his preparation for oral argument).
- (c) Michau v. Charleston County, 434 F.3d 725 (4th Cir. 2006). This was a civil appeal in an action filed under 42 U.S.C. §1983, but the appeal involved construction of South Carolina's Sexually Violent Predator Act and whether a county detainee held pending evaluation under the SVPA is a "prisoner" for purposes of the Prison Litigation Reform Act.

Judge McDonald reported that she has held the following judicial office(s):

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9. I was sworn in on June 30, 2011, and served continuously until I began at the Court of Appeals on July 1, 2014. The Circuit Court is South Carolina's Court of general jurisdiction. It consists of the Court of General Sessions (criminal court) and the Court of Common Pleas (civil court). The Circuit Court also serves as a court of limited appellate jurisdiction, handling appeals from Probate Court, Magistrate's Court, and Municipal Court. Article 5 of Title 14 sets forth additional provisions relating to the operation of the Circuit Court.

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I was Chief Administrative Judge for Common Pleas in the Ninth Circuit. (January 2014 – June 2014). For eighteen months prior to that, I was Chief Administrative Judge for General Sessions matters in the Ninth Circuit. (July 2012 – December 2013).

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals. I began work at the Court of Appeals on July 1, 2014, and have served continuously since that time. I was elected to a second term in February 2020.

The Court of Appeals is a statutorily created court; § 14-8-200(a) sets forth its jurisdiction. Generally, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court, Administrative Law Court, or Appellate Panel of the Worker's Compensation Commission. This section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider petitions for writs of certiorari in PCR matters.

Limitations upon the jurisdiction of the Court of Appeals are set forth in § 14-8-200(b). The Court does not consider appeals which include a death sentence; final rate-setting decisions of the Public Service Commission; the constitutionality of state laws or county or municipal ordinances, unless the Supreme Court determines the constitutional question is not a significant one and transfers the case; certain general obligation debt, revenue, and bonding matters; Circuit Court judgments addressing elections or election procedure; orders limiting an investigation by the State grand jury; or any order of the Family Court relating to an abortion sought by a minor.

Judge McDonald provided the following list of her most significant orders or opinions:

- (a) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied, June 28, 2019.
- (b) Nero v. South Carolina Dept. of Transp., 427 S.C. 392, 831 S.E.2d 143 (Ct. App. 2019), cert. denied, Feb. 12, 2020.
- (c) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). No petition for a writ of certiorari was filed; the remittitur was sent on January 22, 2018.
- (d) Pickens County v. SCDHEC, 429 S.C. 92, 837 S.E.2d 743 (Ct. App. 2020), aff'd in part, vacated in part, 435 S.C. 99 (Dec. 8, 2021).

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(e) State v. Dinkins, 435 S.C. 541, 868 S.E.2d 181 (Ct. App. 2021).
No petition for a writ of certiorari was filed; the remittitur was sent on January 7, 2022.

Judge McDonald reported no other employment while serving as a judge.

Judge McDonald further reported the following regarding unsuccessful candidacies:

In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Court Judge, At-Large, Seat 8.

(9) Judicial Temperament:

The Commission believes that Judge McDonald's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge McDonald to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee noted: "Superb judge, hard worker, conscientious, personable, knowledgeable, straight shooter... would be a very, very good Sup. Ct. Justice."

Judge McDonald is not married. She has one child.

Judge McDonald reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar Association

Positions held for the Young Lawyers Division (YLD):

Chair, Law School for Non-Lawyers project (1998)

Co-Chair, Lawyers as Mentors project (1997)

Chair, "Citizenship in Schools" project at Fraser Elementary School (1996)

Co-Chair, Lawyers for Literacy project (1995)

Delegate, ABA Annual Meeting (Young Lawyers Division) (1997)

(b) Charleston County Bar Association

(c) Charleston Lawyers Club (for YLD members of the Charleston County Bar)

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President, 1998-99

- (d) South Carolina Bar Foundation Board Member, 1998-2001
- (e) Federal Bar Association (former member)
- (f) South Carolina Women Lawyers Association
- (g) American Bar Association (Judicial Division)

Judge McDonald provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

- (a) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)
- (b) Board Member, Association of Junior Leagues International, New York, NY(2006-2009)
- (c) President, Junior League of Charleston (2010-2011)
- (d) Commissioner, City of Charleston Mayor's Office for Children, Youth & Families (2000-2003)
- (e) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal Church Women of the Diocese of South Carolina (2004)
- (f) President, St. Philip's Episcopal Church Women (ECW) (2003-2004)
- (g) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-2003)
- (h) Board Member, Youth Service Charleston (2001-2003)
- (i) Junior League of Charleston Community Impact Award (2002)
- (j) Leadership Charleston Class of 2001
- (k) Youth Mentor, Mitchell Elementary School (1998-2001)
- (l) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

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Law School Awards: American Jurisprudence Award for Evidence
American Jurisprudence Award for Moot Court
First Year Legal Writing Award

Undergraduate: Carolina Cares, USC's Philanthropic Organization
(1988-1991)

President (1990-1991)

Alpha Delta Pi Sorority (1987-present)

President (1990-1991)

Student Alumni Association (1989-1991)

Secretary/Treasurer (1990-1991)

Interclub Council (1989-1991)

Secretary/Treasurer (1989-1990)

USC Community Service Programs Advisory Board (1990-1991)

Assistant Student Advocate (Student Government) (1989-1990)

Campus Judicial Board (1990-1991)

Hurricane Hugo Relief (Salvation Army) (1989)

Association of Honors Students (1987-1991)

Mortar Board (1989-1991)

Omicron Delta Kappa (1990-1991)

Order of Omega (1989-1991)

Honors: Algernon Sydney Sullivan Award

Phi Beta Kappa

Mortar Board Graduate Fellowship

Dorothy Shaw Leadership Award (National Sorority Award)

USC Hall of Leaders

Josiah Morse Award for Philosophy

Judge McDonald further reported:

It has been my honor and privilege to serve on the Circuit Court and the Court of Appeals, and I hope the Commission and General Assembly will allow me to continue this service with the Supreme Court. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer and a trial judge, and I believe this allows me to bring additional understanding to my judicial role with respect to my temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—

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is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Good temperament, patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

I also believe my experiences as a working mother and trial lawyer have provided me with a perspective that has enhanced my ability as a judge to understand some of the issues attorney parents must face as they seek to balance a law practice with the demands of raising children. The challenges attorneys and trial judges face daily were heightened during the pandemic as the working parents of pre-school and school-aged children struggled to deal with the stress of home and online school and other childcare-related issues. Most of our trial and appellate judges understand the balancing act required and are able to work with attorneys to address their needs in conjunction with docket efficiency. But some do not, and this is a constant source of stress for lawyers. One of my goals as a judge is to remain open to communication about such issues and to never forget what it was like to be an attorney or to work as a trial judge.

(11) Commission Members' Comments:

The Commission recognizes and appreciates Judge McDonald's active involvement in Bar and other legal activities in the community over the years. Judge McDonald is known for her intellect as well as her approachability, qualities that would continue to serve her well on the Supreme Court.

(12) Conclusion:

The Commission found Judge McDonald qualified, and nominated her for election to Supreme Court, Seat 4.

**COURT OF APPEALS
QUALIFIED AND NOMINATED**

**The Honorable Blake A. Hewitt
Court of Appeals, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Hewitt meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Hewitt was born in 1978. He is 44 years old and a resident of Conway, South Carolina. Judge Hewitt provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Hewitt.

Judge Hewitt demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Hewitt reported that he has not made any campaign expenditures.

Judge Hewitt testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Hewitt testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Hewitt to be intelligent and knowledgeable.

Judge Hewitt reported that he has taught the following law-related courses:

- (a) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.

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- (b) I lectured on techniques of oral advocacy at the 2016 “Prosecution Bootcamp” for new prosecutors, hosted by the Prosecution Coordination Commission. I delivered the same presentation at the Solicitor’s Association’s Annual Convention later that same year.
- (c) I presented on the topic of appellate practice at the Bridge the Gap programs in 2015 and 2016.
- (d) I lectured on oral advocacy at the 2016 SC Bar “SC Lawyer’s Guide to Appellate Practice” Program.
- (e) I gave “case law update” presentations to all attendees at the Injured Workers’ Advocates organization’s Annual Conventions in 2010, 2011, 2013, 2014, 2015, 2016, and 2017. During the same 2016 and 2017 Annual Conventions I moderated a discussion about appellate practice with the appellate judges attending the conference.
- (f) In 2015 I gave a presentation that dealt with issues surrounding the admission of forensic interviews in criminal sexual conduct cases as part of the SC Bar’s annual “It’s All A Game” seminar. I updated this presentation for the same seminar in 2021.
- (g) I shared presentations on special filing procedures in professional negligence cases as a part of the annual Tort Law Update hosted by the SC Bar in 2014 and 2015.
- (h) I lectured on error preservation and techniques of developing a record for an eventual appeal at the 2013 SC Bar Program “Introduction to Birth Injury Litigation.”
- (i) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law’s symposium celebrating the 50th anniversary of the U.S. Supreme Court’s decision in Gideon v. Wainwright.
- (j) I gave speeches on effective legal writing at a local CLE Program, “What Every Lawyer should know to Enjoy (or Survive) the Practice of Law” in 2012 and 2013.

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- (k) I lectured on handling appeals effectively at the South Carolina Association for Justice's 2012 Annual Convention.
- (l) I gave a "case law update" at the South Carolina Association for Justice's 2016 Annual Convention.
- (m) I spoke about the strategy and method of working an appellate case as part of the "2018-2019 Appellate Practice Project" in November of 2018.
- (n) I gave a family court "case law update" as part of the Horry County Family Court Bar's "Family Law Seminar" in February of 2020.
- (o) I participated in a panel discussion explaining the process of running for a judicial position as part of the 2021 SC Bar Convention.
- (p) I participated in a Q & A about the appellate process for the SC Workers' Compensation Educational Association's Annual Conference in 2021.
- (q) I participated in a panel discussion about the appellate process as part of the Injured Workers' Advocates Annual Convention in 2021.
- (r) I participated in a panel discussion about the appellate process for the Coastal American Inn of Court in February of 2021.
- (s) I participated in a panel discussion about written and oral advocacy for the SC School Board Association's Council of School Attorneys in May of 2022.

Judge Hewitt reported that he has published the following:

Appellate Practice in South Carolina Jean Hoefer Toal et al. (SC Bar CLE 2016), Editorial Board.

(4) Character:

The Commission's investigation of Judge Hewitt did not reveal evidence of any founded grievances or criminal allegations made against him.

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The Commission's investigation of Judge Hewitt did not indicate any evidence of a troubled financial status. Judge Hewitt has handled his financial affairs responsibly.

The Commission also noted that Judge Hewitt was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Hewitt reported that his last available rating by a legal rating organization, Best Lawyers, was Best Lawyers in the areas of both Appellate Practice and Personal Injury Litigation - Plaintiffs.

Judge Hewitt reported the following military service:

From June of 2001 to August of 2001, I was an officer candidate in the United States Marine Corps. A week before the end of Officer Candidate School, I declined a commission as a Second Lieutenant and was released from my orders. To my knowledge, I did not have a rank or a serial number. The character of my discharge was "dropping on request."

Judge Hewitt reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Hewitt appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Hewitt appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Hewitt was admitted to the South Carolina Bar in 2005.

He gave the following account of his legal experience since graduation from law school:

- (a) From August of 2005 to July of 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina.

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- (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the District of South Carolina.
- (c) From August of 2009 until November of 2019, I was in private practice with the same law firm. When I joined the firm it was Bluestein Nichols Thompson & Delgado. When I left, it was Bluestein Thompson Sullivan. My primary area of practice was appellate litigation but I was routinely involved in work at the Circuit Court and District Court level as either lead counsel or consulting counsel.
- (d) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.
- (e) From January of 2020 to the present time I have been honored to serve the people of South Carolina as a judge on the Court of Appeals.

Judge Hewitt reported that he has held the following judicial office(s):

I was elected by the General Assembly to the Court of Appeals in February of 2019. I did not begin serving until after the Honorable Paul Short retired the following December. My service began in January of 2020. I have served continuously since that time.

The Court of Appeals predominantly has appellate jurisdiction and performs the first stage of appellate review for the vast majority of appeals that are filed in the unified judicial system. The only exceptions are the seven categories of cases that skip the Court of Appeals and proceed directly to the Supreme Court. In addition to its appellate jurisdiction, the Court of Appeals hears pretrial motions to suppress wire, oral, or electronic communications under the “South Carolina Homeland Security Act” if there is a claim the communications were illegally intercepted.

Judge Hewitt provided the following list of his most significant orders or opinions:

Every case I handled in private practice was significant to me because every client’s case is supremely important to them. The same has been

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true as a judge – every case is the most important case to the people involved. We do our best to give every case a full and complete review because they are all significant. With that qualification, some of the cases that I believe to have broader significance are described below:

- (a) Fairfield Waverly, LLC v. Dorchester Cnty. Assessor, 432 S.C. 287, 852 S.E.2d 739 (Ct. App. 2020) (cert. petition pending)
- (b) Arcadia Lakes v. S.C. Dep't of Health & Env't Control, 433 S.C. 47, 855 S.E.2d 325 (Ct. App. 2021)
- (c) Est. of Jane Doe 202 v. City of N. Charleston, 433 S.C. 444, 858 S.E.2d 814 (Ct. App. 2021) (cert. petition pending)
- (d) Encore Tech. Grp., LLC v. Trask, 436 S.C. 289, 871 S.E.2d 608 (Ct. App. 2021) (cert. petition pending)
- (e) State v. Williams, Op. No. 5918 (S.C. Ct. App. filed June 15, 2022) (Howard Adv. Sh. No. 21 at 45)

Judge Hewitt reported no other employment while serving as a judge.

Judge Hewitt further reported the following regarding unsuccessful candidacies:

In 2012 I ran unsuccessfully for the South Carolina House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the Supreme Court of South Carolina's decision in Florence County Democratic Party v. Florence County Republican Party, which invalidated the filing directions that the South Carolina Election Commission issued to all candidates. I pursued a petition candidacy following this decision and was certified by the Election Commission as a petition candidate for the November 2012 general election. I did not win the general election. I filed my final financial report in April of 2013.

In 2014 I ran unsuccessfully for the Court of Appeals, seat 7. This vacancy was created when Judge Danny Pieper retired. I was deeply honored to be found qualified and nominated by the JMSC. I withdrew from the race a week before the election, which Judge Stephanie McDonald won.

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In 2017 I ran unsuccessfully for the Court of Appeals, seat 9. This vacancy was created by Judge James Lockemy's elevation to Chief Judge. I was deeply honored to again be found qualified and nominated by the JMSC. I withdrew from the race the morning of the election, which Judge Gary Hill won.

(9) Judicial Temperament:

The Commission believes that Judge Hewitt's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Hewitt to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Hewitt is married to Emma Catherine (Brown) Hewitt. He has one child.

Judge Hewitt reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - July 2015); Young Lawyers Foundation Board, Board Member (November 2013 - July 2015).
- (b) Horry County Bar Association.
- (c) South Carolina Supreme Court Historical Society.
- (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - Feb. 2019).

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- (e) South Carolina Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - Feb. 2019).
- (f) Coastal Inn of Court: Community Service Chair (Jan. 2014 - Sept. 2019), Judicial Officer (Sept. 2019 - present).

Judge Hewitt provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Waccamaw Sertoma Club. Board Member (July 2013 - Aug. 2019), President (August 2016 - July 2017);
- (b) City of Conway Board of Zoning Appeals (April 2013 - Feb. 2019);
- (c) City of Conway Downtown Alive;
- (d) Compleat Lawyer Award (Silver), USC Law School.

Judge Hewitt further reported:

I have written this before, but it remains true that any good qualities I possess are the result of the many strong and positive influences in my life. I was blessed to have parents who loved me and invested in me heavily. I was also fortunate to have several people outside of my immediate family show interest in me and help shape my development by serving as mentors. My greatest professional goal has always been to honor these wonderful individuals. I know that any success I experience will be the result of them lifting me on their shoulders.

I have known for some time that I wanted to devote my career to public service. My passion as a lawyer has always been the desire to help the court system be the best that it can be – to treat people decently, to treat everyone's case as important, and to help the court make the right decision for the right reasons. I gravitated towards appellate work in particular because I enjoyed it, because I felt that it provided a platform for fulfilling these goals, and because I felt it brought out the best lawyer in me.

I believe true success is not about serving yourself, but serving others. I loved litigating cases, and I loved my colleagues in private practice. Even so, the opportunity to serve the appellate court system was so attractive that I had to pursue it. In private practice, my obligations were to produce

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results for my clients and produce revenue for my law firm. Public service allows me to leverage my experience and abilities for the benefit of my fellow citizens and my State. It has been, and continues to be the greatest honor of my professional life to devote my energy and my affection for appellate work to helping the Court of Appeals succeed in its essential mission to produce high-quality decisions, in a timely manner, that follow the rule of law. It has been hard work, but I enjoy it tremendously.

(11) Commission Members' Comments:

The Commission commented that Judge Hewitt has an outstanding reputation as an appellate jurist. They noted that his great intellect and appellate experience have ably served him in discharging his responsibilities on the Court of Appeals.

(12) Conclusion:

The Commission found Judge Hewitt qualified, and nominated him for re-election to Court of Appeals, Seat 1.

**Whitney B. Harrison
Court of Appeals, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Harrison meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Ms. Harrison was born in 1985. She is 37 years old and a resident of Columbia, South Carolina. Ms. Harrison provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2011.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Harrison.

Ms. Harrison demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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Ms. Harrison reported that she has made \$264.82 in campaign expenditures for metered postage, paper and envelopes for introduction letters, palm cards, and a name tag.

Ms. Harrison testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Harrison testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Harrison to be intelligent and knowledgeable.

Ms. Harrison reported that she has taught the following law-related courses:

- (a) September 19, 2017: I delivered Presbyterian College's Constitution Day speech, where I discussed the toolbox of rights and protections found in our constitution; afterwards I had Q&A with faculty and staff;
- (b) June 14, 2018: I spoke at Palmetto Girls State about my experience with the practice of law;
- (c) September 24, 2018; I spoke at the Honorable Michelle Child's Federal Court Mentoring Lunch regarding appellate practice—including briefing, motions practice, and oral argument preparation—with the Deputy Staff Attorney of the Court of Appeals and a fellow appellate practitioner;
- (d) August 3, 2019: I was on a panel at the South Carolina Association for Justice (SCAJ) convention for the Consumer Protection Section CLE with co-counsel, an attorney from Office of Regulatory Staff, and a reporter from The State to discuss the VC Summer Litigation;
- (e) November 20, 2019: I spoke again at Judge Child's Federal Court Mentoring Lunch regarding appellate practice.
- (f) From January 2020 through May 2020, I was part of Cornell Law School's Clinical Program in connection with *Moore v. Stirling*. This weekly class was a hybrid of legal course work for law students and

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counsel meetings with Cornell faculty and students, fellows and staff attorneys from Justice 360, and other criminal practitioners;

(g) November 7, 2021: I spoke on a panel about civil litigation and appellate practice with two fellow practitioners and former appellate clerks for the Supreme Court and Court of Appeals' mentoring program;

(h) March 28, 2022: I taught a three-hour class on appellate practice and procedure in a South Carolina law survey course at Presbyterian College, which stemmed from the weekly constitutional law course I taught at Presbyterian College in Spring 2013;

(i) In June 2022, I spoke at Palmetto Girls State with the practice of law.

(j) *August 5, 2022: I will be presenting at the SCAJ convention for the Family Law Section—on supersedeas filings at the Court of Appeals and issue preservation;

(k) *November 4-5, 2022: I will be moderating a panel for the South Carolina Bar entitled "Importance of Oral Argument," as well as serving as a judge during the Oral Argument Workshop.

Ms. Harrison reported that she has published the following:

(a) Incorporating Service Work Into Your Practice, South Carolina Young Lawyer, February 2011, Volume 2, Issue 2, p. 15. (Co-authored with Professor Amy Milligan of University of South Carolina School of Law).

(b) A Best Friend to All: A Tribute to the Honorable Tanya A. Gee; South Carolina Young Lawyer, December 2016, Volume 9, Issue 2, p. 3; The Docket, December 2016, Volume 10, Issue 10, p. 2; RICHBARNEWS, November/December 2016, p. 6.

(c) Inspired to Dream: Inspired to Give, PC Annual Report, July 2020, p. 19.

(4) Character:

The Commission's investigation of Ms. Harrison did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Harrison did not indicate any evidence of a troubled financial status. Ms. Harrison has handled her financial affairs responsibly.

The Commission also noted that Ms. Harrison was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Ms. Harrison reported her rating by legal rating organizations:

- Super Lawyers: Rising Star.
- National Trial Lawyers: 40 under 40 Civil Plaintiff List.

Ms. Harrison reported that she has not served in the military.

Ms. Harrison reported that she has never held public office.

(6) Physical Health:

Ms. Harrison appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Harrison appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Harrison was admitted to the South Carolina Bar in 2011.

She gave the following account of her legal experience since graduation from law school:

Upon graduating from law school, I clerked for the Honorable Aphrodite K. Konduros, on the South Carolina Court of Appeals. While working for Judge Konduros, I reviewed briefs and records in criminal, civil, family, workers' compensation, and administrative law cases; researched legal issues raised and wrote bench memoranda to assist the judges; presented my analysis and recommendations on my assigned cases to the appellate panel to help prepare them for oral argument; and assisted with the drafting of opinions.

In March 2013, I accepted a job in private practice, working for McGowan, Hood, Felder & Phillips, LLC (MHFP) on anti-trust litigation, along with an agreement that I could establish an appellate practice overtime. During my first year, I worked primarily on class action litigation brought on behalf of the State through parens patriae, where I served as the primary associate for the team. Over the course of that year, I started handling my firm's appeals at the Supreme Court of South Carolina and South Carolina Court of Appeals.

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From March 2014 to July 2015, I continued handling MHFP's appeals to the South Carolina appellate courts and assisted with appeals to the United States Court of Appeals for the Fourth Circuit and drafting a writ of certiorari to the United States Supreme Court. In total, I served as lead counsel on nine appeals and argued five times before our appellate courts during this period. Additionally, I worked with the named partners on medical malpractice cases and personal injury cases—assisting at every stage of litigation by drafting pleadings, arguing motions, taking depositions, and handling motions, jury charges, and witnesses at trial.

In Spring 2015, the Honorable Kaye G. Hearn invited me to clerk in her chambers at Supreme Court of South Carolina. While unexpected, the opportunity to sharpen my appellate skills was significant, and I accepted the position with the conditions that before leaving private practice I could complete two milestones, already calendared: (1) try my first medical malpractice case; and (2) argue for the first time before the Supreme Court.

With both conditions met, in August 2015 I began clerking for Justice Hearn. At the Supreme Court, I worked on novel issues in every area of the law. I also had exposure to original jurisdiction cases, which provided an opportunity to work on cases involving elections, death penalty, utilities, and constitutional issues.

In August 2016, I returned to MHFP with a heightened desire to firmly establish myself as a name in appellate practice. As part of those efforts, I placed an emphasis on gaining as much courtroom experience as possible through motions practice and trial work to master procedural and discovery issues that are often addressed on appeal, while also increasing my appellate work. These matters included: medical malpractice, personal injury, civil rights, first amendment claims, and probate. During 2017, I began taking on appeals and trial work from other law firms while continuing to work with MHFP's trial teams for larger cases and complex appeals. Today, I continue to work under this rubric, which gives me the incredible ability to continually work on fascinating issues at trial and on appeal.

Ms. Harrison reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 5%;
- (b) State: 95%.

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Ms. Harrison reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 75%;
- (b) Criminal: 5%;
- (c) Domestic: 15%;
- (d) Other: 5% administrative.

Ms. Harrison reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 25%;
- (b) Non-jury: 75%.

My practice is unique. Generally, I am associated as co-counsel in trial court for two reasons: (1) a case is certain to go to trial or (2) a case includes a novel issue that will likely require an appeal. I have tried multiple cases to verdict in circuit court and have arbitrated a case.

Ms. Harrison provided that during the past five years she served as co-counsel and chief counsel:

For trial matters, I served as co-counsel, where I typically handled motions and legal strategy, and during trial I handled motions, record preservation, and occasional examination of witnesses. In appellate matters, I served as chief counsel—regardless of whether I was co-counsel in the underlying matter or retained to handle the appeal.

The following is Ms. Harrison's account of her five most significant litigated matters:

- (a) VC Summer Litigation (Lightsey v. S.C. Elec. & Gas Co., et al., Case No. 2017-CP-25-00335 & Cook v. S.C. Pub. Serv. Auth., et al., Case No. 2019-CP-23-06675)

This litigation stemmed from the abandonment of the VC Summer Nuclear Project (the Project) on July 31, 2017, by South Carolina Electric & Gas Company (SCE&G) and South Carolina Public Service Authority (Santee Cooper). Class counsel filed a lawsuit against the utility companies for their negligence and mismanagement of the Project.

In stark contrast to traditional utility law, the Base Load Review Act (BLRA), allowed SCE&G to charge customers for construction costs prior to service, i.e. providing electricity to be used by customers, from the new units. In total, SCE&G customers advanced over \$2 billion in

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financing costs at the time of abandonment. The determinative legal issue in this matter was the BLRA's constitutionality. At the hearing, I argued the BLRA was unconstitutional because it violated Article I, Section 22 of the South Carolina Constitution, which contains an express protection of the right of notice and an opportunity to be heard in administrative agency cases, as well violating the Fifth and Fourteenth amendments of the United States Constitution and the delegation doctrine.

Months after I argued this constitutional challenge, the circuit court issued instructions regarding anticipated rulings on the Class's constitutional arguments. These instructions provided the impetus for SCE&G to begin settlement negotiation. This case settled for almost \$2.2 billion—\$178 million in cash and \$2 billion in rate relief administered through the Public Service Commission.

As to Santee Cooper, the determinative legal issues were defining the duties owed to these customers. Generally, a utility company does not owe a duty to its customers regarding rates. Articulating a duty between the company and the customers was heightened because Santee Cooper is a state entity. Additionally, because of the Project's nature as a joint venture with SCE&G, it was necessary to craft a separate and distinct duty between SCE&G and Santee Cooper's customers. By arguing that Santee Cooper's customers were financing the project for Santee Cooper and in turn SCE&G, it provided an avenue to satisfy elements of both negligence theories.

In the weeks leading up to trial, where a jury would determine whether a duty existed, Santee Cooper moved to strike future damages, valued at nearly \$4 billion, as a means of limiting liability/recovery at trial. Santee Cooper and SCE&G argued that the future damages were speculative. Following my argument that the damages were ascertainable, the Court agreed and found \$4 billion could be requested at trial. The case settled shortly thereafter. In total, the settlement provided for \$520 million in cash and \$510 million in rate relief.

(b) Kosciusko v. Parham, 428 S.C. 481, 836 S.E.2d 362 (Ct. App. 2019).

This appeal addressed whether South Carolina law permits issues relating to child custody and visitation to be submitted to binding arbitration without oversight from the family court or appellate review. I represented the mother, who argued that the family court did not have jurisdiction to enforce a custody arrangement decided in arbitration because allowing an arbitrator to decide custody violated multiple state laws—specifically, ones in which the General Assembly vested

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exclusive jurisdiction in the family court to determine issues with children—as well as court rules. This was a case of first impression and the Court of Appeals found that child custody may not be arbitrated. Two years later, the Supreme Court in Singh v. Singh, agreed and relied on this case’s reasoning and the mother’s arguments. 434 S.C. 223, 225, 863 S.E.2d 330, 331 (2021) (“[O]ur reading of the statutes and court rules is consistent with the analysis of the court of appeals in Kosciusko.”).

(c) Moore v. Stirling, 436 S.C. 207, 871 S.E.2d 423 (2022).

For the first time in almost thirty years, the Supreme Court granted oral argument to a habeas corpus petition in a death penalty case to address an issue of first impression. This case challenged the Court’s methodology for conducting a proportionality review on direct appeal. By way of background, following a death sentence in circuit court, the case is appealed directly to the Supreme Court. While addressing any merit issue raised by the defendant, the Court separately conducts a proportionality review as mandated by the General Assembly—a review vested solely with the Supreme Court. Practically, the Court is charged with confirming the sentence is proportionate to the crime based on prior cases in the State. In interpreting this mandate, the Court previously decided it would only compare the case before it to cases where the death sentences were upheld.

My client challenged the Court’s limited comparison pool arguing that the pool invited only one outcome because of the pool’s limited size. The pool failed to account for cases with similar facts in which: a death sentence was not sought, a death notice was withdrawn, or a death sentence was not imposed—including consideration of the lesser sentences. In the absence of a rule change, my client contended that the Court was failing to carry out its statutory directive from the General Assembly. The Supreme Court agreed and modified its rule to allow a defendant to submit comparison cases that should be taken into consideration during its proportionality review.

(d) Gartrell v. Aiken Regional Medical Center, Court of Common Pleas, Aiken County, Civil Action No: 15-CP-02-0794.

My client became a triple-amputee as a result of medical negligence. After a two-week trial alongside MHFP partners, an Aiken County jury awarded a \$13.75 million verdict. In anticipation of a large verdict, I was invited to the trial team to preserve the record for appeal, handle motions and jury charges, and prepare for post-trial motions to sustain the verdict, including constitutional challenges to any reduction. In preparation for

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those constitutional challenges, I utilized primary documents from the 1700 and 1800s, and worked with historians and research librarians in the months leading up to trial. While this matter settled prior to an appeal, this was the first case that blended my passion for complexity and novel law into the circuit court in anticipation of an appeal to the Supreme Court through original jurisdiction. Following this experience, I saw an avenue to practice in my own unique way.

- (e) Shareholder Dispute (Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at *1 (S.C. Ct. App. filed Feb. 9, 2022) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015) (reversing Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015)).

This business dispute, spanning seventeen years of litigation and counting, involves a partnership dissolution with an assertion of a novel issue surrounding a minority shareholder, along with numerous issues involving preservation, statutes of limitations, and civil procedure. I have been involved with the case's two appeals to the Court of Appeals, two writs of certiorari to the Supreme Court, and a bench trial. Included within this lengthy litigation are a series of firsts for me: first appellate brief—Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015); first win at the Supreme Court—Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015), and my first bench trial.

Without getting too far into the procedural weeds or business disagreements, Mr. Broom has asserted since 2016 that the case was moot following his 2015 favorable Supreme Court ruling and remittitur. In 2018, Mr. Broom raised these arguments in a motion to dismiss before the trial court. The trial court disagreed and allowed the matter to proceed to a bench trial. At trial, Mr. Broom was successful on all but one claim, which he appealed. In 2022, the Court of Appeals agreed with Mr. Broom that it was an error of law for the trial to have occurred because the issues were moot on procedural grounds. A petition for certiorari is pending.

For me, this case highlights the importance of preserving a record on appeal and continually renewing arguments for appeal.

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The following is Ms. Harrison's account of five civil appeals she has personally handled:

- (a) Rainey v. S.C. Dep't of Soc. Servs., 434 S.C. 342, 344, 863 S.E.2d 470, 471 (Ct. App. 2021);
- (b) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015); Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at *1 (S.C. Ct. App. filed Feb. 9, 2022);
- (c) Sims v. Amisub of S.C., Inc., 414 S.C. 109, 110, 777 S.E.2d 379, 380 (2015);
- (d) Roddey v. Wal-Mart Stores E., LP, 415 S.C. 580, 583, 784 S.E.2d 670, 672 (2016);
- (e) Michael v. Michael, Op. No. 2016-001498, 2018 WL 1956476, at *1 (S.C. Ct. App. Apr. 25, 2018).

The following is Ms. Harrison's account of two criminal appeals she has personally handled:

- (a) Moore v. Stirling, 436 S.C. 207, 211, 871 S.E.2d 423, 425 (2022).
- (b) State v. Robinson, Court of Appeals, Appellate Case No. 2018-001269, decision pending, involved with the amicus brief.

(9) Judicial Temperament:

The Commission believes that Ms. Harrison's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Harrison to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The committee commented: "Exceptionally qualified for writing well-reasoned opinions."

Ms. Harrison is not married. She does not have any children.

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Ms. Harrison reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association (2011 to present); involvement includes: Torts & Insurance Council (2018-2021); Practice and Procedures Committee (2020 to Present);
- (b) South Carolina Bar Foundation Board (2018 to Present); involvement includes: Cole Committee Chair (overseeing scholarship donations for CLEs), Finance Committee member, and Grants Committee member (helping interview and propose awards of grants to non-profit organizations); South Carolina Supreme Court Historical Society Co-Chair (2018 to 2021);
- (c) South Carolina Association for Justice (2016 to Present); involvement: Rules and Practice Chair (2018 to Present);
- (d) South Carolina Women Lawyers Association (2020 to Present);
- (e) Supreme Court Historical Society (2018 to Present); involvement: revived Supreme Court Historical Society as co-chair through Bar Foundation and now am a member under new framework;
- (f) Supreme Court Common Pleas Docketing Committee (2017 to Present);
- (g) American Association of Justice (2022); member.

Ms. Harrison provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

Current Involvement

- (a) Presbyterian College Board of Trustees;
- (b) Downtown Church (PCUSA);
- (c) Historic Columbia.

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Past Involvement

- (a) SC Appleseed Board Member;
- (b) Femex Columbia.

Awards/Recognition

- (a) SC Bar's Trial and Appellate Advocacy Award;
- (b) Presbyterian College's Young Alumna Award;
- (c) 20 under 40, The State;
- (d) Best and Brightest: 35 and Under, Columbia Magazine;
- (e) William Plumer Jacobs Society Member.

Ms. Harrison further reported:

I love a courtroom podium. It's where I have always felt most at home in this profession. The law comes alive during an argument when I am peppered with hypotheticals and nuanced questions to test the strength and veracity of my arguments. It's in those moments that the courtroom becomes my stage as I am pushed by the ticking appellate clock to prioritize and persuade seamlessly while balancing the bench's questions. I generally dislike discussing myself and resist a spotlight—a truth I felt with force as I answered the last fifty-seven questions. But in a courtroom, it's never about me. I stand front and center, giving voice to issues that need to be squarely addressed. When I leave court, I know I have given it my all, using my time and talents to make a difference—living out my definition of service.

I grew up with parents who made service an organic part of our family. From hosting Cub Scout meetings in our living room every Monday night for nearly six years to volunteering with every clean-up project, ticket table, or random event that needed more hands, we were there ready to serve. It was instilled in me that when you care about your community you show up—wherever and however you can.

This emphasis on making service a daily practice is what drew me to Presbyterian College, whose motto “while we live, we serve” continues to inspire me twenty-years later. There, my mentor, former President Dr. John V. Griffith, often brought our conversations about life and my future back to a paraphrased verse in Deuteronomy, stating: “we are heirs of cities we did not build.” His point being that with our grand inheritances comes a responsibility to serve our communities using our unique gifts to ensure that those who follow us will receive not only the

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same, but better. I left college anticipating that the law would be my vocation and my path to serve.

As you read in my application, however, my path became unexpected when I had to take the bar exam three times. There were moments when I questioned if I would ever practice law. And even after I was admitted, I was certain my bar failures would be a shameful embarrassment that would follow my career—a blemish used to size up my intellect and talent. Yet, with the passing of time, I have come to see that blemish for what it really is: a sign of my strength and determination.

During the fall of my 3L year, I was diagnosed with cancer. I underwent surgery to prevent melanoma from spreading, which involved the removal of a grapefruit-size mass. I declined doctors' advice to take leave from school and returned to law school hooked to a machine with tubes coming out of my clothes. There was nothing normal about the rest of that school year (or the year that followed). But I adapted because I had three goals I was determined to accomplish: finish school, deliver our class speech at graduation as planned, and pass the bar exam that October—almost a year from the date of my diagnosis.

I achieved the first two goals—walking across the graduation stage with my classmates and delivering a speech on service. But it took an extra year of studying when I was not working, as well as healing, to pass the bar exam.

Trusting my inner voice that reminded me “I am strong enough to try” was the most significant decision I will likely ever make. There is no question there were challenging, humbling, and down-right awful days that occurred as I faced set-backs both personally and professionally. Yet, those are the days that profoundly shaped me, giving me the perspective that I want a lifetime of days filled with purpose and meaningful service. This, in turn, sharpened my drive and forced me to try harder, embracing late nights and early mornings to fully commit to a task at hand. I learned I am not afraid to be an outlier or to trust my own instinct. I found the value of following my own compass and its passions. Those two years of choosing to try rather than accepting defeat made me a better lawyer and a better servant.

It is still that inner voice that boldly guides me in all aspects of life. In the law, it has encouraged me to take on challenging novel issues and remain unwavering in my advocacy. In so doing, I have represented South Carolinians from all walks of life including: a businessman, an

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injured DSS worker, a single mother fighting for her kids, a child abandoned by his family, a utility customer, a triple amputee, a man on death row, and so many others. My vocation has become my service—with an unassailable conviction and stronger confidence than I could have anticipated. As I look forward and consider my responsibility as an heir of our State, I believe my legal talents and experiences have uniquely prepared me to serve on the Court of Appeals. Although I will undoubtedly miss my beloved podium, I know serving on the bench offers more opportunity to build on our jurisprudence for the betterment of our heirs, which after everything remains my ultimate goal.

(11) Commission Members' Comments:

The Commission noted Ms. Harrison has a wonderful reputation as an appellate practitioner. She was engaging and poised. They noted she has focused her professional experience on appellate practice, which will serve her well should she be elected to the Court of Appeals.

(12) Conclusion:

The Commission found Ms. Harrison qualified, and nominated her for election to Court of Appeals, Seat 2.

The Honorable Grace Gilchrist Knie Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Knie meets the qualifications prescribed by law for judicial service as a Court of Appeals judge

Judge Knie was born in 1964. She is 58 years old and a resident of Campobello, South Carolina. Judge Knie provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1989.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Knie.

Judge Knie demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges,

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particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Knie reported that she has not made any campaign expenditures.

Judge Knie testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Knie testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Knie to be intelligent and knowledgeable.

Judge Knie reported that she has taught the following law-related courses:

- (a) I have lectured at the 2002 SCAJ Annual Convention, to the Family Law Section on the subject Family Court Visitation and Custody Issues (Excluding Patel);
- (b) I have lectured at the 2003 SCAJ Annual Convention, to the Family Law Section, on the subject What Family Court Judges Want at Temporary Hearings;
- (c) I have lectured at the 2004 SCAJ Annual Convention, to the Family Law Section
- (d) on the subject Family Law- Case Law Update, September 2003 -July 2004;
- (e) I have lectured at the 2005 SCAJ Annual Convention, to the Family Law Section on the subject Family Law- Case Law Update, September 2004 -July 2005;
- (f) In 2007 I chaired the Family Law Section of the SCAJ and enlisted speakers for the CLE presentation. I presided over and moderated the Family Law presentation at the 2007 Annual Convention;

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- (g) I have lectured as a judicial panelist at the SC Bar Association CLE held in Spartanburg on the subject of 7th Circuit Tips from the Bench, May , 2018;
- (h) I enlisted speakers for the JCLE presentation and moderated the JCLE presentation for the SC Circuit Judges' Association Annual Conference in May 2019;
- (i) I served as co-presenter at the SC Judicial Conference September 2019, for the introduction of speaker Karen Korematsu, Director of the Fred T. Korematsu Institute regarding Korematsu v. United States, 323 U.S. 214 (1944);
- (j) I made a presentation at the ABOTA SC Chapter Meeting, March 2020, as judicial panelist to discuss Attorney Conducted Voir Dire in South Carolina;
- (k) I have lectured as a judicial panelist at the SC Bar Association CLE held in Spartanburg on the subject of 7th Circuit Tips from the Bench, May 2022;
- (l) I have participated as a panelist in several presentations by the NCSI (National Courts and Sciences Institute) in my capacity of SC Judicial Representative 2018-present.

Judge Knie reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Knie did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Knie did not indicate any evidence of a troubled financial status. Judge Knie has handled her financial affairs responsibly.

The Commission also noted that Judge Knie was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Judge Knie reported that she is rated by the following legal rating organizations:

- (a) AV Preeminent Rating Martindale -Hubbell in Legal Ability and Ethical Standards;
- (b) Best Lawyers in America, Member;
- (c) Super Lawyers, Member;
- (d) Litigation Counsel of America Trial Lawyer Honorary Society Fellow.

Judge Knie reported that she has not served in the military.

Judge Knie reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Knie appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Knie appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Knie was admitted to the South Carolina Bar in 1989.

She gave the following account of her legal experience since graduation from law school:

- (a) Kermit S. King, Attorney, Columbia, South Carolina,

Clerkship August 1988-June 1989;

Upon graduating from law school in the Summer of 1989, while studying to take the bar exam in August, I continued to work for Kermit S. King, Attorney at Law, in Columbia. Mr. King's practice primarily focused on domestic litigation. My job responsibilities were to research aspects of the law as instructed, to assist in organizing files and accompanying him and other lawyers in the firm to court, when necessary. In addition, I performed general clerkship duties. The position ended at the conclusion of the bar exam preparation and upon my taking a position as Law Clerk to The Honorable James B. Stephen, Circuit Court Judge.

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- (b) The Honorable James B. Stephen, Circuit Court Judge, Spartanburg, South Carolina, Law Clerk, August 1989-August 1990;

I obtained the position of Law Clerk to The Honorable James B. Stephen, Circuit Court Judge for the Seventh Judicial Circuit, Spartanburg, SC, in August 1989. I had the opportunity to shadow Judge Stephen in his court room and in his office for one year. I traveled with him while he rotated throughout the state when he held court in Beaufort, Charleston, Columbia, Aiken, Cherokee, Spartanburg and other counties. I had a unique and distinct career opportunity which was priceless in gaining valuable experience and insight into the practice of law and in being a Circuit Court Judge. During that year, I sat beside Judge Stephen on the bench, in the courtroom, daily and was able to observe first-hand General Sessions Court and Common Pleas Court. He had me research legal issues, assist in writing decisions and had me serve as the conduit of information between him and counsel appearing before him concerning decisions, calendaring, and scheduling.

- (c) Bruce Foster, P.A., Spartanburg, South Carolina,

Associate, 1990-1992;

In August of 1990 I became an associate of Bruce Foster, P.A. in Spartanburg. The practice was a general litigation practice with a focus on domestic litigation, and plaintiff's personal injury. As an associate attorney, I initially served as co-counsel with Mr. Foster in on-going, pending litigation. I then accumulated my own clients, representing them in both family court and civil litigation, and some criminal defense, as well as, employment discrimination and sexual harassment litigation. At the conclusion of two years, I continued to share office space with Mr. Foster but, formed my own firm as Grace Gilchrist Dunbar, P.A.

- (d) Grace Gilchrist Dunbar, PA, Spartanburg, South Carolina,

Attorney, 1992-2004;

In 1992 through 2004, I had a general litigation practice handling domestic litigation, plaintiff's personal injury, workers' compensation, employment discrimination and criminal defense work. During this time, Mr. Foster's health began to deteriorate, and he retired. I purchased and renovated an office building in Spartanburg and moved my practice to a location approximately one block from Mr. Foster's office. I was a sole practitioner and solely handled the administrative and financial management of the law firm which required that I was in charge of

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payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

(e) City of Spartanburg, Spartanburg, South Carolina,

City Prosecutor, 1995-2010; part-time position;

In 1995, I took the position as the City Prosecutor for the City of Spartanburg. I held that position until 2010. It was part-time. My job responsibilities included the prosecution of all criminal jury trials for the City of Spartanburg. The cases ranged from minor traffic citations to more serious charges of Criminal Domestic Violence, Driving Under the Influence 1st offense and Driving Under Suspension. There were multi-day terms of court on a monthly basis. I dealt with attorneys representing defendants, as well as, pro-se litigants on a regular basis. Additionally, I served as legal counsel at City Council meetings when the City Attorney could not be present. I handled most of the appeals from the Spartanburg County Municipal Court to the Circuit Court.

(f) Grace Gilchrist Knie, PA, Spartanburg, South Carolina,

Attorney, 2004 – February 23, 2017.

In 2004, although the nature of my practice remained the same, after my marriage, I changed the name of my law practice and professional association to Grace Gilchrist Knie, P.A. Approximately 6-8 years later I transitioned the nature of my practice from contested domestic litigation to Social Security Disability in addition to personal injury. I was a sole practitioner and solely handled the administrative and financial management of the law firm which required that I was in charge of payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

Judge Knie reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) Federal: several times a month;
- (b) State: several times a month.

Judge Knie reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:

- (a) civil: Personal injury/ Workers Compensation 40%;
- (b) criminal: Defense 2%;

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- (c) domestic: 8%;
- (d) other: Social Security disability 50%; City Prosecutor of criminal jury trials approximately four days a month as a part-time position from 1995- 2010.

Judge Knie reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) jury: 40% including City Prosecutor position 1995-2010;
- (b) non-jury: 60%;

Judge Knie provided that during the past five years prior to her service on the bench she most often served as sole counsel.

The following is Judge Knie's account of her five most significant litigated matters:

- (a) Laura B. Steagall v. Freightliner L.L.C., et. al, CA 2007-CP-11-655 later removed to federal court 7:07-cv-03877. This lawsuit involved the alleged sexual harassment of the plaintiff by a supervisor of Freightliner. It was somewhat unique because the plaintiff was employed by a staffing company which supplied the plaintiff to Freightliner. Issues arose as to whether Freightliner fell within Title VII because the plaintiff and her alleged assailant did not work for the same company. There were also reporting and notice issues. In addition, her assailant allegedly harassed her both at work and after hours at her home and elsewhere.

The complaint included alleged causes of action for a hostile work environment (Title VII), sexual harassment (Title VII), retaliatory discharge, negligent supervision and retention, and assault and battery. This was removed to federal court due to diversity jurisdiction issues. The causes of action for negligent supervision and retention and for assault and battery, are state causes of action.

Many practitioners have not been exposed to this area of the law; however, I have handled at least five other such lawsuits during my years of practice. It is important as a state court jurist to have some knowledge of federal statutory law as it can apply to state proceedings in several different areas.

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(b) Gumaro Gonzalez-Bravo v. Krishna Patel Kandel, d/b/a Citgo Food Mart;

WCC File No. 0918192

In this tragic circumstance and case, Mr. Bravo was working at the Citgo Food Mart located in Spartanburg, South Carolina in the capacity of stocker and clean up personnel. He had been working at the Citgo Food Mart for less than a month and, on the night of September 30, 2009, he and one of the co-owners of the food mart were the only two persons working. Mr. Bravo was in the back-storage room, sweeping the floor. The food mart was robbed and both Mr. Bravo and the co-owner were killed. Mr. Bravo had moved to the United States from Mexico. He was earning \$5.00 per hour, which he was paid in cash at the time of his death. I view this case as one of the most significant litigated matters that I have handled in my twenty-seven years of practicing law for several reasons. The unique issues involved in the case included whether the store owner was a statutory employer pursuant to S.C. law and if Mr. Bravo was actually an employee of the food mart, and if so if death benefits were payable, what was his average weekly wage and compensation rate, and who were Mr. Bravo's dependents pursuant to S.C. law. In this case, the owner of the store did not have workers' compensation insurance and the argument was that he was not required to have workers' compensation insurance because he did not have four or more employees or, he did not have the minimum number of employees required of him to mandate carrying workers' compensation insurance. I was successful in proving that there were more than the minimum number of employees employed and, in the end, I was also successful in proving that the decedent's family was entitled to 500 weeks of benefits. This case involved contact with the Probate Court in Spartanburg County, documents from the Spartanburg County Coroner's Office, witnesses and documents from the Spartanburg County Sheriff's Office and obtaining documents from the S.C. Department of Revenue. I felt a deep commitment and obligation to represent the interests of this deceased party for the financial benefit of his wife and children, and to honor his senseless murder.

(c) Helen Owens v. Freddy Lee Johnson, 2014-CP-30-185

This lawsuit involved a serious motor vehicle collision in which the plaintiff suffered a fractured femur which required multiple surgeries. The plaintiff was traveling to work early in the morning when the defendant, a third shift employee of BMW Manufacturing, traveling in the opposite direction on a two-lane road, fell asleep and crossed the

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center line hitting the plaintiff's vehicle head on. Early on, an issue arose as to whether the plaintiff had crossed the center line because of tread marks just left of center from the direction in which plaintiff was traveling. I employed an accident reconstruction expert who established that the tread marks were from a different vehicle than that of the plaintiff. The defendant driver leased the BMW which he was driving from his employer, and BMW had substantial liability coverage on the vehicle. The vehicle also had an emergency response system which detected that there had been a collision and a dispatcher engaged the defendant driver in a conversation. I subpoenaed the recording of that conversation which revealed that the driver had fallen asleep at the wheel and did not realize that the collision involved another vehicle. The combination of the expert witness and the recording of the defendant's conversation with the emergency response dispatcher were enough to overcome liability concerns. Ultimately, I was able to secure a significant confidential settlement at mediation. This case was significant because it involved an expert witness and the role of scientific evidence.

(d) Joseph Brown as PR of the Estate of Lillie Ruth Brown v. Spartanburg Urology Surgery Center Partners, L.P., et. al.,
CA 2015-CP-42-867

In this tragic but interesting case, I was hired by Mr. Brown whose wife, in otherwise perfect health, had elected to undergo outpatient carpal tunnel release surgery. Within 15 minutes of her otherwise successful surgery, she went into cardiac arrest. Efforts to revive her at the for-profit outpatient surgery center were unsuccessful and she was transferred to Spartanburg Medical Center which was ironically across the street. Although she was ultimately revived, she had suffered irreversible brain damage. She remained at the hospital and later at hospice in a vegetative state for more than a month before she passed away.

It was established through expert witnesses that her cardiac arrest resulted from the improper and untimely release of the tourniquet used in conjunction with her local anesthesia. Moreover, the outpatient surgery center was not equipped with the proper "crash cart" to deal with this type of event.

The case had a number of challenging legal issues, among them being the relationship of the surgery center, the surgeons who also owned the surgery center, the anesthesia group which supplied the nurse anesthetist, and the R.N. who released the tourniquet. In addition, the Non-Economic Damages Act of 2005 came into play in determining the amount of

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potential non-economic damages allowable. I took the position that Mr. Brown could recover \$425,000 in non-economic damages in his wrongful death, survival, and loss of consortium actions, plus the economic damages suffered which were substantial. After significant discovery and mediation, the case was ultimately settled for a confidential seven figure amount.

The significance of having handled this case for a judicial candidate is that it required a working knowledge of the statutory and common law surrounding medical malpractice cases including the caps. This body of law is very specific and unique. Nonetheless, while mediation has greatly reduced the number of civil cases tried, medical malpractice cases continue to be tried on a regular basis and a jurist must be aware of the nuances of this area of the law.

- (e) Tinsley v. Tinsley, 326 S.C. 374, 483 S.E. 2d 198 (Ct. App. 1997)

This family court action involved issues of divorce on the fault ground of physical cruelty, custody and visitation, and equitable distribution of assets and debts. I represented the Wife. The primary issue presented was whether Husband's South Carolina state disability retirement benefits were property and therefore a marital asset to be divided in equitable distribution, or were those benefits income. On appeal the Court of Appeals held that the payments were replacement for current and future income, and therefore not subject to equitable distribution. The case is significant because it is often cited by attorneys during litigation and it is referred to in trial argument on the income versus asset issue.

The following is Judge Knie's account of five civil appeals she has personally handled:

- (a) Stoney G. Allison v. State, Appellate Case No. 2006-035039; *
- (b) Hazell Stoudemire, III v. State, Case No. 2012-CP-42-2779; *
- (c) Stephens v. Integrated Electrical Services, et.al., SCWCC #0915846;
- (d) Blanton v. Blanton, 2007 -UP-129 (S.C. Ct. App.);
- (e) Siegfried v. SSA, xxx-xx-xxxx;

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* Both of these cases are criminal cases in which the criminal defendant petitioned the SC Circuit Court for post-conviction relief (PCR). PCR actions are considered civil in nature. I represented both in the PCR actions and then filed the appeals to the SC Supreme Court.

The following is Judge Knie's account of criminal appeals she has personally handled:

As the City Prosecutor at the City of Spartanburg from 1995-2010, in addition to prosecuting all jury trials, I routinely handled the City of Spartanburg Municipal Court appeals to the Circuit Court of the Seventh Judicial Circuit. These cases normally involved the appeal of Criminal Domestic Violence Charges, Driving Under the Influence, other traffic violations, and other municipal level offenses.

Judge Knie reported that she has held the following judicial office(s): I was elected on February 1, 2017, by the SC General Assembly and took the oath on February 24th, 2017, for the position of Circuit Court Judge for the Seventh Judicial Circuit, Seat 2. The Circuit Court is a court of general trial jurisdiction and limited appellate jurisdiction from the Probate Court, Magistrate's Court and Municipal Court in South Carolina. I was re-elected to the same position on February 7th, 2018.

Judge Knie provided the following list of her most significant orders or opinions:

(a) Farr v. Wan, et.al., 2013-CP-42-02404

This action was brought as a medical negligence case in which it was alleged that the physician, a pulmonologist due to a failure to diagnose breached the standard of care when she failed to identify an abnormal density in the decedent's right lung. Suit was brought against the physician and her employer medical group. The case was tried by jury trial for one week in the fall of 2020. There were several expert witnesses from various parts of the United States called by both parties. The trial was challenging due to the constraints of the COVID pandemic. There were challenges and complications regarding jury selection, jury management, and travel restrictions for witnesses. Ultimately it was agreed that several expert witnesses would be allowed to testify virtually. The jury trial verdict was for the Defendants.

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(b) State v. Mark Anthony Gilbert, 2019-GS-42-1035

This criminal jury trial involved allegations by the victim, a daughter against her biological father of criminal sexual conduct. The Defendant was charged with four counts of Criminal Sexual Conduct with a Minor in the Second Degree. The evidence presented by the State included the testimony of the victim, and other family members. The State presented no physical evidence. The case was tried for four days. The jury found the Defendant guilty on all charges. He was sentenced to 25 years in the SC Department of Corrections and was required to register as a Sex Offender.

(c) Keith Bookman v. Jason Brian Buffkin, 2018-CP-40-6147

The parties in this action were involved in a motor vehicle collision on Interstate 77 North in 2018. Plaintiff was working in an interstate construction zone, driving a message board truck, and Defendant, driving under the influence, collided with the attenuator on the back of Plaintiff's truck. Plaintiff suffered personal injuries. Plaintiff brought a claim for negligence and sought actual and punitive damages. Plaintiff resolved his case against the at-fault insurance carrier on a covenant not to execute and proceeded at trial against the UIM carrier. Plaintiff's demand had been for the limits of coverage. In September of 2021, the case was tried for four days. At trial, Defendant admitted negligence but disputed that Plaintiff was injured or suffered any damages as a result of the collision. The parties presented expert testimony via video conference and in person from an orthopedic surgeon, a toxicologist, and a biomechanical expert. The jury returned a verdict in favor of the Plaintiff for \$12.5 million dollars, \$3.5 million dollars in actual damages and \$9 million dollars in punitive damages.

(d) State v. Christian Thomas McCall, 2018-GS-46-03262, 2018-GS-46-03265,

2018-GS-46-03267 and 2018-GS-46-03269

This action arose in 2018 from a domestic dispute between husband and wife in which a 911 call was made from the residence of the victim and the Defendant. The Defendant fled the scene on foot and to apprehend him, a chase ensued by law enforcement. When cornered, the Defendant killed one officer and wounded three others. The Defendant pled guilty to Murder and three counts of Attempted Murder. He received a life

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sentence, three consecutive thirty-year sentences and a consecutive five-year sentence. This case was further complicated due to the significant public and press interest in this case, and the press coverage of the plea and sentencing hearing which lasted for several hours.

- (e) Carnell Davis v. The State of South Carolina, 1991-GS-42-1126 and 1991-GS-42-1723

This matter came before the Court for a bench trial on resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). Petitioner filed his petition and the Circuit Court of Spartanburg County was vested with exclusive jurisdiction to hear the petition by Order of the Chief Justice of the South Carolina Supreme Court. A hearing on the petition was conducted in August 2018. In 1991, the Petitioner committed murder and shot a Spartanburg City Police Officer. Petitioner was indicted and pled guilty to Murder and Assault and Battery with Intent to Kill. The Petitioner received a life sentence with parole on the Murder charge and he received a twenty-year consecutive sentence on the Assault and Battery with Intent to Kill charge. At the time of the commission of the crimes, the Petitioner was seventeen years old. Petitioner sought relief pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). However, the law of South Carolina at the time of Petitioner's conviction provided for possibility of parole being granted for persons sentenced to life terms. Based on information obtained from the South Carolina Department of Probation, Parole, and Pardon Services, since first becoming eligible for parole in 2011, Petitioner had at least four prior parole hearings and subsequent to the time of the resentencing hearing the Defendant would again be eligible for parole consideration. Because the Petitioner's original life sentence made him eligible for parole pursuant to South Carolina law, he was not entitled to resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014).

Judge Knie reported no other employment while serving as a judge.

- (9) Judicial Temperament:

The Commission believes that Judge Knie's temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Knie to be "Qualified" as to the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-

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Qualified” as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Knie is married to Patrick E. Knie. She has two stepchildren.

Judge Knie reported that she was a member of the following Bar and professional associations:

(a) Spartanburg County Bar Association;

President, 2012; Vice President, 2011; Executive Committee member, 2009 -2013;

Chairperson, Spartanburg County Bar's Cinderella Prom Dress Project 2008-2013;

(b) SC Bar Association 1989 - Present;

Member, Judicial Qualifications Committee 2012 - January 2016;

Member, Solo and Small Firm Section

(c) American Bar Association;

(d) Association of SC Circuit Judges;

(e) NCSI (National Courts and Sciences Institute) SC Judicial Representative.

Judge Knie provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) First Presbyterian Church;

(b) The YMCA;

(c) The Piedmont Club;

(d) The Spartanburg County Library.

Judge Knie further reported:

As a young person, it was always my goal to complete college and law school. Out of necessity in order to pay the tuition and the necessary costs involved, I worked multiple jobs at the same time while attending school and was able to pay my way through undergraduate school and law school. I believe that I have a strong work ethic that has carried over to my professional practice. I was always willing to put in the long hours necessary to be fully prepared in every case which I handled. As a circuit court judge, I brought that work ethic with me every day to ensure that whatever tasks were assigned to me were fully and timely completed. My work ethic has also made me very independent and I believe that such independence is very important to be a good and ethical jurist.

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(11) Commission Members' Comments:

The Commission commented that Judge Knie has an exceptional judicial temperament. Judge Knie also has had a diverse legal background that would serve her well on the Court of Appeals.

(12) Conclusion:

The Commission found Judge Knie qualified, and nominated her for election to Court of Appeals, Seat 2.

**The Honorable Letitia H. Verdin
Court of Appeals, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Verdin meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Verdin was born in 1970. She is 52 years old and a resident of Greenville, South Carolina. Judge Verdin provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Verdin.

Judge Verdin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Verdin testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

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Judge Verdin testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Verdin to be intelligent and knowledgeable.

Judge Verdin reported that she has taught the following law-related courses:

- (a) I made a presentation on Children's Law to Furman Pre-Law Society in 2015.
- (b) I addressed the S.C. Women Lawyers Association in 2012 on the topic of running for judicial seats.
- (c) I addressed the S.C. Women Lawyers Association in 2012 on the topic of changes in the legal profession affecting women.
- (d) I addressed the Greenville Bar Association during its 2012 Law Week Luncheon concerning civility in the practice of law.
- (e) I addressed the Public Defenders Conference in 2012 on the topic "A View from the Bench."
- (f) I served on a Judicial Panel for the S.C. Defense Trial Attorneys Conference in 2012.
- (g) I spoke to the S.C. Bar in 2013 regarding the Essentials of Criminal Practice.
- (h) I addressed the S.C. Solicitor's Conference in 2013 on the topic of Mental Health Issues in General Sessions Court.
- (i) I addressed the S.C. Bar in 2014 at the 23rd Annual Criminal Practice in S.C.
- (j) I spoke to the S.C. Solicitor's Conference in 2014 with Tom Traxler on the Psychology of Persuasion.
- (k) I presented to the Women's Leadership Institute at Furman University in 2015 on the topic of Women in the Law.

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- (l) I spoke at a S.C. Bar CLE in 2015 with Tom Traxler on the Psychology of Persuasion.
- (m) I addressed new lawyers in the S.C. Bar regarding Rule 403 requirements in 2015.
- (n) I served on a Judicial Panel addressing Updates in the Law at the 2015 S.C. Solicitor's Conference.
- (o) I served on a panel addressing Tips from the Bench at the 2015 S.C. Defense Trial Attorneys Association Women in Law Seminar.
- (p) I addressed the S.C. Bar at a CLE with Tom Traxler in 2016 on the topic of the Psychology of Persuasion.
- (q) I addressed the Greenville Bar End of Year CLE in 2017 on the topic of a View from the Bench.
- (r) I have taught a course at the Charleston School of Law. The course is entitled Primer on First Year Practice in S.C. I taught the course in 2013, 2014, 2015, 2016, and 2017.
- (s) I spoke at the Greenville Bar End of the Year CLE in 2019 on the topic of General Sessions Court in the Thirteenth Circuit.
- (t) I spoke at the Greenville Bar End of the Year CLE in 2021 on the topic of the Courts' Adjustment During COVID.
- (u) I spoke at the Greenville Bar End of the Year CLE in 2022 on the topic of Update on the Civil Court in the Thirteenth Circuit.
- (v) I addressed the South Carolina Defense Trial Lawyers Conference in 2021 on "A View from the Bench."
- (w) I have annually addressed the Circuit Court Judges School on the topic of Inherent Powers of the Court since 2019.
- (x) I addressed the South Carolina Appellate Judges Conference in 2018 on the topic of "A View from the Circuit Court Bench."

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Judge Verdin reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Verdin did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Verdin did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Verdin was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Verdin reported that she is not rated by any legal rating organization.

Judge Verdin reported that she has not served in the military.

Judge Verdin reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Verdin appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Verdin appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Verdin was admitted to the South Carolina Bar in 1997.

She gave the following account of her legal experience since graduation from law school:

- (a) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1997-1998

Prosecuted cases in the Traffic Unit and General Crimes Unit

- (b) Office of the Eighth Circuit Solicitor, Assistant Solicitor, 1998

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Prosecuted all juvenile cases in Family Court and prosecuted all General Sessions child abuse and neglect cases in Greenwood, Abbeville, Newberry, and Laurens Counties

(c) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1999-2000

Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases; served as the Family Court Unit Head

(d) Clarkson, Walsh, Rheney & Turner, P.A., Associate Attorney, 2000-2005

Litigated cases in areas of government liability defense, insurance defense, and commercial litigation, criminal defense, and family law

(e) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 2005-2008

Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases

Judge Verdin reported the frequency of her court appearances prior to her service on the bench:

- (a) Federal: Occasionally
- (b) State: 1-2 times per week.

Judge Verdin reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:

- (a) Civil: 35%;
- (b) Criminal: 50%;
- (c) Domestic: 10%;
- (d) Other: 5%.

Judge Verdin reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Verdin provided that prior to her service on the bench she most often served as sole counsel.

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The following is Judge Verdin's account of her five most significant litigated matters:

- (a) State of South Carolina v. Patel and the companion divorce action, Patel v. Patel - This was a criminal defense matter in which I was involved while in private practice and its companion divorce action. The wife was charged with Arson and Assault and Battery with Intent to Kill for setting fire to her husband's hotel room while he was inside. I assisted in the criminal defense of the wife and represented her in the divorce action. She was sued for divorce on the ground of a single act of extreme physical cruelty. It was necessary that I protect her rights in the divorce action while ensuring that she did not jeopardize her criminal defense.
- (b) State of South Carolina v. Ricky Sanders – This defendant was charged with Criminal Sexual Conduct with a Minor 1st Degree for sexually abusing his girlfriend's daughter. This case was significant for me because it was the first time our office was successful in having a Forensic Interviewer qualified as an expert witness in the Court of General Sessions. The interviewer's testimony, coupled with the testimony of the child, was instrumental in securing a guilty plea from the defendant during trial.
- (c) Barnes v. Kevin Matheson, Anderson County Sheriff's Department, the City of Clayton Police Department, and the Rabun County Sheriff's Department – This was a case while I was in private practice. The case involved allegations of excessive use of force and other Section 1983 claims against law enforcement officials. I represented Deputy Kevin Matheson and the Anderson County Sheriff's Department. The case involved an escapee, who when eventually surrounded by officers, attempted to run over an officer. Deputy Matheson shot and killed the woman in order to save the officer's life. The case involved numerous constitutional law issues, including that of extra-jurisdictional pursuits. Our motion for summary judgment was granted as to all claims against Deputy Matheson and the Anderson County Sheriff's Department.

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- (d) In re: R.M. – This was a case in which a juvenile shot and killed her uncle with whom she resided. Our office had a policy at that time of petitioning the Family Court for waiver to General Sessions in every murder case in order for full evaluation by the court. The juvenile had been abandoned by her mother, her father was deceased, and defense experts testified that they believed the child was the victim of sexual abuse by the uncle, a fact much later confirmed. The judge in this matter applied the Kent factors and determined that the juvenile was not appropriate for waiver to General Sessions Court. This case is significant to me because it was at the beginning of my Family Court career and it illustrates the integrative and rehabilitative goals of juvenile justice. Though technically a loss for the prosecution, it was a win for the system. While the juvenile's crime was horrific, she spent the remainder of her adolescence and early adulthood in the Department of Juvenile Justice receiving intensive services, and after a transition period, it is my understanding that she has become a productive, law-abiding adult.
- (e) State of South Carolina v. Shad Shepherd – This was a case that I prosecuted in which the young father shook his four month old baby violently causing permanent brain damage and partial blindness. This matter was not only significant because of its facts, but also because it was one of the earlier shaken baby syndrome cases successfully prosecuted by our office. The case also necessitated very sophisticated medical evidence and expert testimony in order to establish that the child had not been accidentally dropped thereby causing her injuries.

The following is Judge Verdin's account of three civil appeals she has personally handled:

- (a) Cox and Rider v. City of Charleston, Rueben Greenberg, Joseph Riley, Captain Chin, Charleston Police Department, Officer Davis, City of Travelers Rest, Mann Batson, and Timothy Christy, Fourth Circuit Court of Appeals, July 26, 2005, 416 F.3d 281.

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- (b) North Greenville Fitness v. Daimler Chrysler, South Carolina Court of Appeals, Jan. 2, 2004, 2003-UP-00737.
- (c) State Auto Property v. Wild Turkey Holdings, South Carolina Court of Appeals, dismissed on June 3, 2004 after briefs were filed pursuant to settlement.

Judge Verdin reported that she has not personally handled any criminal appeals.

Judge Verdin reported that she has held the following judicial office(s):

- (a) Elected to the Family Court, Thirteenth Judicial Circuit, 2008-2011
- (b) Elected to the Circuit Court, Thirteenth Judicial Circuit, 2011-present

Judge Verdin provided the following list of her most significant orders or opinions:

- (a) Hidria, USA, Inc. v. Delo, d.d., d/b/a Slovenske Novice, 415 S.C. 533 (Ct. App. 2016). Hidria, U.S.A., Inc. filed suit against a Slovenian publisher of an online and print newspaper alleging that it maliciously published articles containing falsities concerning a Slovenian citizen associated with Hidria. The matter came before me on Delo's Motion to Dismiss. I granted the motion to dismiss for lack of personal jurisdiction. The Court of Appeals affirmed my decision.
- (b) Precision Wall, Inc. v. Liberty Mutual Fire Insurance Co., 410 S.C. 170 (Ct. App. 2016). Precision Wall, Inc. brought an action against Liberty Mutual, its commercial general liability insurer for a declaratory judgement that its CGL policy covered liability for the cost to tear down and rebuild a brick veneer and seal joints. I entered judgment in favor of the insurer, and on appeal, the Court of Appeals affirmed my decision holding that the "your work" exclusion applied to bar coverage.
- (c) Woodruff Road SC, LLC v. S.C. Greenville Hwy 146, LLC, 2017 WL 74856 (Ct. App. 2017). This matter was before me on a declaratory judgment action to determine the scope of

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an easement granted to S.C. Greenville Hwy 146, LLC. I determined that S.C. Greenville Hwy. 146, LLC could use the easement as part of a drive-thru for one of its tenants, Starbucks. Woodruff Road SC, LLC appealed my decision, and the Court of Appeals affirmed my decision in an unpublished opinion.

- (d) Proctor v. Whitlark & Whitlark, Inc., 414 S.C 318 (2015). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. We held that gambling statutes, and not the South Carolina Unfair Trade Practices Act, provide the exclusive remedy for a gambler seeking recovery of losses sustained by illegal gambling.
- (e) In re: Campbell, 379 S.C. 593 (2008). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. This was an appeal that originated in the Probate Court wherein a daughter challenged the dismissal of a petition she filed for appointment as conservator of her mother's assets. We held that the statute governing court appointment of a physician to examine a person subject to a conservatorship action does not require that the physician be disinterested, only unbiased. We further held that the Court-appointed physicians who acted as the mother's expert witnesses were not unbiased.

Judge Verdin reported the following regarding her employment while serving as a judge:

I taught a course at the Charleston School of Law each summer during the years 2013-2017. My employment as an Adjunct Professor was part-time and contractual. My supervisor was Andy Abrams, Dean of the Law School.

(9) Judicial Temperament:

The Commission believes that Judge Verdin's temperament has been, and will continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Verdin to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and

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academic ability, character, reputation, experience, and judicial temperament. There were no summary or related statements.

Judge Verdin is married to Charles S. Verdin IV. She has two children.

Judge Verdin reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Greenville County Bar Association
- (c) Haynsworth Inn of Court
- (d) Liberty Fellowship
- (e) Circuit Judges' Advisory Committee
- (f) Advisory Committee on Standards of Judicial Conduct

Member, 2012-2021

Chairperson, 2019-2021

- (g) Circuit Judges' Association

Vice-President, 2019-2022

President, 2022-present

Judge Verdin provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Trinity Presbyterian Church
 - 1) Elder
 - 2) Co-Chair of Personnel Committee
 - 3) Interim Youth Director
- (b) Green Valley Country Club
- (c) Liberty Fellowship

Judge Verdin further reported:

I have thoroughly enjoyed serving as a Family Court Judge and Circuit Court Judge for the past 14 years. I have found both positions challenging and rewarding. I was honored to serve as the Chairperson of the Advisory Committee on Standards of Judicial Conduct, on the Circuit

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Judges Advisory Committee, and most recently, as President of the Circuit Judges' Association. I have also had the opportunity to sit as an Acting Associate Justice of the South Carolina Supreme Court on two occasions.

When I was elected to the Circuit Court, I had mixed emotions. I was honored and excited to serve on the Circuit Court, but I knew that I would miss the Family Court greatly. If I were elected to the Court of Appeals, I know I would miss the Circuit Court. However, I would hope to bring to that new position the experience I have gained in both trial courts. I would approach the Court of Appeals with the same enthusiasm I have had when serving on the Family Court and Circuit Court and would always be mindful of the enormous trust the Legislature had placed in me.

(11) Commission Members' Comments:

The Commission commented that Judge Verdin has an outstanding reputation as a jurist and her judicial temperament and demeanor is beyond reproach. The BallotBox survey responses were unanimous in this characterization as well. The Commission stated that Judge Verdin's work ethic, intellect and temperament would ably serve her should she be elected to the Court of Appeals.

(12) Conclusion:

The Commission found Judge Verdin qualified, and nominated her for election to Court of Appeals, Seat 2

CIRCUIT COURT QUALIFIED AND NOMINATED

Amanda A. Bailey
Circuit Court, Fifteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

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For the vacancy for Circuit Court, Fifteenth Judicial Circuit, Seat 1, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Bailey was born in 1977. She is 45 years old and a resident of Myrtle Beach, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003. She was also admitted to the North Carolina Bar in 2004.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Bailey.

Ms. Bailey demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Bailey reported that she has not made any campaign expenditures.

Ms. Bailey testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Bailey testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Bailey to be intelligent and knowledgeable.

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Ms. Bailey reported that she has taught the following law-related courses:

- (a) I was a Class Instructor at Horry Georgetown Technical College teaching property law to paralegal students in 2005.
- (b) I moderated the Civil Law Update for the 2017 Trial and Appellate Advocacy Section CLE, South Carolina Bar Convention;
- (c) I was a panel member at the Diversity Committee & Young Lawyer Division CLE, 2018, South Carolina Bar Convention.
- (d) I was a presenter at the YLD Leadership Academy, Community Leadership and Civic Engagement, 2022

Ms. Bailey reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Bailey reported her ratings by legal rating organizations:

- Martindale-Hubbell: AV Preeminent .
- Super Lawyers: Top Rated.
- Chambers USA Ranking: Band 4; Litigation: Commercial.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has never held public office.

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(6) Physical Health:

Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Bailey was admitted to the South Carolina Bar in 2003.

She gave the following account of her legal experience since graduation from law school:

- (a) Judicial Law Clerk to the Honorable Kaye G. Hearn, August 2003 to May 2005: In my capacity as judicial law clerk to the Honorable Kaye G. Hearn, then Chief Judge of the South Carolina Court of Appeals, I prepared draft legal opinions, preliminary reports, and cases assessments regarding criminal, civil, family, workers compensation and administrative appellate cases. I read appellate briefs and records, researched legal issues, wrote bench memoranda, orally presented and fielded questions regarding cases from appellate judges, and assisted in drafting opinions.
- (b) Burr & Forman, LLP f/k/a the McNair Law Firm, P.A., May 2005 to the present.
 - May 2005 to December 2010, Associate, general litigation practice. During this time period, I primarily practiced business litigation, representing both Plaintiffs and Defendants, but often handled non-business related general litigation including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as co-counsel or second-chair in litigation matters. I was not generally involved in the administrative or financial management of the firm.
 - January 2011 to January 2017, Partner, general litigation practice. During this time period, I continued my primary practice in business litigation, representing

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both Plaintiffs and Defendants. I continued to handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as lead counsel in litigation matters. As a partner, I was involved in some administrative and financial management of the firm, and served on the associate development committee, strategic planning committee, and as co-chair of the litigation practice group.

- January 2017 to December 2018, Unit Manager and Partner, general litigation practice. During this time period, I continued my primary practice set forth above and served as lead counsel in litigation matters. As Unit Manager of the Grand Strand Unit, I was involved in administrative and financial management of the firm, and served on the compensation committee and as co-chair of the litigation practice group. In my role as Unit Manager, with the supervision of the firm managing shareholder, I was responsible for the Grand Strand Unit personnel, equipment, and facility matters; file opening and conflict approvals; recruiting; office budgeting and financials; timekeeper budgeting, productivity, assignments, and work performance; and, overseeing of local trust accounts. In addition, as a member of the firm compensation committee, I assisted in evaluating, advising, and voting on firm shareholder and timekeeper compensation.
- January 2019 to January 2020, Office Managing Partner, general litigation practice. During this time period, I continued my primary practice as set forth above and served as lead counsel in litigation matters. As the Office Managing Shareholder for the Myrtle Beach office, I was involved in the administrative and financial management of the firm, in particular the Myrtle Beach office. In addition, I was involved in undertaking and supervising local firm combination

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efforts in the Myrtle Beach office as a result of the combination of the McNair Law Firm, P.A. with Burr & Forman, LLP effective January 1, 2019.

- January 2020 to present, Partner, commercial litigation. During this time period, I have continued my primary practice in litigation, representing both Plaintiffs and Defendants. I handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and outside general counsel representation. I primarily serve as lead counsel in litigation matters. As a partner, I am involved in limited financial and administrative matters of the firm, and serve on the firm ethics and pro bono committees.

Ms. Bailey further reported regarding her experience with the Circuit Court practice area:

Criminal Experience: My experience in criminal matters began while working as a law clerk for then Chief Judge Kaye Hearn at the Court of Appeals. As a law clerk, I was involved in numerous criminal appeals, including guilty pleas, trials, post-conviction relief, and Anders appeals. My involvement included reviewing appellate briefs, guilty pleas, or trial transcripts, research and writing bench memoranda and opinions, and presenting cases to judges. Following my clerkship, I served on the Editorial Board for the South Carolina Post-Conviction Relief Manual, Second Edition, published in 2008. In private practice, I have been involved in *pro bono* matters and as defense counsel in a few criminal matters at the magistrate level and federal level. I have also represented several criminal victims in their corresponding civil matters. In the context of such representation, I have closely followed the criminal proceedings in two murder trials in Horry County General Sessions and a guilty plea for conspiracy in the United States District Court, Florence Division.

Civil Experience: My experience in civil matters has included a broad general litigation practice based primarily out of Horry County, South Carolina, but appearing in Circuit Courts throughout South Carolina, federal courts in both South and North Carolina, and occasionally state courts in North Carolina. I especially enjoy complex business litigation matters, but I represent both Plaintiffs and Defendants in a variety of

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types of litigation, including personal injury, real property, contract, probate litigation, insurance coverage, construction, employment, shareholder/member, class actions, and municipal disputes. I have handled litigation as lead counsel, assuming the primary responsibility for preparing strategy, supervising associates and staff, preparing pleadings, preparing and arguing motions, serving and answering discovery, taking and defending depositions, and trial. In addition to serving as lead counsel, I also continue serve as sole counsel or co-counsel as the case or client may dictate.

Ms. Bailey reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I regularly appear in federal court, typically with two to five cases pending in federal court per year. I have appeared in-person and tried one federal case in South Carolina, and appeared in-persons for motions and trial of one federal case in North Carolina. The remaining appearances in federal court have been by way of briefs and electronic filing.
- (b) State: I regularly appear in state court, primarily in Horry and Georgetown Counties, but also throughout South Carolina and occasionally in North Carolina state court. I typically argue motions in state court at least once a month, and typically try cases in state court one to three times per year, jury and/or non-jury.

Ms. Bailey reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 80%;
- (b) Criminal: less than 2%;
- (c) Domestic: 0%;
- (d) Other: 18%.

Ms. Bailey reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 65%;
- (b) Non-jury: 35%.

Ms. Bailey provided that during the past five years she most often served as chief counsel.

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The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) Hill, et. al v. Deertrack Golf and Country Club, Inc., et. al, 2012-UP-219. This was a class action regarding the rights and obligations of a developer of real property to adjoining land owners and impacted the use of several hundred properties in Horry County, South Carolina.
- (b) All Saints Parish Waccamaw v. Protestant Episcopal Church, 385 S.C. 428 (2009). This matter arose from an ecclesiastical dispute and real property dispute in Pawleys Island, South Carolina and involved significant historical and constitutional issues.
- (c) East Cherry Grove Realty Co. v. Gore, et. al, 2016-CP-26-5392. This matter impacted the use of improved residential real property of multiple homeowners abutting canals in the Cherry Grove Section of North Myrtle Beach.
- (d) SMIRF v. City of Georgetown and RSUI Indemnity Co., 2017-CP-22-0959. This matter determined the insurance coverage of tax payer funded municipal buildings damaged as a result of sinkholes.
- (e) Robertus L.C. Engle, et. al v. Sherry Engel and Timothy Rogers, 2009-CP-26-2104. This matter involved protecting the rights of crime victims to estate and insurance proceeds claimed by perpetrator.

The following is Ms. Bailey's account of five civil appeals she has personally handled:

- (a) Cribb v. Spatholt, 382 S.C. 490 (Ct. App. 2009)
- (b) McLaughlin v. Williams, 379 S.C. 451 (Ct. App. 2008)
- (c) Armstrong v. Atlantic Beach Mun. Election Com'n, 380 S.C. 47 (S.C. 2008)
- (d) Wallace v. Day, 390 S.C. 69 (Ct. App. 2010)
- (e) Rossi v. Intercoastal Village Resort Homeowners Ass'n, Inc., 2012-UP-221 (Ct. App., April 4, 2012)

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Ms. Bailey reported that she has not personally handled any criminal appeals.

Ms. Bailey further reported the following regarding unsuccessful candidacies:

Yes, in 2019/2020 I was a candidate for Circuit Court, At Large, Seat 13.

I withdrew from consideration in January 2020.

(9) Judicial Temperament:

The Commission believes that Ms. Bailey's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Ms. Bailey to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability.

Ms. Bailey is married to Daniel Jonathan Bailey. She has three children.

Ms. Bailey reported that she was a member of the following Bar and professional associations:

- (a) Coastal Inn of Court, Master, 2017 to present
- (b) South Carolina Bar Torts and Insurance Practice Section, Council Member, 2020 to present
- (c) South Carolina Bar Foundation Historical Society, Member, 2018 to present
- (d) Chair, Vice-chair, Council Member, South Carolina Bar Trial and Appellate Advocacy Section, 2013-2018
- (e) Section Delegate, South Carolina Bar House of Delegates, 2018-2019
- (f) Member, Resolution of Fee Disputes Board, 2012-2017
- (g) Member, American Bar Association
- (h) Member, Horry County Bar Association

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- (i) Member, South Carolina Bar Association
- (j) Volunteer, S.C. Bar Law Related Education Division, Middle and High School Mock Trial
- (k) Certified Civil Mediator

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Carolina Forest Rotary Club, Treasurer/Secretary, eMember, Paul Harris Fellow
- (b) Partnership Grand Strand Foundation Board, Member
- (c) ExecuVision, now affiliated with the Myrtle Beach Area Chamber of Commerce, a founding member
- (d) First Robotics, volunteer and First Lego League coach

Ms. Bailey further reported:

I am the only lawyer in my family and I strive to be the type of lawyer that I would recommend to my own parents, my brother, my in-laws, or my daughters.

I was a candidate for a circuit court seat in 2019 and withdrew just before the start of the COVID pandemic. I am excited now to be a candidate for a circuit court seat in 2022 at a pivotal time and during, what we all hope to be, the conclusion of the pandemic.

As with most everyone, I have grappled with growing socially and professionally during COVID operations. In the past three years, lawyers have continued to represent their clients during court shutdowns, outbreaks, remote operations, with masks, without masks, and with an unprecedented amount of flexibility. During this time, I tried jury and/or nonjury cases both inside the State of South Carolina and outside. I even served as a citizen in the first jury pool summoned for General Sessions in Horry County since COVID began.

I have learned more about what I find valuable in a person, a juror, a lawyer, and a judge in the last three years than I had prior to COVID. Among what I value the most are humanity, efficiency, procedure, and respect.

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If I am elected to the circuit court bench, I will use the court's time and procedures sensibly to promote efficient and fair justice.

(11) Commission Members' Comments:

The Commission commented that Ms. Bailey is a rising star in the legal community. They noted her keen intellect and varied legal practice have well prepared her to become a circuit court judge.

(12) Conclusion:

The Commission found Ms. Bailey qualified, and nominated her for election to Circuit Court, Fifteenth Judicial Circuit, Seat 1.

B. Alex Hyman
Circuit Court, Fifteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Circuit Court, Fifteenth Judicial Circuit, Seat 1, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Hyman meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Hyman was born in 1980. He is 43 years old and a resident of Conway, South Carolina. Mr. Hyman provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Hyman.

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Mr. Hyman demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Hyman reported that he has not made any campaign expenditures.

Mr. Hyman testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Hyman testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Hyman to be intelligent and knowledgeable.

Mr. Hyman reported that he has taught the following law-related courses:

- (a) Intro to Criminal Justice, Horry Georgetown Technical College – adjunct professor
- (b) Constitutional Rights, Charges affecting College students and the ramifications of a Conviction, Coastal Carolina University Seminar

Mr. Hyman reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Hyman did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Hyman did not indicate any evidence of a troubled financial status. Mr. Hyman has handled his financial affairs responsibly.

The Commission also noted that Mr. Hyman was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Mr. Hyman reported his rating by legal rating organizations:

- AVVO: 10
- American Academy of Trial Lawyers: Premier 100 Trial Attorney
- American Institute of DUI/DWI: 10 Best

Mr. Hyman reported that he has not served in the military.

Mr. Hyman reported that he has held the following public office:

I was elected to City Council for the City of Conway in January, 2020. I have timely filed my reports.

(6) Physical Health:

Mr. Hyman appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Hyman appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Hyman was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk to the Honorable Judge Edward B. Cottingham
August 2006 – July 2007
- (b) Associate Lawyer at The Law Office of Larry B. Hyman Jr.
August 2007 – January 2008
- (c) Owner B. Alex Hyman Attorney at Law, PA January 2008
– January 2014 (fully responsible for administrative and financial management)
- (d) Owner Hyman Law Group, PA January 2014 – Present
(fully responsible for administrative and financial management)

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Mr. Hyman further reported regarding his experience with the Circuit Court practice area:

I began my legal career as a solo general practitioner. My practice was probably what you would expect from a smaller community general practitioner. I have handled everything from mechanic lien foreclosures, property disputes, auto accidents, real estate closings as well as a multitude of criminal cases ranging from drug offenses to murder. Additionally, I have served extensively as a mediator and arbitrator.

My criminal experience has allowed me to spend an extraordinary amount of time in the courtroom. Over the past 15 years I have defended clients in over forty murders or attempted murders and hundreds of other criminal matters in both State and Federal Courts. I have argued to a jury verdict numerous cases where my client could have received a punishment of life in prison. Generally, I appear before a Circuit Judge for criminal court 6-10 times a month.

My civil experience has ranged from all across the spectrum. In the majority of my civil cases, I have represented the plaintiff, but I have also, on occasion, defended local businesses. The bulk of my civil practice has generally been related to auto accidents, but I have also tried to a verdict cases arising out of property disputes, construction defects, breach of contract, as well as other causes of action. In the past six years I have been blessed enough to hire two associates, allowing me to concentrate more on my criminal litigation practice. I still handle ten to twenty civil cases a year, but the majority of my time is now spent on criminal matters.

Mr. Hyman reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Depending on my case load it ranged from just a couple of times a year to monthly;
- (b) State: Weekly.

Mr. Hyman reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 20%;
- (b) Criminal: 75%;
- (c) Domestic: 0%;

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- (d) Other: 5% (wills, real estate, etc.)

Mr. Hyman reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 20%;
(b) Non-jury: 80%.

Mr. Hyman provided that during the past five years he most often served as sole counsel.

The following is Mr. Hyman's account of his five most significant litigated matters:

- (a) State of South Carolina v. Bridgett Lamon Moore – Criminal – I served as sole counsel on this case, and my client was charged with murder, in the killing of a local drug dealer. The case was never a “who done it” but instead was a question of whether he acted in self-defense. Prior to trial he was offered to plea to Voluntary Manslaughter with a negotiated sentence of 25 years. After a four-day trial, the jury found him not guilty of Murder but guilty of Voluntary Manslaughter and he was sentenced to 12 years. He was recently released from the Department of Corrections and is doing well.
- (b) State of South Carolina v. Heather Causey Sims – Criminal – I served as co-counsel on this case. Our client was charged with murdering her husband. After a four-day stand your ground hearing and a five-day trial the jury found her not guilty of Murder and guilty of Manslaughter. She was sentenced to 10 years. The case was appealed, and the Court of Appeals overturned her conviction.
- (c) State of South Carolina v. James Richard Rosenbaum – Criminal – I served as sole counsel on this case and my client was charged with the murder of a man, he believed to be an intruder in his home. It was discovered in trial that the victim was a guest of his girlfriend. We argued that he was unaware of this and that he was acting upon a reasonable belief and should be protected by not only the “castle doctrine” but also the theory of self defense. He was given a 25-year plea offer

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but turned it down. We tried a multi-day stand your ground hearing and then a five-day trial. The jury found him not guilty of Murder but guilty of Voluntary Manslaughter. He was sentenced to 15 years and his case has been appealed.

- (d) Johnny Anderson, et al. v Southeastern Investors Associates Limited Partnership et al. 2008CP2601514 – Civil – I served as sole counsel on this case, and it was originally brought as a mechanics lien foreclosure. By the time the pleadings had been answered the case had morphed into an extremely technical construction litigation involving out of state experts and attorneys. Pursuant to the contract the case was transferred to an arbitrator and we spent four days arguing the case. My client was awarded a judgment in his favor.
- (e) David Rankine v. Cox Equipment Repair LLC et al. 2013CP2606632 – Civil – I served as solo counsel on this case. My client bought a CNC machine, and had it shipped from Ohio to his home. He contracted with a man claiming to work for Cox Equipment Repair LLC to move the CNC machine from the shipping trailer into his shop. The defendant dropped the machine rendering it a total loss. The defendant, Cox Equipment Repair LLC then claimed that the defendant did not work for them. It was shown at trial that while the man did not in fact work for the company, they were aware of him and allowed him to use their equipment. A jury awarded my client judgments against both of the defendants.

The following is Mr. Hyman's account of the civil appeal he has personally handled:

I am currently handling Jimmy A. Richardson v. Travis Green Case No. 2017-CP-26-07411 Appellate Case No. 2020-000092

Mr. Hyman reported that has not personally handled any criminal appeals.

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Mr. Hyman further reported the following regarding unsuccessful candidacies:

I previously ran for Circuit Court Judge at Large Seat 12 in 2020. I was found qualified and nominated by the Judicial Merit Selection Commission but lost the election.

(9) Judicial Temperament:

The Commission believes that Mr. Hyman's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Hyman to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee had no related or summary comment.

Mr. Hyman is married to Tammi Leigh Hyman. He has two children.

Mr. Hyman reported that he was a member of the following Bar and professional associations:

- (a) SC Bar
- (b) Horry County Bar
- (c) SC Association for Justice
- (d) SC Association for Criminal Defense Lawyers
- (e) National College for DUI Defense

Mr. Hyman provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Waccamaw Sertoma Club President 2014 and 2020
Sertoman of the Year 2015
- (b) Trinity United Methodist Church – Church Council 2018-
2021 Board of Trustees 2021-Present
- (c) Coastal Carolina Chrysalis – Lay Director 2013
- (d) City of Conway Board of Zoning Appeals 2009-2017
Chairman

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- (e) City of Conway Downtown Alive
- (f) Conway Chamber of Commerce
- (g) Conway Planning Commission 2017- 2019 Chairman

Mr. Hyman further reported:

I have been extremely blessed in my life to have parents and grandparents that pushed me to be the very best person that I can be. I was told that assets can come and go but the relationships that you cultivate are what lasts. Any positive character traits that I have developed are a direct result of the nurturing that I received. Patience, kindness, and the “golden rule” were instilled in me at a very early age, and I have always tried my best to treat my fellow man with respect and dignity.

I was taught that there is no substitution for hard work. I have built my practice and my life around that sentiment, and I try to raise my children with a similar work ethic. I often tell clients when they first meet me that “I can’t promise you that I will always be the smartest guy in the room, but I can promise you that I will not be outworked.” I will always go out of my way to be available to litigants, lawyers, court staff, and the law enforcement community in an effort to always keep cases moving. If elected I believe that I will be the kind of judge that goes the extra mile to ensure that our Judicial System is the best that it can be.

(11) Commission Members’ Comments:

The Commission commented that Mr. Hyman has an abundance of experience and great judicial temperament. The Commission further commented that Mr. Hyman has extensive knowledge of the law.

(12) Conclusion:

The Commission found Mr. Hyman qualified, and nominated him for election to Circuit Court, Fifteenth Judicial Circuit, Seat 1.

Patrick C. Fant III
Circuit Court, At-Large, Seat 3

Commission’s Findings: QUALIFIED AND NOMINATED

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Fant meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Fant was born in 1965. He is 57 years old and a resident of Greenville, South Carolina. Mr. Fant provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Fant.

Mr. Fant demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Fant reported that he has made \$488.16 in campaign expenditures for nametags, stationary, and postage.

Mr. Fant testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Fant testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Fant to be intelligent and knowledgeable.

Mr. Fant reported that he has taught the following law-related course: CLE- Defective Machinery in Workplace (5/2000).

Mr. Fant reported that he has not published any books or articles.

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(4) Character:

The Commission's investigation of Mr. Fant did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Fant did not indicate any evidence of a troubled financial status. Mr. Fant has handled his financial affairs responsibly.

The Commission also noted that Mr. Fant was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Fant reported his rating by the following legal rating organizations:

- Martin-Hubbell: AV.
- Greenville business Journal Workers' Compensation Defense: Legal Elite.

Mr. Fant reported that he has not served in the military.

Mr. Fant reported that he has never held public office.

(6) Physical Health:

Mr. Fant appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Fant appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Fant was admitted to the South Carolina Bar in 1991.

He gave the following account of his legal experience since graduation from law school:

(a)	Law Clerk	Honorable C. Victor Pyle
	305 E. North St., Ste. 118	
	Greenville, SC 29602	1991-1992

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(b) Associate Ellis Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia, SC 29202 1992-1996

Practiced Workers' Compensation Law
Tried 3 Civil Jury Trials with Partner

(c) Associate Haynsworth, Baldwin, Johnson & Greaves
P.O. Box 2757
Greenville, SC 29602 1996-2000

Head of Workers' Compensation Law

(d) Shareholder Fant Law Firm, P.A.
P.O. Box 5366
Greenville, SC 29606 2000-2002

Practiced Workers' Compensation Law

(e) Shareholder Fant & Gilbert Law Firm, P.A.
P.O. Box 5366
Greenville, SC 29606 2002-2009

Practiced Workers' Compensation Law
Certified Mediator

(f) Shareholder Fant Law, P.A.
P.O. Box 5366
Greenville, SC 29606 2009-Present

Practiced Workers' Compensation Law
Certified Mediator

Mr. Fant further reported regarding his experience with the Circuit Court practice area:

When I was an associate with Ellis, Lawhorne & Sims (formerly Nauful & Ellis) I tried 3 separate jury trials with a partner. Two of those jury trials involved defending insurance carriers in a personal injury (MVA) case. The third trial was a bailment case. These cases were tried before Judge Gary Clary, Judge Stephens, and Judge Costa M. Pleicones,

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respectively. I also had the privilege of being a law clerk for the Honorable C. Victor Pyle and observed civil and criminal trials for one year. Workers' Compensation appeals have allowed me to argue non-jury appeals before the Circuit Court prior to July 1, 2007. I have also had the opportunity to try many Workers' Compensation cases. These are evidentiary hearings and involve direct and cross-examination of witnesses. Workers' Compensation also involves medical issues/causation which is an aspect of personal injury/medical malpractice claims in the civil court. I have also served as a mediator for both civil and workers' compensation matters

I read the Advanced Sheets to try and keep up with criminal and civil law. I recently attended the Criminal Law Breakout session for the Greenville County Bar "Year End" CLE, as I have in the past. I observed a criminal trial in Oconee County during 2020 and watched pleas and HIP violation hearings on several occasions. I have also assisted a local criminal attorney prepare for two criminal trials (DV 2nd Degree and Murder), and met with the Defendant in the DV 2nd Degree matter.

Mr. Fant reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: 0%.

Mr. Fant reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: Workers' Compensation Defense (85%), Mediator-civil and workers' compensation matters (15%).

Mr. Fant reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 0%.

Mr. Fant provided that during the past five years he most often served as Workers' Compensation Defense - sole counsel.

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The following is Mr. Fant's account of his most significant litigated matters:

Numerous cases before the Workers' Compensation Commission (state agency). These cases range from simple permanency cases to complex brain injury cases. I have argued numerous Workers' Compensation appeals before the Circuit Court prior to July 1, 2007. I have not appealed any cases, except one, to the Court of Appeals. This settled and was never briefed.

Mr. Fant reported he has not personally handled any civil or criminal appeals.

Mr. Fant further reported the following regarding unsuccessful candidacies:

Withdrew from Judicial (Resident Circuit Judge) 2008.

Withdrew from Judicial (13th Circuit Resident Judge) 2020-2021

(9) Judicial Temperament:

The Commission believes that Mr. Fant's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. Fant to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, experience, reputation, and judicial temperament. There were no summary or related comments.

Mr. Fant is married to Jennifer Bray Fant. He has three children.

Mr. Fant reported that he was a member of the following Bar and professional associations:

- (a) SCDTAA
- (b) South Carolina Bar Association
- (c) Workers' Compensation Committee Section Member (2006-2008)
- (d) Professional Responsibility Committee (Previously served)
- (e) Ethics Advisory Committee (Previously served)
- (f) Greenville County Bar

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(g) Stanford E. Lacy Workers' Compensation American Inn of Court

Mr. Fant provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Downtown Presbyterian Church (Elder)
- (b) Commission on Judicial Conduct (Appointed 2018)
- (c) Poinsett Club
- (d) The Cottillion
- (e) The Terrier Club (President)(2012-2014)
- (f) Upstate Volunteer Mediation Center (Board 2013-2020)(and served as Volunteer Mediator)
- (g) Stanford E. Lacy Workers' Compensation American Inn of Court
- (h) Reformed University Fellowship (RUF) - Permanent Committee

Mr. Fant further reported:

I would love the opportunity to be a public servant. Serving in this capacity has been on my heart for a long time. I believe my life, and practice of law, have been characterized by adherence to high ethical principles. I have a solid work ethic, including the exercise of self-discipline in my practice of law. I hope that I am seen as a man of integrity who is trustworthy. I am patient, open minded, compassionate, and try my best to be humble. I would be objective and impartial, just as I am as a Certified Mediator. I think the members of the Bar with whom I practice would have no doubt that I have the temperament required to be a judicial officer. While my practice has been primarily focused on workers' compensation defense, and not before the Circuit Court (except for appeals), I have the utmost confidence that I would serve South Carolina well as a trial judge. This has provided me a wealth of experience involving discovery, litigation, constant interaction with other attorneys due to volume of workers' compensation cases, and the ability to negotiate.

(11) Commission Members' Comments:

The Commission commented that Mr. Fant has an excellent reputation and demonstrated an impressive demeanor exhibiting temperance, authority, and respect. They noted that he has an intellect and work ethic that will serve him well should he be elected to the circuit court.

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(12) Conclusion:

The Commission found Mr. Fant qualified, and nominated him for election to Circuit Court. At-Large, Seat 3

**Doward Keith Karvel Harvin
Circuit Court, At-Large, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Harvin meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Harvin was born in 1983. He is 39 years old and a resident of Florence, South Carolina. Mr. Harvin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2009.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Harvin.

Mr. Harvin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Harvin reported that he has not made any campaign expenditures.

Mr. Harvin testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Harvin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. Harvin to be intelligent and knowledgeable.

Mr. Harvin reported that he has taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial education programs:

- (a) I have taught tort and criminal law classes for the SC Bar Association's Law School for Non-Lawyers seminars.
- (b) I have taught constitutional law classes at local high schools for Constitution Day.
- (c) I have also taught State and Local Government classes as an adjunct professor at Williamsburg Technical College.

Mr. Harvin reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Harvin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Harvin did not indicate any evidence of a troubled financial status. Mr. Harvin has handled his financial affairs responsibly.

The Commission also noted that Mr. Harvin was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Harvin reported that his rating by a legal rating organization, National Black Lawyers, is Top 100.

Mr. Harvin reported that he has not served in the military.

Mr. Harvin reported that he has held the following public office:

I have served as a member of the South Carolina State University Board of Trustee from 2018 to 2021 and all my reports have been timely.

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(6) Physical Health:

Mr. Harvin appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Harvin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Harvin was admitted to the South Carolina Bar in 2009.

He gave the following account of his legal experience since graduation from law school:

1. 2008-2009 I worked as a Hearing Officer III for the State of South Carolina. This position required me to travel throughout the state and hold hearings. In these hearings, I would gather evidence, make evidentiary rulings, and write orders that articulated my decision.

2. 2009-2011 I worked as an Assistant Solicitor for the Third Judicial Circuit. I handled prosecuting cases in General Sessions Court and Juvenile Court. At the same time, I worked as a plaintiff's attorney for the Law Office of Ronnie A. Sabb. In this capacity, I handled civil litigation matters related to car accidents, slip and falls, and wrongful death cases.

3. 2011-2021 I worked as a Public Defender for the Third Judicial Circuit. I handled defending citizens in General Sessions, Magistrate, Municipal, and Juvenile Courts. In addition, I owned and operated the Law Office of Doward Keith Harvin. In this capacity, I handled civil litigation matters related to car accidents, wrongful arrests, and medical malpractice. I also handled divorce, child support, and child custody cases in Family Court. In 2016, I was certified as a Family Court Mediator.

4. 2021-2022 I worked as a plaintiff's attorney for the Sabb Law Group. I was responsible primarily for handling civil litigation related to wrongful arrests, car accidents, truck accidents, wrongful deaths, slip and falls, civil rights violations, and workers compensation. I also handled criminal defense, family court, and probate court matters.

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Mr. Harvin further reported regarding his experience with the Circuit Court practice area:

- (a) Over the past five years, I have handled many criminal matters that include defending individuals charged with murder, sexual assault, and drug charges. These cases have required me to deal with issues related to suggestive identification, chain of custody regarding evidence, discovery regarding evidence, bolstering , voir dire examinations of expert witnesses, challenges to jury selections, witness competency, and defendant competency or insanity issues.
- (b) Over the past five years, I have also handled many civil matters as mainly a plaintiff's attorney. In this capacity, I have dealt with issues regarding discovery, motions for summary judgment, motions to compel, wrongful death approvals, minor settlement approvals, expert witness issues, evidentiary matters, service of process, and collateral matters associated with civil litigation.

Mr. Harvin reported the frequency of his court appearances during the past five years as follows:

- (a) federal: 5%
- (b) state: 95%

Mr. Harvin reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) civil: 40%
- (b) criminal: 40%
- (c) domestic: 10%
- (d) other: 10%

Mr. Harvin reported the percentage of his practice in trial court during the past five years as follows:

- (a) jury: 80%
- (b) non-jury: 20%

Mr. Harvin provided that during the past five years he most often served as sole counsel.

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The following is Mr. Harvin's account of his five most significant litigated matters:

(a) Cooper vs. Mcleod Physicians, 2020-CP-21-00246

This case was significant because an African American mother was denied adequate healthcare by her treating physicians that led to her child dying at birth.

(b) Shaw vs. Freshstart, 2018-CP-45-00382

This was case significant because an African American man was severely injured when he slipped and fell down a flight of stairs at an apartment complex. The owners of the complex filed the claim with their insurance company, but the insurance company failed to respond to the claim.

(c) State vs. Robert Swinton, 2010-GS-45-00204

This case was significant because an African American man was wrongfully accused of committing a Burglary in the First Degree. He was found not guilty at trial.

(d) State vs. Kenya Priest, 2016-GS-45-0076

This case was significant because an African American man was wrongfully accused and he was found not guilty at trial.

(e) State vs. Satwaun Henryhand, 2019-GS-21-02335

This case was significant because an African American man was charged with Murder and three counts of Armed Robbery, and the police misplaced the video footage that allegedly showed the defendant committing the crime. Although I objected, the Court allowed police officers to testify as to what they saw on the video recording. This matter is currently being reviewed by the Court of Appeals under case 2022-000975.

The following is Mr. Harvin's account of a civil appeal he has personally handled:

- Civil appeal of an eviction from Magistrate Court to Common Pleas Court

The following is Mr. Harvin's account of a criminal appeal he has personally handled:

- State vs Rasheed Bell, appeal from Magistrate Court to Common Pleas Court, Pending

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Mr. Harvin further reported the following regarding unsuccessful candidacies:

In 2020, I was an unsuccessful candidate for a Circuit Court judicial position. I withdrew because of personal reasons.

(9) Judicial Temperament:

The Commission believes that Mr. Harvin's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Harvin "Qualified" as to the evaluative criteria of constitutional qualification, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Mr. Harvin is married to Charlene Eugenia Harvin. He does not have any children.

Mr. Harvin reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Association of Justice
- (c) South Carolina Black Trial Lawyers Association

Mr. Harvin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Lions Club
- (b) NAACP

Mr. Harvin further reported:

Over the past fourteen years, I have been proud to call myself a lawyer here in South Carolina. I have had the opportunity to help citizens during difficult times and volunteer in a myriad of capacity all around South Carolina. This would not have been possible without the great legal community that exist here. I love our legal profession and I humbly present myself to serve as a member of the judiciary.

I have served on the South Carolina Bar Association's Board of Governors, House of Delegates, Diversity Committee, Wellness Committee, and Civil Rights Committee.

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I have volunteered for Mock Trial, Protect our Youth Summits, Boys and Girls Club Leadership Summits, Constitutional Law Day, and the USC Palmetto Leader Pro Bono Wills Clinic.

(11) Commission Members' Comments:

The Commission commented that Mr. Harvin exhibited a great temperament that, along with his experience handling civil and criminal matters, would serve him well should he be elected to the Circuit Court.

(12) Conclusion:

The Commission found Mr. Harvin qualified, and nominated him for election to Circuit Court, At-Large, Seat 3

**S. Boyd Young
Circuit Court, At-Large, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Young meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Young was born in 1974. He is 48 years old and a resident of Columbia, South Carolina. Mr. Young provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Young.

Mr. Young demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Young reported that he has not made any campaign expenditures.

Mr. Young testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

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(b) sought or been offered a conditional pledge of support by a legislator;

(c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Young testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Young to be intelligent and knowledgeable.

Mr. Young reported that he has taught the following law-related courses:

(a) I have lectured and taught at the National Criminal Defense College annually since 2009. It is a two-week trial advocacy program for criminal defense attorneys with various levels of experience.

(b) I have lectured and taught at the National College of Capital Voir Dire annually since 2007. It is a program dedicated to teaching constitutional voir dire requirements to attorneys.

(c) In 2010 I founded a public defender training program for South Carolina, and it has since been turned into a mandated training program for all new public defenders. I continue to teach and lecture in the program.

(d) I am on the National Association of Criminal Defense Attorneys, Capital Committee where I serve as Co-Chair. I put on an annual continuing legal education seminar regarding capital defense.

(e) I participate annually in the South Carolina Bar Mock Trial competition.

(f) In 2009 South Carolina Solicitors and defense lawyers received a joint grant to host training programs for capital cases. I managed the defense lawyer training and over the course of three years held multiple training events around the state. This was a joint effort to combat South Carolina's near 80% reversal rate in capital cases.

Mr. Young reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Young did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Young did not indicate any evidence of a troubled financial status. Mr. Young has handled his financial affairs responsibly.

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The Commission also noted that Mr. Young was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Young reported that he is not rated by any legal rating organization.

Mr. Young reported the following military service:

May 1993 – February 5, 1996. United States Navy, Midshipman.
Honorable Discharge, February 5, 1996.

Mr. Young reported that he has never held public office.

(6) Physical Health:

Mr. Young appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Young appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Young was admitted to the South Carolina Bar in 1999.

He gave the following account of his legal experience since graduation from law school:

(a) 1999-2000 I was hired as a law clerk to A. Victor Rawl, Circuit Court Judge in Charleston, SC. My duties included assisting Judge Rawl with both criminal and civil matters throughout South Carolina.

(b) 2000-2005 I was hired at the Charleston County Public Defender's Office. I was an assistant public defender for five years and promoted to senior trial attorney. I handled all levels of criminal cases.

(c) 2005-2008 I joined the newly formed Georgia Capital Defender Office in Atlanta where I handled trial level capital cases throughout the state of Georgia.

(d) 2008-2017 I returned to South Carolina to help form the Capital Trial Division for the South Carolina Commission on Indigent Defense. I was initially hired as the Deputy Attorney of the office.

(e) 2017-Present I have served as the Chief Attorney of the Capital Trial Division. I supervise two other attorneys, a paralegal, and

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numerous interns and externs. We handle trial level death penalty cases throughout the state and have been directly responsible for saving South Carolina over \$1 Million annually.

Mr. Young further reported regarding his experience with the Circuit Court practice area:

As the Deputy and Chief Attorney for the Capital Trial Division for the South Carolina Commission on Indigent Defense, I have been involved in every death penalty trial conducted in South Carolina in the past five years. I appeared before a Circuit Court Judge at least once a month during the past five years. Recently I was lead counsel on the longest capital trial ever held in South Carolina, State v. Timothy R. Jones, Jr. in Lexington County. This case involved numerous forensic and legal issues. It included everything from DNA to serious mental health claims, and Fourth, Fifth, Sixth, and Eighth Amendment Constitutional issues. In preparation for the trial there were over one hundred pretrial motions litigated and a multi-state investigation conducted over the course of several years. Witnesses from all over the country had to be coordinated and brought to Court by the State and Defense for the trial. The central issue was whether Mr. Jones suffered from a mental illness, and if so, was it to the extent that he could not form the criminal intent necessary to be found guilty of murder. It was an extraordinarily complicated case that involved hundreds of witnesses and lasted for almost eight weeks including several weeks of jury selection.

Throughout my 20 year career as a trial lawyer, I have handled every type of criminal case at all court levels, from parking tickets in Municipal Court to death penalty cases in General Sessions Court. I have also handled cases involving every possible defense, from mistaken identification to insanity. I have dealt with every type of forensic issue from multi-source DNA statistics to tire track comparisons.

My civil court experience is limited to quasi-civil matters such as PCR and appeals from Magistrate Court. While my direct experience with Common Pleas Court is limited, capital cases often involve ancillary matters that must be dealt with, both for clients and their family members. I have dealt with these matters throughout my legal career and I am always quick to review the rules of civil procedure and help guide people through the process. Putting together a mitigation case for a capital case is not all that different from a civil case in which you are seeking a “but – for” causation. I feel that my extensive capital trial

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background makes me well suited for constantly learning and staying up to date on the law and its many changes. I would bring this same dedication to civil matters. Being a good capital trial attorney means that you have to be knowledgeable and well-versed in all aspects of the law – civil, criminal, appellate, domestic, and administrative.

Mr. Young reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Monthly.

Mr. Young reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 1%;
- (b) Criminal: 97%;
- (c) Domestic: 1%;
- (d) Other: 1%.

Mr. Young reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Mr. Young provided that during the past five years he most often served as chief counsel.

The following is Mr. Young's account of his five most significant litigated matters:

- (a) State v. Timothy R. Jones, Jr. This was a death penalty trial in Lexington, SC in 2019. The case is currently pending in the South Carolina Supreme Court for direct review. This was the longest, most complicated death penalty case in recent history. This case was significant for a multitude of reasons, but I think it was an important example of how our mental health facilities and social institutions fail to protect our most vulnerable citizens. While there were several open Department of Social Services investigations, Mr. Jones continued to spiral out of control and it eventually resulted in the killing of five innocent children. I was lead counsel

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for Mr. Jones. The trial was tremendously impactful on me, both as a person and a lawyer.

- (b) Kenneth Simmons v. State, 416 S.C. 584, 788 S.E.2d 220 (2016). A Post Conviction Relief case in which I became involved based on my knowledge and experience with DNA evidence. My representation at Mr. Simmons' PCR resulted in a reversal of his conviction, and ultimately Mr. Simmons pleaded guilty for a reduced sentence. The Solicitor in the case had presented false DNA results implicating Mr. Simmons. The case demonstrates the necessity of attorneys and judges being well educated on the forensic issues that impact jury trials.
- (c) State v. Todd Kohlhepp. A 2017 case involving a serial killer from Spartanburg. Mr. Kohlhepp was charged with seven murders and the kidnapping and sexual assault of a woman found chained in a storage container on his property. This case demonstrated that early and adequate representation for the accused leads to better outcomes for all involved. Because of my early involvement I was able to ensure that all of Mr. Kohlhepp's personal property went into receivership, resulting in the victims' ability to recover, monetarily, some small part of their losses. Through the early cooperation of Mr. Kohlhepp, and with the consent of the victims, we were able to negotiate life without parole sentences for Mr. Kohlhepp - saving the State significant expense and the victims the emotional impact of a long, drawn out process. I was lead counsel for Mr. Kohlhepp.
- (d) State v. Crystal Johnson. A murder case out of Spartanburg in 2016. Ms. Johnson was already in prison serving a sentence for child neglect when the Sheriff identified her as a suspect in a double murder that occurred several years prior. The State's intention to seek the death penalty was announced at a press conference. Once warrants were drafted I was able to get involved and conduct a thorough investigation. I was able to prove that Ms. Johnson was not involved in the murders. Additionally, I was able to uncover the identity of the actual murderer which I forwarded to the

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Solicitor's Office. This case is important to show why a thorough investigation is necessary, how devastating a rush to judgement can be, and why attention to detail is crucial in the administration of justice.

- (e) State v. John Edward Weik. This was a 2016 death penalty retrial in Dorchester County. Mr. Weik was tried, convicted, and given the death penalty. His sentence was affirmed in 2004. The PCR Judge found that his counsel was deficient for failing to investigate and present Mr. Weik's extensive mental health history to the jury. Weik v. State, 409 S.C. 214, S.E.2d 757 (2014). I was able to provide the Solicitor with proof that Mr. Weik was schizophrenic. He then received an offer to plead to life without parole which he accepted. The case is significant because it demonstrates the value of the appointment of qualified counsel in complicated cases to avoid costly retrials.

Mr. Young reported he has not personally handled any civil or criminal appeals.

Mr. Young further reported the following regarding unsuccessful candidacies:

In 2020 I was screened as a candidate for Circuit Court, At Large, Seat 12. I was found to be well qualified but was not selected as a final candidate by the Committee.

In 2021 I was screened out as a candidate for Circuit Court, Fifth Circuit, Seat 2. I was submitted to the legislature as one of 3 well qualified candidates but withdrew prior to the election.

(9) Judicial Temperament:

The Commission believes that Mr. Young's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Young to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial

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temperament. The Committee stated in summary, “Exceptionally Qualified!”

Mr. Young is married to Laura W. Young. He has two children.

Mr. Young reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Association of Criminal Defense Lawyers - Member
- (b) National Association of Criminal Defense Lawyers – Capital Trial Committee – Co-chair
- (c) South Carolina Public Defender Association – Board Member
- (d) Richland County Bar Association - Member

Mr. Young provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Recognized by the Red Cross as a Platelet Donor
- (b) I run an annual charity yard sale at my house to support children with an incarcerated parent at Christmas.
- (c) My wife worked with Achieve Columbia – a group dedicated to providing support services to at risk youth in local schools – which resulted in us getting an educational guardianship for a minor and having her live with us for her last two years of High School, there was a recognition by Achieve Columbia.

Mr. Young further reported:

I had the great fortune of clerking for a Judge that was respected by all parties that came before him. He taught me how to maintain poise even when others could not, the value of always being prepared, and treating others with dignity and respect no matter the circumstances. I have spent my career as a trial lawyer in courtrooms across South Carolina applying these lessons. I have appeared in front of great jurists, and some not so great, but we have always managed to get along and get the work done. I have managed some of the most complex cases in South Carolina and maintained a case budget that saves the citizens of South Carolina money. At the same time, I have maintained good relationships with not only opposing counsel, but also with many of the victims in cases that I was defending. If selected, I will make a good addition to the South Carolina Judiciary.

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(11) Commission Members' Comments:

The Commission commented that Mr. Young has an outstanding reputation and has had an impressive career. The Commission noted the respect he has earned among his colleagues, including opposing counsel, while discharging his duties.

(12) Conclusion:

The Commission found Mr. Young qualified, and nominated him for election to Circuit Court, At-Large, Seat 3.

**FAMILY COURT
QUALIFIED AND NOMINATED**

**Mandy W. Kimmons
Family Court, First Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, First Judicial Circuit, Seat 3, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Kimmons meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Kimmons was born in 1984. She is 38 years old and a resident of Ridgeville, South Carolina. Ms. Kimmons provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Kimmons.

Ms. Kimmons demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Kimmons reported that she has made \$112.84 in campaign expenditures for postage and envelopes.

Ms. Kimmons testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Kimmons testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Kimmons to be intelligent and knowledgeable.

Ms. Kimmons reported that she has taught the following law-related course:

I taught Juvenile Justice during Law School for Non-Lawyers at Orangeburg Calhoun Technical College on February 23, 2016.

Ms. Kimmons reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Kimmons did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Kimmons did not indicate any evidence of a troubled financial status. Ms. Kimmons has handled her financial affairs responsibly.

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The Commission also noted that Ms. Kimmons was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Kimmons reported that her rating by a legal rating organization, Avvo, is 8.2.

Ms. Kimmons reported that she has not served in the military.

Ms. Kimmons reported that she has held the following public office:

I was elected to South Carolina House of Representatives, District 97 in November 2018. I served until December 21, 2021. I timely filed all reports with the State Ethics Commission.

(6) Physical Health:

Ms. Kimmons appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Kimmons appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Kimmons was admitted to the South Carolina Bar in 2008.

She gave the following account of her legal experience since graduation from law school:

- (a) First Judicial Circuit Solicitor's Office, Assistant Solicitor 2008-2016. From 2008-2014, I prosecuted adult General Sessions cases. I mostly prosecuted drug cases, but I also prosecuted other cases including but not limited to domestic violence cases and cases involving child victims. From 2014 until 2016, I prosecuted all the juvenile cases for Orangeburg and Calhoun Counties.
- (b) Mandy W. Kimmons, Attorney at Law, LLC, Member/Owner, 2015-present. The vast majority of my practice has been domestic cases, although I also defend criminal cases. I have been the person that manages the administration and financial management of the office. I

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exclusively manage the trust account. I run payroll and make the appropriate tax deposits.

Ms. Kimmons further reported regarding her experience with the Family Court practice area:

- (a) Divorce and equitable division of property: Since 2015, I have handled about two hundred domestic cases, a large portion of which involved divorce and equitable division of property. I have handled divorces filed based on one-year's continuous separation, adultery, physical cruelty, and habitual drunkenness/intoxication. I have handled cases involving issues including valuation of assets, division of assets, division of retirement accounts including military, railroad, state, and federal retirement, and cases contesting whether an asset is marital or nonmarital.
- (b) Child Custody: Since 2016, I have handled about two hundred domestic cases, a large portion of which included child custody cases. I have dealt with cases involving the UCCJEA on several occasions. I have participated in a UCCJEA Conference with a judge from South Carolina and a judge from California. I have handled cases involving psychological parents, de facto custodians, grandparent visitation, and parental alienation. I have served as guardian ad litem in multiple cases. I recently tried a custody case in which my client was an unwed father and was awarded sole custody of the child.
- (c) Adoption: I have handled multiple private adoptions and termination of parental rights cases to include relative and nonrelative adoptions and adoption cases with and without a Consent and Relinquishment signed.
- (d) Abuse and Neglect: I have represented several clients who had DSS involvement. I have handled multiple private actions in which a parent was alleged to have abused or neglected a child. I have also served as guardian ad litem in cases involving allegations of abuse and neglect.
- (e) Juvenile Justice: From 2014 until 2016, I was the Assistant Solicitor that managed the juvenile docket for Orangeburg

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and Calhoun Counties. During that time, I prosecuted all juvenile cases in Orangeburg and Calhoun Counties and tried approximately twenty juvenile cases in Family Court. I have represented a small number of juveniles while in private practice. I participated as outside counsel in a remand to Family Court from General Sessions of a case involving a raise the age issue.

- (f) Appearance before a Family Court judge within the past five years: With the exception of during the COVID-19 pandemic, I have appeared before a Family Court judge almost weekly or several times weekly for the past eight years. I have handled trials and other types of hearings including evidentiary hearings, UCCJEA hearings, temporary hearings, petitions for order of protection, emergency hearings, rules to show cause, and juvenile hearings.

Ms. Kimmons reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: none;
(b) State: usually weekly or several times weekly with the exception of during the COVID-19 pandemic.

Ms. Kimmons reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 2%;
(b) Criminal: 15%;
(c) Domestic: 82%;
(d) Other: 1%.

Ms. Kimmons reported the percentage of her practice in trial court during the past five years as follows:

For the past five years, 12% of my cases involved matters in which a jury trial was an option. None of the matters went to a jury, nor was a jury selected.

Ms. Kimmons provided that during the past five years she most often served as sole counsel.

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The following is Ms. Kimmons's account of her five most significant litigated matters:

(a) Trotter Case (2020-DR-07-0166): My client, an unwed father initiated a custody action in 2019. The initial summons and complaint requested sole custody despite allegations of mother having substance abuse issues. I was substituted as counsel in 2020 and amended the summons and complaint to seek sole custody. I then deposed Mother. After a week of trial, testimony of sixteen witnesses, and the admission of sixty exhibits in evidence, my client was awarded sole custody, and Mother was ordered to pay a portion of Father's attorney's fees. Mother had historically been the child's primary caretaker and was alleged to be abusing a substance for which she had a prescription. I could not rely on a positive drug test as she had a legitimate prescription for the substance. Instead, I had to rely on prescription records, medical records, and testimony of several witnesses regarding Mother's conduct, and I requested the guardian ad litem do a pill audit which showed Mother was not taking the pills as prescribed. This case is significant to me because I know that my diligence and my clients devotion to his son has forever changed the child's life for the better.

(b) DSS v. [Redacted Name]. This was a case set for trial on the DSS docket in 2018. My client came to me after just having given birth to a child. While she was pregnant, she had developed a condition which sometimes corrects itself during pregnancy. My client had extensively researched this condition and premature delivery and wanted to carry the child to term and have a natural delivery. When she had carried the child full term, her doctor wanted to do a caesarian section, but my client wanted to wait and try to deliver naturally. When my client was about one week overdue and still wanted to wait, law enforcement and DSS were notified, and my client was placed into emergency protective because she would not voluntarily have a caesarian section at approximately one week past her due date. My client was not informed she had been placed in emergency protective custody. After further discussion with her doctor and learning there was no benefit to waiting any longer, she voluntarily agreed to have a caesarian section. After her child was born, law enforcement placed my client's newborn baby in emergency protective custody. It was DSS's position that she had placed the minor child at substantial risk of harm for not having the caesarian section. DSS also alleged Mother had mental health issues occurring before the child was conceived. I prepared this case for trial, but after DSS stipulated to the facts, the judge dismissed the case. This case is

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significant to me because of the constitutional and parental autonomy issues involved.

(c) Brown Case (2017-DR-10-1410): This divorce action involved complex equitable distribution, alimony, custody, visitation, child support, and attorney's fees. I represented Defendant/Mother in this case which was initiated by Plaintiff/Father alleging Mother was habitually intoxicated which I was able to prove she was not. The parties had two children in common. This case was complex in several different aspects. As for equitable distribution, the parties owned a business which had to be valued. There was credit card debt which was a mixture of company and personal debt. After valuation, the parties sold the business and equitably divided the proceeds. The parties also had student loans which would ordinarily remain with the individual that incurred them. In this case, however, the parties had refinanced their individual student loans into one student loan. The one large student loan was equitably divided by determining the percentage of the loan attributable to each party. With regards to alimony, Mother had become a stay-at-home mother to care for the parties' disabled son. We settled with Father paying an amount of rehabilitative alimony for two years and paying an amount for permanent, periodic alimony. With regards to child-related issues, this case was also complex. Both children had been born healthy, but when the oldest son was about two years old, he contracted meningitis and became severely disabled requiring extensive medical care. At the Temporary Hearing, different visitation arrangements had to be made for each child. During the pendency of the litigation, the oldest son unfortunately passed away. An issue then became funeral service and cremation costs and restraints regarding moving the child's ashes from the cemetery niche where he had been laid to rest. The significance of this case is not only the complex equitable distribution, alimony, and child related issues, but also the grief these parents went through and matters that had to be settled regarding their son's death.

(d) State v. Juvenile: I prosecuted and tried this case in which a juvenile (hereinafter referred to as "Juvenile") was charged with Burglary, 1st Degree. Juvenile and three other juveniles went into the victim's home while the victim's stepson was home. The stepson heard a noise and went to get a gun, but when he went to get the gun, it was gone as the juveniles had already stolen it. The victim returned home shortly after the burglary and saw a dog in the yard which he followed back to Juvenile's home. He saw the dog go in and out of the residence. The victim located one of his stolen long guns in the woods near his home. Several days later, law enforcement responded to another incident

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location in reference to two teenagers having guns. Those guns were some of the guns stolen from the victim's residence. One of the teenagers having possession of the guns gave a written statement that "the twins" were the ones that brought those guns over. Juvenile was a twin. During trial, I was able to tie the juvenile to the burglary through the distribution of the stolen guns and by mapping the victim's house and Juvenile's house, having the victim identify the home to which the dog returned, and having law enforcement identify that home as the home of Juvenile. This case is significant because it dealt with a juvenile committing a serious Burglary, 1st Degree while someone was in the home. That person went to look for a gun. This case could have ended very differently if the gun had been there.

(e) Leming v. Jenkins (2017-DR-10-3076): I served as the Guardian ad Litem in this custody modification action. The parties were previously married and had two children in common. After the divorce in 2011, the parties had joint custody with a 50/50 schedule. Father later married Mother's sister and had two other children. Father successfully sought a custody modification in 2015 due to Mother having mental health issues. Mother's time was reduced to every other weekend and one weekday overnight every other week. In 2016, Mother filed this action based on a material and substantial change in circumstance. I investigated approximately fourteen different allegations and interviewed approximately twenty-five witnesses in this matter. During the pendency of this litigation, DSS also became involved. At trial, the Court found that Mother's mental status had improved, and the parties should return to the initial 50/50 schedule. The Court found exceptional circumstances existed not to award sole custody to one party because the reason the second order was in place was due to Mother's 2015 psychotic episode which was no longer an issue and absent the psychotic break, the children would still be on a 50/50 schedule with their parents. This case is significant in that I really had the opportunity to observe how the parents' actions, decisions, and disagreements impact children.

The following is Ms. Kimmons's account of the civil appeal she has personally handled:

Kathleen Fetters vs Dale Karg (2016-CP-18-2220), First Judicial Circuit Court of Common Pleas, Date of Decision: November 29, 2016 (appeal from Dorchester County Magistrate Court).

Ms. Kimmons reported that she has not personally handled any criminal appeals.

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(9) Judicial Temperament:

The Commission believes that Ms. Kimmons's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Kimmons to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "Good experience, bright, personable, dedicated, good ideas, well qualified."

Ms. Kimmons is married to Charles Edward Kimmons. She has one child.

Ms. Kimmons reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Dorchester County Bar: Vice President 2016-2017;
CLE Chair 2015-2016

Ms. Kimmons provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Phi Beta Kappa
- (b) National Society of Collegiate Scholars
- (c) Sigma Delta Pi (National Collegiate Hispanic Honor Society)
- (d) Pi Sigma Alpha (National Political Science Honor Society)
- (e) Frances R. Willis SPCA (now Dorchester Paws) Fundraising Committee

Ms. Kimmons further reported:

I grew up in Dorchester County, South Carolina. I served as an Assistant Solicitor and State Representative for Dorchester County. I have always put public service at the forefront of my career. I have extensive experience in different areas of family and criminal law. One of the

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things that has shaped my adult life more than anything was the birth of my son. When I was expecting my son, I had life-threatening medical issues resulting in a premature delivery and requiring extensive medical care for us both. Thankfully, we both made a full recovery. Now as I reflect on that experience, I am grateful. I was 27 years old when that happened, and now I realize how fleeting life can be. Since that experience, I have learned the importance of letting the small things go. I have made it my goal in life to try to leave people in a better place than I found them. I believe so many situations in Family Court need peace and equity more than anything. I hope to be the kind of Family Court Judge that makes everyone feel heard and respected even if they do not prevail on an issue. I hope to set juveniles up to be successful adults. Most of all, I want to serve my community and make a difference. It would be the honor of my lifetime to serve as a Family Court Judge.

(11) Commission Members' Comments:

The Commission noted that Ms. Kimmons's experience and her commitment to making a difference for juveniles are commendable.

(12) Conclusion:

The Commission found Ms. Kimmons qualified, and nominated her for election to Family Court, First Judicial Circuit, Seat 3.

Margie A. Pizarro
Family Court, First Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, First Judicial Circuit, Seat 3, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Pizarro meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Pizarro was born in 1969. She is 53 years old and a resident of Summerville, South Carolina. Ms. Pizarro provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Pizarro.

Ms. Pizarro demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Pizarro reported that she has made \$824.77 in campaign expenditures for an announcement video sent by email, business cards, 5 x 7 cards, postage for mailing cards, postage for mailing copies of her autobiography, and postage for notecards.

Ms. Pizarro testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Pizarro testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Pizarro to be intelligent and knowledgeable.

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Ms. Pizarro reported that she has taught the following law-related courses:

- (a) “Temporary Hearings: Sample Hearing and Q & A Session”; “Sample Approval Hearing”; and Contempt Hearings: Sample Hearing Q & A Session” at Family Law Essentials, July 26, 2019.
- (b) “Pleadings and Motion Practice in Family Court” at Family Law Essentials, July 31, 2020.
- (c) “Subpoena: What You Need to Know and Things that People Forget” at 2018 Hot Tips from the Coolest Domestic Law Practitioners, September 21, 2018.
- (d) “How to Craft an Effective Theme for Your Case & Use it Effectively in Court” at 2019 Hot Tips from the Coolest Domestic Law Practitioners, September 20, 2019.
- (e) “De Facto Parent and Psychological Parent” at 2020 Hot Tips from the Coolest Domestic Law Practitioners, September 25, 2020.
- (f) “Temporary Hearing Bloopers and Blunders” at What Works for Me sponsored by the Charleston County Bar Association, January 31, 2020.
- (g) “Interview with Mayor Joe Riley for Possible CLE Credit” for the SC Bar on October 15, 2020.
- (h) “The Temporary Hearing” at What Works for Me sponsored by the Charleston County Bar Association, February 2, 2021.
- (i) “Charleston’s History and Why Focus, Understanding, and Inclusion Matter in Our Community and in Our Justice System” at the Petigru Inn of Court, February 3, 2021.
- (j) “Top 3 Things for Consult and Top 3 Closing Matters” scheduled for 2021 Hot Tips from the Coolest Domestic Law Practitioners, September 24, 2021.
- (k) “Pleadings and Motion Practice” scheduled for Family Law Essentials, August 20, 2021.

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- (l) “What Say Ye, Madam/Mister Guardian *ad Litem*? How to Ensure that the Guardian *ad Litem* Says What You Want to Hear,” scheduled for 2022 Hot Tips from the Coolest Domestic Law Practitioners, September 2022.”
- (m) “Family Feud: An Overview of Family Court and Probate Court and the Intersection of Same,” scheduled for 2022 South Carolina Black Lawyers Conference, September 22-23, 2022.

Ms. Pizarro reported that she has published the following:

- (a) *How I Got from There to Here*, a memoir, date of publication 2017.
- (b) I have been asked by the Honorable C. Vance Stricklin, Jr., Editor of *Marital Litigation in South Carolina* to assist in the revisions to the child support section of the manual for 2022.

(4) Character:

The Commission’s investigation of Ms. Pizarro did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission noted that the federal tax liens for individual income taxes filed against Ms. Pizarro for the years of 2010-2015, 2016, and 2018-2019 have been satisfied, released, and withdrawn by the Internal Revenue Service. The Commission further noted that the state tax liens filed for 2017, 2018, and 2019 have been satisfied and expunged. The Commission further found that, outside of a brief period of default on her undergraduate student loans while she was attending law school, Ms. Pizarro’s loans are all currently paid as agreed.

The Commission also noted that Ms. Pizarro was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Pizarro reported that her rating by a legal rating organization, Black Lawyers, is Top 100 for the years of 2020, 2021, and 2022

Ms. Pizarro reported that she has not served in the military.

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Ms. Pizarro reported that she has held the following public office:
Planning Commissioner Town of Summerville—2015-2018; Appointed position; I was not required to file a report with the State Ethics Commission.

(6) Physical Health:

Ms. Pizarro appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Pizarro appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Pizarro was admitted to the South Carolina Bar in 2008.

She gave the following account of her legal experience since graduation from law school:

- (a) Savage & Savage, P.A. (currently Savage Law Firm), Associate Attorney, 2007-2008: The general character of my practice was representing criminal defendants in South Carolina State and Federal Courts. I was not involved in any administrative and/or financial management of the firm.
- (b) The Pizarro Law Firm, LLC, Attorney/Owner, 2008-present: The general character of my practice is that I am a sole practitioner in a general litigation law firm focusing on Family Law and Criminal Defense. I manage day-to-day operations of the law firm including supervision of employees. I am solely involved in the administrative and financial management of the office including the management of trust accounts.

Ms. Pizarro further reported regarding her experience with the Family Court practice area:

Divorce and Equitable Division of Property:

I have been representing clients as Plaintiff or Defendant in domestic actions involving divorce and equitable division since 2008. I represent clients in marriages involving parties of the opposite sex as well as marriages involving parties of the same sex. My representation of clients

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includes actions based on the fault-based divorce grounds of adultery, physical cruelty, and habitual drunkenness as well as the no-fault ground of one year's continuous separation. I have not represented any parties in an action for divorce on the ground of abandonment. Over the years, I have become well-versed in the evidence needed to prove each ground for divorce, and I take great care in articulating the facts that prove the ground in my pleadings. With regard to equitable division of property, I have represented parties in long-term marriages who owned many assets and/or have incurred many liabilities as well as those in short-term marriages where no real assets or debts were accumulated. In each case, I have learned how to identify each asset or debt as marital or non-marital property. I have also learned how to determine the value of assets by doing my own research and by contracting with experts such as CPAs and property appraisers to assist with the valuation of property for purposes of equitable division. I regularly appear before Family Court judges in matters involving divorce and equitable division of property.

Child Custody:

I have represented both Plaintiffs and Defendants in actions where child custody was one of many issues, and I have represented Plaintiffs and Defendants in actions where child custody was the only issue. During the course of my practice, I have represented single parents seeking an initial custody determination as well as married parents who were seeking custody as a part of divorce proceedings. I have also represented parties seeking modifications of custody orders. I have had experience representing families with parents of the opposite sex as well as parents of the same sex. I have advocated for parties who are characterized as psychological parents and/or de facto custodians. I am well-versed in the requirements of the Uniform Child Custody Jurisdiction and Enforcement Act as the first step in child custody actions. I apply the best interest considerations when advocating for my clients in child custody actions where allegations of abuse, neglect, and alienation are made. I have utilized experts such as therapists, counselors, forensic and psychological evaluators, and the like in articulating client concerns in child custody matters. I regularly appear before Family Court judges in matters involving child custody.

Adoption:

I have represented clients in adoption actions involving blood-relatives, step-parents, and unrelated parties who seek to become a parent(s) to a child. I believe adoption is one of the most important roles in our family

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court system as it gives a new life to a child. I have only represented parties in uncontested adoptions as lead attorney, but I have served as guardian ad Litem on at least one contested adoption. I have also assisted *pro se* litigants in uncontested adoptions by explaining and witnessing acknowledgements for termination of parental rights. I have appeared before Family Court judges on several occasions to handle adoptions.

Abuse and Neglect:

I have experience representing Defendants in DSS Abuse and Neglect cases in which the party was accused of perpetrating abuse and neglect of a child and in cases in which the party was only named as a Defendant due to his/her relation to the child and/or the other party. I have also been involved in private cases in which the judge has ordered that DSS commence an investigation due to allegations of abuse and neglect of minor children. I have made appearances during merits hearing, review hearings, settlement conferences, and in final hearings which were the result of negotiations. I have not had an opportunity to try a contested abuse and neglect action, but I am familiar with the relevant statutes, regulations, and procedures related to abuse and neglect. I regularly appear before Family Court judges to handle matters involving abuse and neglect.

Juvenile Justice:

I have experience representing juveniles in family court actions. My clients have been accused of crimes ranging from possession of a weapon on school property to truancy to simple assault to grand larceny to burglary to sex crimes. I have made appearances at initial and ten-day detention hearings, adjudications, and disposition hearings. I have visited my clients while being housed at various facilities, and I have worked with outside agencies to ensure that my clients received counseling and treatment necessary to effectuate an appropriate resolution of their charges. I regularly appear before Family Court judges to handle matters involving juvenile justice.

Ms. Pizarro reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 1%;
- (b) State: 99%.

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Ms. Pizarro reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 10%;
- (c) Domestic: 80%;
- (d) Other: 5%.

Ms. Pizarro reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Pizarro provided that during the past five years she most often served as sole counsel but has also served periodically as co-counsel on other matters.

The following is Ms. Pizarro's account of her five most significant litigated matters:

- (a) *State of South Carolina v. Sametta Heyward; Charleston County Sessions*—For a week after I took the South Carolina Bar Exam in July 2007, I volunteered with Savage & Savage, P.A., on this case. Sametta Heyward was charged with two counts of Homicide by Child Abuse and two counts of Unlawful Conduct Towards a Child for allegedly leaving her two minor children in a hot car for hours while she worked inside of a home for adults with special needs. I volunteered on this case because during that time in my life, I had experienced homelessness with three children. When I heard about the story, I wanted to help because I believed that there were mitigating circumstances that were important for the court and the community to consider. After my week of volunteering ended, I was offered a position as an Associate Attorney with the firm. This case was one of my main priorities.

My assignments in the case included but were not limited to visiting the Defendant while she was in jail awaiting trial, requesting and reviewing Discovery, working with private investigators as they interviewed witnesses, researching the law, speaking with experts about the defense

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position, and learning all about the Defendant's past life experiences to determine how those experiences contributed to her actions.

After one year in custody, I assisted in preparing a Motion for Bond and in coordinating living and work arrangements for the Defendant in anticipation of her release from custody. We were successful on the Motion for Bond, and the Defendant was released to a relative's home where she would wait for her case to be called for trial.

I left the firm in September 2008, but I returned in March 2010 to assist in the bench trial of the Defendant. I worked along the lead counsel and other associates in the firm to formulate questions for witnesses and the Defendant testified at trial. After a four-day bench trial, the Defendant was found guilty of all charges. She was sentenced to nine years in prison, and she was given credit for the year she spent in pre-trial custody. The case is significant to me as it showed me the desperate actions that people will take when they lack the most basic of necessities. In this instance, the Defendant did not consistent, reliable childcare so she left her children in a car that she had set up like a "daycare sitter." She had snacks, water, toys, even a fan in the car for the children. She was forced to choose between missing her shift at work and possibly losing her job or taking her children to work with her and leaving them in the car until she would be able to bring them inside. Her choice of the latter resulted in a horrible tragedy that no one involved in the case would ever forget. This was also my first experience with a criminal defendant choosing a bench trial instead of a jury trial. I believe that choice was a brilliant strategy in allowing the Court to make the determination of guilt and also allowing him to consider the mitigation for purposes of sentencing.

- (b) *State v. J. S., a minor under the age of 17 years old; Charleston County Family Court*—I served as co-counsel on a case in which the juvenile defendant was accused of a sexual battery on a minor relative. The victim made the disclosure about the alleged occurrence, and he also stated that the juvenile had recorded the alleged encounter on his cell phone and/or computer.

After the juvenile was taken into custody, we immediately began to investigate the allegations through interviews with our client and his

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mother. We provided the investigating agency with the juvenile's cell phone and computer. In the meantime, we made appearances at the juvenile's detention hearing. Each time we appeared at a detention hearing, we provided the Court with information concerning the veracity of the allegations and the fact that the juvenile appeared to be caught in the midst of an ongoing dispute between the mother of the victim and the juvenile's brother who was the father of the victim. Again, there was no independent corroboration of the victim's story, and there was no evidence of the event on the juvenile's electronics as the victim had indicated. We provided the Court with information about our client who, prior to these allegations, was an Honor Roll Student and well-respected among his teachers and peers. Nevertheless, I believe that out of an abundance of caution, the Court denied our requests for release on three (3) separate occasions.

The Assistant Solicitor assigned to the case offered our client a negotiated plea to ABHAN with a detained evaluation. We discussed the offer with our client and his mother, and it was rejected. As we were unable to negotiate a resolution with the Assistant Solicitor on the case, we scheduled a contested trial on the allegations. Prior to the date for the trial, we met with the Assistant Solicitor and with the Solicitor to discuss our view of the case, the lack of evidence, and the fact that the victim had made prior accusations that were unsubstantiated.

After our meetings, we were heading to our car when I got a call on my cell phone from the Assistant Solicitor. She wanted to let us know that the charges against our client would be dropped. Talk about a moment of elation! This case was a rare moment when we felt that it was necessary to advocate outside of the courtroom for a resolution. I believe that the Assistant Solicitor understood the weaknesses in her case, but due to the allegations, she was unable to consider our requests for a dismissal. When we brought our concerns to the attention of the Solicitor, I believe she consulted with the Assistant Solicitor about the allegations. This case is significant to me because I feel that if we had not chosen this unconventional route to resolve this case, this young man would have very likely been adjudicated delinquent. I am happy to say that this young man put this incident behind him. He graduated high school and joined the military. To my knowledge, he has had further contact with law enforcement.

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- (c) *K.A. v. K.M.; Beaufort County Family Court*—I represented the Plaintiff in this action which was commenced as an initial custody determination by psychological parent. My client was the maternal step-grandmother of the minor child, and the Defendant was the paternal aunt. The father of the child died one year prior to the filing of the action, and the mother died about five months before I filed the action. Both causes of death were due to drug and alcohol abuse. Prior to the death of the mother, my client had physical custody of the minor child for long stretches of time as the mother was in the throes of her addiction. My client and her family tended to all the needs of the minor child; they had a room in their home for the minor child; they took the minor child on vacations; and they had a strong, bonded relationship with the minor child. All of this occurred with the permission of the mother.

My client and the mother had a “falling out” after my client voiced concerns about the mother driving with the minor child while intoxicated. As such, the mother stopped allowing my client to visit with the minor child. A few months later, the mother was dead, and the minor child was living with the paternal aunt. Prior to commencing this action, the Plaintiff attempted to restart the visitation with the paternal aunt, but her efforts were consistently rebuffed. We filed this action a few months later.

We served the pleadings, and the Defendant retained counsel. I attempted to negotiate a temporary resolution of the issues, but I was unsuccessful as my clients were unwilling to agree to the time-sharing offer. They opted to “roll the dice” and take their chances with the judge. That choice proved to be fatal in this instance as the judge did not make a custody determination at the initial hearing. Instead, a guardian *ad litem* was appointed, and he was ordered to perform an investigation after which either party could seek relief. The court’s failure to determine custody collaterally gave the Defendant custody, to the detriment of the Plaintiff and our position. As such, we remained behind the eight ball throughout the litigation which eroded the relationship between the minor child and the Plaintiff and her family.

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We participated in mediation, and the case was resolved with Defendant being given sole custody, and my client being given periods of visitation. I will add that the resolution was less than the offer made prior to the temporary hearing. This case was significant to me as it was another reminder of the importance and power of the temporary hearing in family court. In all honesty, I wished that the parties had accepted the initial offer for visitation, but I am immediately reminded that I am required to follow my clients wishes as it relates to offers of settlement.

- (d) *Carillo v. Michael Pierano; Dorchester County Family Court*—I served as co-counsel in this matter involving divorce, custody/visitation, and equitable distribution. My colleague and I represented the Plaintiff, a native of Spain who relocated to Dorchester County after getting married to her husband who was an American citizen. The parties began a courtship while Plaintiff was living in Spain and Defendant was working there. Shortly before the parties were married, they purchased a home in Spain. The home was solely titled in the name of the Plaintiff. The parties got married and had two children in Spain. After the birth of the second child, Plaintiff did not work outside of the home, with the advice and permission of the Defendant. The parties moved to South Carolina in order for the Defendant to obtain a better job opportunity. The parties purchased real property in Houston, Texas, for residual income and Summerville, South Carolina, as the marital residence. The Plaintiff contended that a house that the Defendant purchased in Virginia for residual income was marital property. The matters before the Court at trial were divorce, alimony, custody/visitation/child support, and equitable distribution.

Prior to the trial of the matter, the parties agreed to resolve the issues related to child custody, visitation, and support. The parties agreed to share custody with Plaintiff as primary custodial parent and with Defendant receiving Standard Visitation. Defendant was ordered to pay child support and to contribute to the uncovered medical expenses for the minor children. As these were the only issues that the parties were able to resolve, the other issues were addressed as trial.

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In support of Plaintiff's request for permanent, periodic alimony, we attempted to show the Court that the future earning potential of the Plaintiff was greatly limited. She had worked in the computer field while in Spain, but her absence from the workforce for at least 10 years without any intervening skill-building and education prevented her from returning to the field. Further, Plaintiff sustained an injury to her back which also limited her options. Lastly, Plaintiff spoke English as a second language, and her advanced age would be a deterrent to her being able to contribute in any meaningful way to her expenses. We retained an employment expert who provided the Court with information concerning these factors.

Plaintiff offered that all real property was marital property, and we attempted to show the Court that the properties in Spain and Virginia had transmuted. Defendant did not contest the designation of the home in Spain as marital property, but he vehemently argued that the home in Virginia was his separate property. We attempted to show that the Plaintiff was instrumental in identifying the property and helping the Defendant make it suitable for tenants. Plaintiff frequently qualified and communicated with tenants about the property, and she did so at the direction of and with the permission of the Defendant. Defendant offered that the Virginia home was separate property, and his mother testified as such. Defendant noted that he never intended for the home to be marital property and that Plaintiff did not engage in efforts to increase the value of the property to even grant her a special equity interest.

After 3 ½ days of trial, the Court ordered that the Virginia property was the separate property of the Defendant, and the other assets were divided 50% to Plaintiff and 50% to Defendant. The Court only awarded Plaintiff alimony for 3 years despite the evidence that I believed supported an award of permanent periodic alimony. This case was significant to me as I tried to put myself in the shoes of the Court to try to see what he saw in the case. I viewed my client as having developed a standard of living based on the contributions of the Defendant, but the Court saw her a woman who should be able to get back on her feet in a very short period of time.

- (e) *Miller v. Prash; Berkeley County Family Court*—I was hired by the Defendant/Father in this action to modify custody. The parties were formerly married, and they

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had joint custody of their minor daughters with Plaintiff/Mother being primary custodial parent.

At some point after the original case ended, Defendant/Father married a man. He continued to exercise his custodial time with the minor children until Plaintiff/Mother learned of the courtship and remarriage of Defendant/Father. She then stopped his visitation using the excuse that the minor children did not want to visit with Defendant/Father. She also filed a criminal complaint against the husband of Defendant/Father alleging that he had assaulted one of the minor children.

Prior to a new action or enforcement action being filed, the parties were required to participate in mediation. I attended mediation with Defendant/Father, and his primary goal was to maintain the visitation that had previously been ordered. We were unable to resolve the matter through mediation so Plaintiff/Mother filed an action for a modification of custody. She posited that change in circumstance as the fact that Defendant/Father was now married to a man and that his husband had a pending criminal charge related to the minor children.

I prepared and appeared for a hearing on Plaintiff/Mother's Motion for Temporary Relief and my client's Return to Motion. I am always open to discussing a possible resolution before going in front of the Court so I briefly chatted with opposing counsel before the case was called. Opposing counsel used those precious moments to try to remind me of the conservative nature of the venue and to convince me that the Court was going to give his client sole custody because my client was married to a man. I believe that he had so little faith in the system that he was certain that the Court would overlook the evidence that his client had filed false affidavits with law enforcement about my client's husband; that the children were tardy and/or absent from school on numerous occasions while in the care of his client; and that his client was destroying the bond between the minor children and their father, to the detriment of the children.

We put the case up, and the Court took the matter under advisement. A few days later, the Court ruled in my favor for Defendant/Father. My client was given sole custody; his child support obligation to Plaintiff/Mother was terminated; she was ordered to pay child support to him; and we were also awarded attorney's fees.

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A guardian *ad litem* was appointed, and the children participated in counseling during the pendency of the case. We exchanged Discovery and worked towards a resolution of the case based on the observations of both the guardian *ad litem* and the children's counselor.

The case was resolved the weekend before trial. The parties agreed that they would have joint custody of the minor children with my client, Defendant/Father being the primary custodial parent. Plaintiff/Mother agreed to a graduated visitation schedule wherein she would be given more time with the children so long as she ensured that the children attended school on time and regularly and that she did not disparage my client and/or his husband in the presence.

This case was significant to me as it showed that the Court is a place where a party can receive justice despite what one might perceive to be the personal feelings and beliefs of a judge. The law governs, and a good judge follows the law. This case was about the best interests of the children and the detriment that the actions of the mother was causing to the children. It was a proud moment for me as I was able to successfully articulate the best interests of the children despite the potential for distractions based on life choices of the parties.

Ms. Pizarro reported she has not personally handled any civil or criminal appeals.

Ms. Pizarro further reported the following regarding unsuccessful candidacies:

I was a judicial candidate in 2021 for Family Court First Circuit Seat #3. I withdrew from the race prior to the JMSC screening vote.

(9) Judicial Temperament:

The Commission believes that Ms. Pizarro's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications reported Ms. Pizarro to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Citizens Committee further commented: "Well

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spoken, good experience, caring, energetic, hard working, vibrant, smart.”

Ms. Pizarro is married to Laurettiis Milton Gaines, Sr. She has four children.

Ms. Pizarro reported that she was a member of the following Bar and professional associations:

- (a) Charleston County Bar Association—Member since 2008; Executive Committee Member, 2016-2020.
- (b) Dorchester County Bar Association—Member since 2008.
- (c) James L. Petigru Inn of Court—Member since 2010.
- (d) South Carolina Women Lawyers Association—Member since 2016; Board of Directors, 2017-2020.
- (e) South Carolina Black Lawyers Association—Member since 2020.
- (f) South Carolina Family Law Inn of Court—Member since 2022.
- (g) The National Black Lawyers—Member since 2020.

Ms. Pizarro provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

- (a) Member, South Carolina Family Law Inn of Court
- (b) Member, James L. Petigru Inn of Court
- (c) Member, Board of Directors, Dorchester Children’s Center
- (d) Member, The National Black Lawyers—Top 100
- (e) Member, Charleston (SC) Chapter of the Links, Inc.
- (f) Member, Alpha Kappa Alpha Sorority, Inc.
- (g) Former Member, Board of Directors, South Carolina Women Lawyers Association

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- (h) Former Member, Executive Committee, Charleston County Bar Association
- (i) Former Member, Board of Directors, Dorchester County Habitat for Humanity
- (j) Former Planning Commissioner, Town of Summerville
- (k) Former Member, Board of Directors, Summerville Family YMCA
- (l) Former Member, Board of Directors, YESCarolina, youth entrepreneurship program
- (m) Former Member, Board of Director Children's Museum of the Lowcountry
- (n) Former Member, Board of Trustees, Columbia College (SC)
- (o) Former Member, Board of Visitors, Columbia College (SC)
- (p) Former Host, *Lowcountry Spotlight*, original local television show on WCLN-HD
- (q) Charleston Regional Business Journal, *40 Under 40* Winner 2007
- (r) Summerville Journal Scene, *Women to Watch*, Winner 2013
- (s) Recipient, Councilman Aaron Brown Award 2019
- (t) Participant, South Texas College of Law Family Court Trial School 2011 and 2012
- (u) South Carolina Bar Leadership Class of 2019
- (v) Recognized February 2021 by the South Carolina Bar during Black History Month
- (w) Member, Lord of the Harvest Christian Faith Center

Ms. Pizarro further reported:

As I researched my background and looked over my life while considering applying for this judgeship, I posed the question, "Would YOU even pick YOU to be a judge? Are you smart enough? Will you be

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able to make a difference?” Whenever I considered pursuing a higher calling in the past, I always stopped myself as I let my mind defeat me when I wondered about those possibilities. The Bible says that the fear of the Lord is the beginning of wisdom. I can paraphrase that and say that the fear of or uncertainty about what lies ahead can be the beginning of charting a positive path forward towards success and even miracles. It is with that mantra that I put my fears aside. I stop being defeated before I even started. I take a leap of faith, and I boldly and proudly stand as a Judicial Candidate for the Family Court First Judicial Circuit Seat #3.

In alphabetical order, I am an attorney, author, bonus mom, daughter, educator, friend, grandmother, mother, motivational speaker, sister, and wife. I was born to a single mother in Walterboro, and I was raised by my mother and grandmother, both domestic workers. I grew up in poverty. My family never owned a car so we walked everywhere! We depended on food stamps to buy groceries, and Medicaid for healthcare. My mother made the best sandwiches with government cheese, and on many Christmases, social workers brought gifts to our home. What we might have missed in material possessions was made up in the faith, hope, and love that was abounding in our home.

I was always a smart girl, and I did really well in high school. I graduated near the top of my class, and I got several scholarships to attend college. Clemson was my one and only choice. After my first year at Clemson, I got pregnant. I went back home to Walterboro and started working in Winn Dixie again. I felt so defeated as I went from being a college freshman to being a college dropout in one year!

I licked my wounds and started working on a plan to get back into college. My mom agreed to keep my son while I went back to college and that was indeed a blessing. I reenrolled at Clemson, and I did not miss a beat, graduating in December 1991, only one semester late!

I began my career as a teacher in the Greenville County School District in 1992. I spent 12 years as a classroom teacher before enrolling in law school in 2004. After graduating from law school in 2007, I spent my first year in practice as an associate attorney at a criminal defense firm in Charleston. In September 2008, I started my own firm, and my practice focuses on Family Court cases. I am proud to be able to use my personal experiences as well as those I gained as a classroom teacher to assist my clients in navigating domestic and juvenile matters and to help

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them forge new paths forward in life. I believe that those skills will transfer greatly as a member of the Family Court Bench.

Having been raised in poverty, I appreciate the opportunities afforded to me. As such, I have used my practice and my law degree to give back. In addition to serving on numerous boards and commissions, I have put “boots on the ground,” providing assistance in real-time to those in need. From turkey drives to coat drives to supplying groceries to the needy, I believe in paying it forward, and that “to whom much is given, much is required.” My motto is, “act justly, love mercy, and walk humbly in every interaction.” I believe that everything we do should begin with the realization that we are dealing with human beings whose lives we have the power to affect. To that end, I am committed to upholding the mandates of the law while helping my clients move to the next phase of their lives in the best way possible. I plan to carry that same level of commitment to the judiciary where I would be dedicated to ensuring that litigants are treated fairly in the eyes of the law and that justice is obtained by those seeking it.

I believe that my personal experiences will allow me to be provide a broader perspective on the bench. The record of my life will show that I made mistakes as all humans do, but I put in the hard work to learn from my mistakes such that they would not be repeated. I understand that the standards that members of the judiciary are held to are necessarily high. The love, respect, and honor that I have for the law and for the Court cannot be understated. I also understand, though, that the lessons from second chances and overcoming obstacles are also necessary if we are to ever be able to encourage the least among us that they, too, can make it. I am more than happy to share those personal experiences from the bench with juvenile defendants and other litigants who need to know that mistakes can be “blips” on their radar of lives if they learn from them and do better!

I want the world to see that there is a place in the judiciary for someone who can use their past experiences, good, bad, and ugly, as a testimony to others who come to the Court that it doesn’t matter how you start, it’s how you progress and how you finish! I believe that my knowledge of the law and my legal experiences coupled with the real-world experiences that I have faced, stared down, and overcame will make me a relatable, inspiring, and effective jurist.

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(11) Commission Members' Comments:

The Commission found Ms. Pizarro's energy to be well suited to the family court bench and commented on her impressive diligence and work ethic.

(12) Conclusion:

The Commission found Ms. Pizarro qualified, and nominated her for election to Family Court, First Judicial Circuit, Seat 3.

Philip B. Atkinson
Family Court, Twelfth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Twelfth Judicial Circuit, Seat 1, 4 candidates applied for this vacancy, and 2 candidates withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Atkinson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Atkinson was born in 1974. He is 48 years old and a resident of Marion, South Carolina. Mr. Atkinson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Atkinson.

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Mr. Atkinson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Atkinson reported that he has made less than \$47 in campaign expenditures for organizational binders and a magnetic name tag. Mr. Atkinson reported he anticipated the use of mail-out brochures of which he would keep the Committee informed.

Mr. Atkinson testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Atkinson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Atkinson to be intelligent and knowledgeable.

Mr. Atkinson reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Atkinson reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Atkinson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Atkinson did not indicate any evidence of a troubled financial status. Mr. Atkinson has handled his financial affairs responsibly.

The Commission also noted that Mr. Atkinson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Mr. Atkinson reported that his rating by a legal rating organization, Matindale-Hubbell, is 4.8 out of 5 rating with only peer reviews and no client reviews). He was awarded 5s in the categories of Legal Knowledge, Analytical Capability and Legal Experience.

Mr. Atkinson reported that he has not served in the military.

Mr. Atkinson reported that he has not held an elected public office, but that he currently serves as the Chair for the City Of Marion's Zoning Board. He was appointed by the City Council and would resign if elected to avoid conflicts.

(6) Physical Health:

Mr. Atkinson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Atkinson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Atkinson was admitted to the South Carolina Bar in 1999.

He gave the following account of his legal experience since graduation from law school:

(a) Geoly at Law in Greenwood, SC.

Associate Attorney from February 2000 through July 1, 2001

I litigated and managed the entire civil caseload in a two lawyer firm with the owner practicing primarily criminal law. My practice areas were Family Court cases, Personal Injury Actions, Worker's Compensation filings and even some Trademark and Entertainment Law projects. During this time, I contracted to perform the Public Defender Attorney Services in the Family Court for the Department of Juvenile Justice with cases against prosecutor Libby Smithdeal. I had extensive weekly court appearances in Newberry, Greenwood, Laurens and Abbeville. I also instituted a new data-base file management system with the firm and directly supervised the paralegal in implementing it. I was heavily involved in the community and served as the stadium announcer for Greenwood High School for two straight State Championship Football

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Seasons. I only left this position for a great opportunity to move back to my cherished hometown of Marion, SC- purchasing my grandfather's homestead and joining the highly respected Folkens Law Firm (f/k/a Folkens and Jernigan, P.A.).

(b) Folkens Law Firm, P.A. in Florence, SC

Associate Attorney from July 2001 through May 31st, 2019

Having the opportunity to join one of the preeminent firms in the Pee Dee region for matrimonial litigation and mediation practice (mentored and guided by the owner, Karl Folkens), I began to devote the heart of my practice over the next 18 years to Family Court actions and Domestic Law practice. My other practice areas expanded as well to include: probate actions, larger civil litigation and injury cases, copyright filings, interstate adoption domestication, and a Criminal practice when my Worker's Compensation work began to diminish. During this time, I completed 16 annual trainings and certification renewals as a Guardian Ad Litem (litigating and protecting the interests of minor children from South Carolina to Texas, Virginia, Alabama, New York and Ontario). I trained at the National Institute for Trial Advocacy (NITA) in their Southeastern Regional Office in Chapel Hill, NC to receive my diploma in Trial Advocacy Skills. I attended a week-long seminar with nightly immersion studies to become certified by The South Carolina Board of Arbitrator and Mediator Certification as a Family Court Mediator. I have renewed my training to remain licensed to this day- conducting over 429 mediations. I lead the firm's staff in the early adoption and teaching of many administrative, organizational programs like: TimeMatters, Many Moon, Trello, LawPay, and Harvest Billing software.

(c) The Atkinson Law Firm, LLC

Owner and Attorney from June 1, 2019 to present date.

In May 2019, the Folkens Law Firm's owner made the business decision to switch to a single member practice for mediation services only. I was invited by Mr. Folkens to stay in the same building, open my own firm, and become a tenant. Thirty days' notice was not long to prepare for such a gargantuan task and I am very proud of the efforts I undertook (along with a former intern I hired as my office manager) to grow a successful and thriving practice over the last three years. It has been nothing short of amazing and professionally rewarding in my desire to serve the great people and families of the State of South Carolina.

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After 19 years as the trusted associate attorney, I had an even greater respect for my former boss as I now became the one to order supplies, cut paychecks, plan advertising strategies, order software and furniture, and manage the Trust and General bank accounts.

My practice is now heavily devoted to Family Court cases with the occasional overlapping Probate, Civil, or General Sessions issue stemming from former clients that trust me to handle all of their legal needs. I have continued my streak of 19 yearly certification and training renewals as a Guardian Ad Litem to protect the interests of children. My mediation practice volume increased as well. In addition, I have developed valuable insight and experience as a contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court of some sort almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage the firm finances through Quickbooks. I now have twenty two years of substantial experience in all areas of Family Law: from mediations to Guardian ad Litem work, divorces, custody, DJJ trials for children, DSS trials with complicated abuse issues, and adoptions.

Mr. Atkinson further reported regarding his experience with the Family Court practice area:

As mentioned, my current practice over the last twenty years has been primarily devoted to Family Court cases. My initial passion for all of the practice areas inquired of above was ignited in my first job when I was asked to serve as a guardian ad litem prior to any statutory training mandates. Since the mandatory training statute was passed, I have completed 19 straight yearly certification and training renewals as a guardian Ad Litem to protect the interests of children. This has required and resulted in substantial “boots on the ground” experience in interviewing every litigant and child in over 370 Guardian cases in the areas of abuse and neglect, child custody factors, relocation cases, and adoptions.

Of course, I also have served as an attorney for my own clients with 22 years of experience in filing complaints for divorce actions and the equitable division of marital property (now under our guiding statute of SC Code § 20-3-620 for Equitable Apportionment factors). Between my

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own practice with over 392 cases in the last five years where I personally either filed or worked the cases to conclusion. Added to over 429 mediation sessions throughout my career, I have also had to counsel my own clients on difficult issues like child custody factors, grounds for divorce, and equitable apportionment of the marital assets. Admittedly, many of these cases in my area do not reach marital property sums higher than one million dollars though there have been some exceptions.

Early in my career, I was often appointed as counsel to parents facing abuse and neglect charges in DSS cases in Marion, Florence, Dillon and Darlington counties. However, in addition, I have added valuable insight and experience in this area over the last 2 years as the contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court in some county almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage my firm's finances.

My earliest experiences in the family court were also in fulfilling a contract for the criminal defense of juveniles on a bi-weekly basis in Greenwood, South Carolina while working at the Geoly Law Firm. I practiced against worthy prosecutors and attorneys like Libby Smithdeal, Adam Bacote, and William Townes Jones IV. I continued these types of cases when I moved back home to Marion for a brief time in support of counties like Marlboro and Darlington under the urging and appointment of Judges like the Honorable Roger E. Henderson, and Jamie Murdock, Jr.

In summary, I have now accumulated twenty two years of substantial experience in all these areas of Family Law. I appear in family court almost weekly in some capacity whether it is: a motion, a DSS hearing, an agreement approval, testifying as a guardian ad litem, trying a divorce action, or initiating such actions with a temporary hearing.

Satisfying the request for a brief history of some of these cases I offer the following sampler from 22 years of family practice. I have had the pleasure of defending a juvenile accused of breaking into a Circuit Judge's home and watched the tearful reconciliation in the hallway as victim and the accused talked about rehabilitation and forgiveness. I have tried a tense SCDSS case where a mother stood accused of shooting her own infant child because she was scared to death to testify against her

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violent boyfriend who had actually committed the crime. I have fought for an aging wife to keep her alimony benefits (both at trial and returning to solidify this issue after an appeal). The husband alleged he retired but not before taking on lucrative consulting contracts. I have traveled as far as Wheeler, Texas to ensure proper placement of a child after his mother murdered his father and flew to Mississauga, Ontario, Canada on a few days' notice to protect the interests of a child who was being improperly withheld from his father. I have represented several spouses against the evils of their own partner's drug addiction to secure emergency and restrictive custodies in their children's best interest.

I am so thankful my chosen profession has given me these and many other experiences that have rewarded me far beyond any fee I may have received. I thoroughly believe they have given me the needed insight, wisdom and training to serve as the next Family Court Judge of the Twelfth Judicial Circuit.

Mr. Atkinson reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: no appearances.
- (b) State: I have appeared in the State's Family Courts almost weekly in some capacity over the last five years.

Mr. Atkinson reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 5%;
- (c) Domestic: 80% with trials, hearings, guardian work, and mediations.
- (d) Other: 10% comprised of Probate estate work, wills, and powers of attorney.

Mr. Atkinson reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 5%
- (b) Non-jury: 95%

Mr. Atkinson provided that during the past five years he most often served as sole counsel.

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The following is Mr. Atkinson's account of his five most significant litigated matters:

(a) State of South Carolina vs. James Johnson.

2001-GS-21-1394; Charge Code 0139 (Armed Robbery and Related Charges).

I discussed this case in Question One of my Judicial Merit Selection Sworn Statement. It was the first high stakes criminal case I had ever handled. All four co-conspirators testified against my client. Against overwhelming odds, I began to develop and elicit testimony that helped exonerate my client and even showed his complete innocence. I won the case and was offered a job by the Solicitor's office just a week later. This case had been passed along to me as a Junior Associate and it sent notice to my employer that I was a competent and dedicated litigator. This was a serious endeavor as my client was still a teenager facing the rest of his life in jail. Because of my dedication, his life improved drastically and my new local colleagues began to recognize my skill and reliability.

(b) Rolfe v. Rolfe.

Op. No. 2008-UP-197 (S.C. App. filed March 20, 2008)

I likewise discussed this case in my Sworn Statement. I tried this case to a complete conclusion in the Darlington County Family Courts against a very worthy adversary in Attorney Rob Gardner. Mr. Gardener's client, the husband, alleged that his health conditions had changed and he was no longer able to pay alimony to my client, the wife. I was able to expose some discovery delays on the part of the husband alone. Mr. Gardner had difficulty with his client in that area and was not to blame. I still managed to introduce enough evidence regarding his higher rate of pay as a contractor doing the same job he had previously performed. I lost at the trial level and worked with Attorney Missy Nettles to appeal the matter to the Court of Appeals as referenced above. There, the justices found ample evidence in the record from my hard work to show the error of the lower court decision. The matter was returned to the lower court for reinstatement of alimony and to decide the issue of my attorney's fees and costs. Once again, the life of a South Carolina citizen was improved when justice was finally done even though it took three different arenas to make her whole again. I offer this as proof of my trial skills to prepare for unfavorable outcomes by laying a foundation for relief and also of my unrelenting spirit to find justice.

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(c) Chastain v. Chastain,

381 S.C. 295, 672 S.E.2d 108 (S.C. App. 2009)

I offer this next case as an example of my thorough service to the children of the state of South Carolina in my Guardian ad litem work. This was a matter wherein the judge made a decision based on flagrant promiscuity in removing custody of the children from the mother. She appealed the decision. While the court disagreed with the judge as to the application of that standard (since the children had not been directly exposed to the paramours), there was still ample evidence gathered by me as the guardian to sustain the overall ruling of the court that was in the best interests of the children. I was honored to attend the arguments before the court and specific questions were asked of me by Justice Konduras. The court then extended their thanks to me and compliments on the content and thoroughness of my report.

(d) Randall W. Goodrich and Samantha Goodrich vs Texas Department of Family and Protective Services

Docket No. 2019-DR-21-944, Florence SC

Nothing can be more satisfying for a lawyer than to have a lifelong business relationship with a client because they trust you with all of the legal matters in their life. I don't believe this fine gentleman will mind me sharing that, when I first met him, it was under very negative circumstances. He had been accused of an abusive relationship and was going through a divorce. In his personal life, he had lost a very young child. That is reason enough for any of us to be angry with the world and begin experiencing problems in our other relationships. However, after assisting him with that divorce and becoming his friend, he underwent a major change in his life. He became a born again Christian and he married again. When his own brother failed to get off of the path he had been on, this gentleman decided to adopt his nephew. That took place over the course of many proceedings (both in Texas and here in South Carolina). I offer this case as an example of my skills applied in the area of adoptions and in the rare area of domestication of foreign adoption decrees. Moreover, this client represents many others that came to me with simple initial problems and continue to trust me to this day with all of their legal needs. I am extremely blessed and honored by people like Randy.

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(e) Zachery A. Quick v. Angela M. Quick
Docket No. 2017-DR-16-0936

I offer this final example as indication of evidentiary and cost issues our modern courts are being faced with each day in the pursuit of justice. To begin with, the young man I represented did not believe that he could find a lawyer to fight against the perceived notion in our communities that there is a “tender years” doctrine for young children which favors mothers over fathers. I restored his faith in our judicial system and assured him that the Court would stand solid against this fallacy. I strongly believed in his claim for custody.

However, the mother in this case was ultimately caught by me in providing false information to the court. She was so savvy with technical advancements that she had even fabricated a website that looked like her Women's Care Center. She produced falsified records to the court and even convinced the father that she was again pregnant with his child. All of these tactics were being used to delay the cause of justice and to cripple my client financially in fighting against them. She had even taken out student loans in his name.

It was a sacrifice to work the painstaking hours needed to stay ahead of such a vicious litigant while trying to be cognizant of my client's budget as well. I reduced my billing rate, worked even harder to protect him, and earned his trust throughout this process. He remains a good friend to this day. Of course, he ultimately received custody of the child and an Order was put in place to have her reimburse him for the economic damage caused. I'm informed and believe through local attorneys that her behavior has continued and that she fabricated an email from an attorney in an attempt to avoid contempt fines and punishment.

I offer this to say I will always be cognizant of the need for swift and economical justice for all that come before me. I now have substantial experience in this area to spot such problems and handle them efficiently from the bench. The record is clear that Judge Baker-Brigman did a fantastic job in this case of spotting the forgeries and I learned so much from her keen example.

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The following is Mr. Atkinson's account of two criminal appeals he has personally handled:

(1) Johnell Richardson vs. State of South Carolina

South Carolina Supreme Court

Filed May 5th, 2022

Habeas Corpus relief denied

Appellate Case Number: 2021-000905 (not reported)

Florence County Docket No: 2020CP2101467

(2) In the Matter of the Care and Treatment of Timothy Farmer,
Op. No. 2005-UP-438

(S.C. Ct. App. filed July 14, 2005)

Sexually Violent Predator finding affirmed

Unpublished

Mr. Atkinson reported he has not personally handled any civil appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Atkinson's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Atkinson "Qualified" in the evaluative criteria of constitutional qualification, physical health, mental stability, and "Well-Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament. There were no summary or related comments.

Mr. Atkinson is married to Allison Marie Atkinson. He has one child.

Mr. Atkinson reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar Association

- 1) Member of the House of Delegates, Twelfth Judicial Circuit 2010-2012
- 2) The Office of Disciplinary Counsel, Attorney to Protect Client Interests, 2003 to present
- 3) Mock Trial Program, Scoring Judge 2008 to present

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- (b) Marion County Bar Association
- (c) Florence County Bar Association
- (d) National Institute for Trial Advocacy Graduate, May 14, 2003
- (e) South Carolina Board of Arbitrator and Mediator certified member, October 1, 2010
- (f) Commission on Alternative Dispute Resolution certified member
- (g) Rotary International (2002-2012) Paul Harris Fellowship participant
- (h) United Fund of Marion County (2007–2011) Board Member

Mr. Atkinson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Marion High School Booster Club (Since 2001. President, Vice President, Treasurer)
- (b) Marion Baptist Church (Since 1986. Deacon, Vice Chairman, and Chairman of Deacons)
- (c) American Legion Baseball (Since 2005. Junior Legion Finance Officer)
- (d) United Service Organizations [USO] (Since 2016. Funding for morale, welfare and recreation-type services to US uniformed military personnel)
- (e) The Gamecock Club (Since 1999. Athletic Booster and Contributor)
- (f) The Ridgecrest Foundation (Since 2021. Funding conference centers and camps for youth leadership, pastor renewal events, and marriage retreats in Black Mountain, North Carolina).
- (g) The Grand Old Post Office Concert Venue, Darlington, SC. (Member since inception. Providing funding to restore and preserve the historic Post Office now used for community arts events).

I am also a regular yearly contributor to the following charities because I strongly believe in their missions: St Jude's Hospital, The Disabled American Veterans, Boys Town, Veterans' of Foreign Wars, and The Cooperative Program through the Baptist Convention with gifts to the

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Annie Armstrong Easter Offering, The Connie Maxwell Children's Home, and The Lottie Moon Christmas Offering.

Mr. Atkinson further reported:

In the interest of brevity, I believe the questions above and my responses to the JMSC Sworn Statement have thoroughly allowed me to share my life experiences and studies that have culminated in my aspiration to become a Family Court Judge based on the devotion of my daily practice and continuing education requirements to these areas exclusively over the past 18 years. I would ask to incorporate the Sworn Statement mentioned herein by reference and would call attention to my specific answers for questions 1 (my desire to serve), 11 (my charitable pursuits) and 17 (my desire for service to the Bar). I thank the Committee and affiliated decision makers for taking time to explore my candidacy.

(11) Commission Members' Comments:

The Commission commented Mr. Atkinson has a long career practicing in the family court. Mr. Atkinson also demonstrated to the Commission a calm, respectful temperament. The Commission commented that these two attributes would serve Mr. Atkinson well should he be elected to the SC Family Court.

(12) Conclusion:

The Commission found Mr. Atkinson qualified, and nominated him for election to Family Court, Twelfth Judicial Circuit, Seat 1.

Alicia A. Richardson
Family Court, Twelfth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Twelfth Judicial Circuit, Seat 1, 4 candidates applied for this vacancy, and 2 candidates withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Richardson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Richardson was born in 1970. She is 52 years old and a resident of Britton's Neck, South Carolina. Ms. Richardson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Richardson.

Ms. Richardson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Richardson reported that she has made \$233.82 in campaign expenditures for postage, stationary, printing cards, and a name tag.

Ms. Richardson testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Richardson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Richardson to be intelligent and knowledgeable.

Ms. Richardson reported that she has taught the following law-related courses:

- (a) I have taught numerous law enforcement in-service training classes on juvenile and Family Court issues from 2001 – 2011 when I was the Senior Assistant Solicitor in the Family Court division. I do not have an accurate list of the dates and

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courses, but I did participate in the following: Horry County Police In-service training on multiple occasions, Loris Police Department, Myrtle Beach Police Department on multiple occasions.

- (b) I taught and presented for multiple years at the Juvenile Officers Association Annual meeting held each year in Myrtle Beach, including as recently as 2018-19. Topics include juvenile crime, mandated reporting of abuse and neglect, issues related to sexual abuse, changes in legislations, and guidelines for juvenile detention
- (c) I participated in a presentation for principals, assistant principals, and attendance clerks with the Horry County School District (year unknown)
- (d) I participated in a Juvenile Fire Setters Program with the Horry County Fire Department (year unknown)
- (e) 2014 Prosecution Boot Camp for new prosecutors. I presented on victim issues and judged and gave constructive feedback on opening statements and closing arguments
- (f) August 19, 2011 Prosecuting Cases in Family Court, South Carolina Solicitor's Association
- (g) December 5, 2007 and December 3, 2008, Fifteenth Circuit Solicitors Office Annual Law Enforcement Training Program. I taught a section on Juvenile Issues and Family Court and prepared materials which were included in a binder provided to all participants.
- (h) Presented and participated in round-table discussions in Family Court continuing education courses presented at the South Carolina Solicitors' Association Annual Conference on multiple occasions prior to 2011
- (i) In service training with the Georgetown Police Department and Georgetown Sheriff's Office as Deputy Solicitor
- (j) I have presented a section on juvenile issues at the Horry County Family Court CLE, (year unknown)

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- (k) Participated in training for Volunteers with the Juvenile Diversion Program, Youth Mentor Program, and Juvenile Arbitration Program on multiple occasions (years unknown)
- (l) Taught some classes for Project Lead at McDonald Elementary School, Georgetown, SC. This is a program providing law related education to elementary school students.
- (m) I have spoken on topics of law related education and career days at multiple elementary, middle, and high schools throughout my legal career.

Ms. Richardson reported that she has not published any books or articles; however, she has prepared materials for Continuing Legal Education Trainings and Law Enforcement training.

(4) Character:

The Commission's investigation of Ms. Richardson did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission noted that the state tax lien for individual income taxes filed against Ms. Richardson for environmental service fees has been satisfied. The Commission also noted that the lien for employment taxes in 2001 has been satisfied.

The Commission also noted that Ms. Richardson was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Richardson reported that she is not rated by any legal rating organization.

Ms. Richardson reported that she has not served in the military.

Ms. Richardson reported that she has never held public office.

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(6) Physical Health:

Ms. Richardson appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Richardson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Richardson was admitted to the South Carolina Bar in 1995.

She gave the following account of her legal experience since graduation from law school:

- (a) Law Office of Edward Whittington, Mullins, South Carolina 1995-1995. Worked as an associate in the primary areas of family law and real estate. I had my own trust account.
- (b) Marion County Public Defender, Juvenile contract attorney, 1995-2000. I served as public defender for juvenile offenders in Marion County. This was a part-time contract position with the Marion County Public Defender.
- (c) Law Office of Alicia A. Richardson, Marion, South Carolina 1999-2000. Sole practitioner in the primary areas of family law and real estate. I handled the financial management of the practice including bank accounts and trust accounts.
- (d) Assistant Solicitor, Family Court. Fifteenth Circuit Solicitor's Office. January-March 2001. Worked with two other attorneys prosecuting juvenile cases in Family Court and then was promoted to Senior Assistant Solicitor.
- (e) Senior Assistant Solicitor, Family Court, Fifteenth Judicial Circuit Solicitor's Office, Horry County, March 2001 – 2012. I was Senior Assistant Solicitor for the Family Court division of the Solicitor's Office in Horry County. I supervised the division and was responsible for the prosecution of juvenile cases in Family Court. I also occasionally handled child support extradition cases for the Solicitor's Office.

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- (f) Senior Assistant Solicitor, General Sessions, Sexual Assault and child abuse cases, Horry County, Fifteenth Judicial Circuit. I was one of two attorneys prosecuting sexual assault and child abuse cases.
- (g) Deputy Solicitor Georgetown County, Fifteenth Judicial Circuit Solicitor's Office, January 2013 – present. I prosecute cases in the Georgetown County Solicitor's office in General Sessions Court. I also supervise the Georgetown office including General Sessions, Family Court, and Magistrates Court attorneys.

Ms. Richardson further reported regarding her experience with the Family Court practice area:

- (a) **Divorce and equitable division of property:** I represented clients in divorce and equitable division cases in my first five years as an attorney from 1995-2000. My practice included uncontested divorces and contested cases. I handled both fault and no-fault divorces and handled at least cases on every statutory ground, except desertion. I represented clients in temporary hearings, emergency hearings, contempt hearings, settlement negotiations, alimony modification, and in trials. I had cases with some unusual issues such as annulment, allegations of bigamy, common law marriages, and second divorce or separate support and maintenance from the same spouse. I practiced primarily in Marion County but also represented clients in Horry, Florence, Dillon, and Darlington counties. Additionally, I was certified as a mediator in 1999-2000, and mediated a few cases.
- (b) **Child custody:** When in private practice from 1995-2000, I represented parents and other parties in child custody cases, visitation, determination of paternity, modification of custody, and child support actions. I served as guardian ad litem in cases as well. As guardian ad litem, I prepared reports, met with parents, children, and other relatives, I made home visits, and in contested matters testified to my findings. Additionally, I was certified as a mediator in 1999-2000, and mediated a few cases.

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In over twenty years at the Solicitor's office, I have dealt with issues regarding child custody and visitation. In cases involving domestic violence or crimes against children, bond issues regarding custody and visitation of the minor children often need to be addressed. I have also provided legal advice to law enforcement regarding child custody and visitation disputes, including cases with out of state orders.

- (c) **Adoption:** When I was in private practice, I did not handle any adoption cases for the adoptive parents. However, I was appointed as guardian ad litem in some adoption cases, and I represented some biological parents in relinquishing parental rights for adoption. On one such occasion, the attorneys asked that I appear at the hospital to assist in releasing the newborn to the parents which was an amazing experience. Also, I have had personal experience with adoption as I have an adopted sibling.
- (d) **Abuse and Neglect:** When I first began practicing law in Marion County the County Bar was small and there was not a limit on the number of appointments. I was routinely and regularly appointed to abuse and neglect cases. I was usually in DSS hearings about once a months during that period of time. While I have not represented a party in a DSS action since joining the Solicitor's office, prosecution of juvenile and some General Sessions criminal cases, often have an abuse and neglect component. A DSS case worker attended all juvenile hearings in Horry County, and juvenile truancy cases often resulted in DSS investigations. Also, since prosecuting in General Sessions Court, there are cases involving abuse and neglect proceedings, including sexual abuse, child abuse, unlawful conduct toward a child, domestic violence with children present, prenatal substance abuse, exposure to parental substance abuse, and even the murder of one parent by the other. I often confer with DSS on these cases. I have also attended DSS hearings to give the status of the criminal case to the Family Court.

On a more personal level, my parents were foster parents for many years, and we had foster children in our home from the time I was in elementary school until I married. We welcomed children as a family, and often siblings were placed together in our home. I have witnessed the

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frightened look on a child's face when they are brought to live with people who are strangers to them. I have watched children flourish with love and support, and others who have struggled with all of the changes. I witnessed families that were reunified with success, and unfortunately children who ended up in the revolving door of the system and then repeated the cycle with their own children.

- (e) **Juvenile Justice:** I have handled thousands of juvenile cases in Family Court. I represented juveniles in Family Court as public defender from 1996 to 2000 in Marion County. In 2001, I joined the Solicitor's office in Horry County as a juvenile prosecutor and served there from 2001 to 2012. I have handled every sort of juvenile prosecution from truancy, runaway, criminal sexual conduct, attempted murder, and murder. Because Horry County is a tourist area, we had a pretty significant number of out of state juveniles charged with crimes or located as runaways. I became very familiar with the Interstate Compact on Juveniles. During my time in Horry County, our office began assisting the Department of Juvenile Justice in prosecuting violations of probation. We also handled cases against parents for truancy of their children. I have toured several of the Department of Juvenile Justice secure facilities. I handled several Waiver hearings in Family Court where the State sought to transfer jurisdiction of serious crimes to General Sessions Court. Since 2013, I have not actively appeared in Family Court in the prosecution of juvenile cases but have supervised our Family Court attorney and attended some hearings that were connected to General Sessions cases. As a General Sessions prosecutor, I find that my background in juvenile prosecution is invaluable. I often pull juvenile records and files when making prosecutorial decisions on a case. It is often helpful for the court and defense attorneys to have juvenile evaluation records. Additionally, there are cases where General Sessions Defendants have juvenile co-defendants or where a young defendant in General Sessions court may have a pending juvenile case or be on probation with the Department of Juvenile Justice.
- (f) **Appearances in Family Court:** I have not appeared as an attorney for a party participant in a Family Court case in the

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past 5 years. However, I have supervised our juvenile court prosecutor. I have also attended hearings as needed to advise the court of the status of a General Sessions matter including abuse and neglect proceedings, juvenile proceedings, and a grandparent visitation action where there was a pending General Sessions case against the parent. I am currently prosecuting a juvenile case involving a violent crime in Family Court.

Ms. Richardson reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None except as observer in a case with a Defendant that also had state charges;
- (b) State: I average about two weeks per month in General Sessions Court. I am occasionally in Magistrate's court for preliminary hearings and bond hearings.

Ms. Richardson reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Ms. Richardson reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: In nearly 100% of my cases in the past 5 years, the defendant had the right to a jury trial. The majority of cases resolve without a jury trial. I have tried approximately 11 jury trials to a jury decision in General Sessions Court in the past five years and have prepared for jury trials in numerous cases which were resolved prior to trial.
- (b) Non-jury:

Ms. Richardson provided that during the past five years she most often served as sole counsel and/chief counsel.

The following is Ms. Richardson's account of her five most significant litigated matters:

- (a) **In re Christian H. and State v. Christian Helms** – I prosecuted this case in both Horry County Family

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Court and Horry County General Sessions Court. I was the Senior Assistant Solicitor in Family Court and represented the State in a waiver hearing on the charge of Attempted Murder, Weapons charges, and Possession of an Incendiary Device. The case involved a 14-year-old student who brought a loaded handgun to school and attempted to take the School Resource Officers service weapon at gunpoint. The officer tackled the defendant, and the Defendant fired a shot at the officer, grazing the officer's head. The Defendant had functional pipe bombs in his backpack as well as a video recording prepared for this family detailing his plans to take the Officers gun for additional firepower, to kill multiple students at random, and then killing himself. The Defendant also had a journal detailing plans for a mass school shooting, including a list of intended targets. The writings demonstrated that he idolized past school shooters particularly from Columbine. I represented the State in the waiver hearing where I called between twenty and thirty witnesses, including students, teachers, administrators, DJJ employees, psychologist, firearms experts, an expert in explosives, and law enforcement officers. The Defendant was waived to General Sessions Court. I then assisted in the prosecution of the case in General Sessions Court. The Defendant pleaded guilty after a jury was selected for his General Sessions trial. This case garnered significant media attention not just because of the nature of the case but also because the defendant's family gave media interviews portraying him as a victim of bullying. The case involved issues with school safety, mental health, confidentiality of records of minor, the Freedom of Information Act, and media coverage of juvenile proceedings. Many of the proceedings were recorded by media outlets. Mr. Helms has completed his sentence, including probation and parole. Since completing his sentence, he has attempted to contact some of the participants.

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- (b) **State v. Alexander Rhue, Sr., Alexander Rhue, Jr., and Tiesh Rhue.** - I along with an Assistant Solicitor prosecuted this case in Georgetown General Sessions Court. The three co-defendants were tried together in a week and a half long trial in October, 2021. The case involved the murder of Leon Harrison, Jr. Mr. Harrison's partially decomposed body was discovered in the river with his hands and feet bound. It was estimated that his death occurred two weeks prior, and a cause of death could not be determined. Mr. Harrison's wife, her father, and her brother were charged in his murder, and the motive was believed to be domestic in nature. This was a circumstantial evidence case with multiple expert witnesses including serology, DNA, cell phone data, cell site tower location and mapping, as well as the emerging technology of Google geo-fencing and location data. The admissibility of evidence collected by search warrants was a crucial issue in the prosecution of the case. Tiesh Rhue and Alexander Rhue, Jr. were convicted of Murder and related charges, and have appealed their convictions. Their father Alexander Rhue, Sr. was acquitted of murder but convicted of Obstruction of Justice. This case was significant not just because of the seriousness of the charges but also because of the logistical challenges of conducting a three co-defendant trial while following COVID protocols. Additionally, because of the family relationship of the victim and defendants, emotions ran high both in and out of the courtroom. There were significant concerns regarding reported threats of violence at the courthouse, particularly with the verdict being reached late in the evening. This case demonstrated how the Judge, attorneys, courthouse staff, and law enforcement all worked together to maintain public access to judicial proceedings and successfully ensuring the safety of all participants.

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- (c) **State v. Marissa Cohen and State v. Randy Collins, (State v. Collins, 435 S.C. 31, 864 S.E.2d 914 (Ct. App. 2021), cert granted), State v. Devon Coombs.** - These Georgetown County General Sessions cases involve co-defendants charged in the tragic arson death of a 12-year-old child and the subsequent shooting death of one of the arson defendants by the deceased child's brother.

Firefighters discovered the body of a 12-year-old boy after extinguishing a fire in what was believed to be a vacant mobile home. The child's mother, Marissa Cohen, and Randy Collins and his nephew James Miller were charged with Arson First Degree after Randy Collins gave statements that Ms. Cohen had enlisted Collins and Miller to burn the mobile home for insurance proceeds. He declined to cooperate with the state without the assurance of leniency. His case was tried in November 2018. I prosecuted the case along with an Assistant Solicitor. The primary issues were his competency to stand trial and the voluntariness of his confession. The Defendant was found competent after a contested hearing, and the statements were found to be admissible in pre-trial hearings Mr. Collins was convicted by a jury and sentenced to 30 years in prison. His conviction was overturned by the Court of Appeals in 2021. The Court held that his confession was not voluntary. The State has appealed to the Supreme Court and the appeal is pending. While his appeal was pending, Mr. Collins testified in the trial of co-defendant Marissa Cohen. I along with another Assistant Solicitor tried Ms. Cohen's case in January 2020 prior to the COVID pandemic. Ms. Cohen had a protracted process to determine competency but was found competent to stand trial after a contested hearing. Ms. Cohen was convicted and sentenced to thirty-five years in prison.

The tragedy of this case was compounded when James Miller was shot and killed by Devon Coombs, the 17-year-old brother of the deceased child and the son of Defendant Marissa Cohen. Evidence gathered in the investigation of Mr. Miller's death was used in the Arson trials. I was the prosecuting attorney in Mr. Coombs trial in August, 2017. Mr. Coombs pleaded guilty to Voluntary Manslaughter midway through his trial.

- (d) **State v. Frederick Willaims** – I along with an Assistant Solicitor tried this Criminal Sexual Conduct with a Minor case in Georgetown County Sessions Court. The participants were related which made prosecution even more difficult for the family. In this case the minor

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victim and another minor witness testified, and I had to prepare them to testify not just with the perpetrator present but also with a room full of strangers. The victim and victim's family expressed significant fear of the Defendant during the trial of the case. This was exacerbated by the Defendant's use of "roots." This case demonstrates the conflicting emotions when family members are on opposing sides of a courtroom. It also demonstrates the importance of understanding how cultural and religious beliefs can impact the parties.

- (e) **State v. Damonte Rivera Georgetown General Sessions court.** - I was the prosecuting attorney for the trial of this case in 2015. It involved a home invasion, burglary, and armed robbery of a family in the city of Georgetown with five co-defendants involved. Later in the night after the home invasion, one of the co-defendants was shot and killed by two other co-defendants. Because much of the same evidence was needed to prove both crimes, the charges were joined. Mr. Rivera was tried for both the home invasion and the murder of the co-defendant. The case involved testimony of a minor victim, multiple out of state witnesses with Interstate Compact proceedings to secure witness attendance, a Federal Writ to secure the attendance of a federal cooperating inmate, DNA evidence, co-defendant testimony, cell phone data and mapping involving multiple cellular devices and multiple cellular providers, lost evidence, and Giglio issues. Mr. Rivera was convicted of all charges and sentenced to life in prison with, consecutive sentences for each additional charge. The Defendant actually asked the Judge to sentence him to consecutive maximum penalties. The Defendant died in prison during the riot at Lee Correctional Institute and the appeal was dismissed. This case was significant because it was actually two crimes, with two crime scenes, and with separate victims. There was a massive

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amount of discovery and multiple attorneys involved between all the co-defendants and witnesses with pending charges.

Ms. Richardson reported she has not personally handled any civil appeals.

The following is Ms. Richardson's account of the criminal appeal she has personally handled:

Sate v. Diquan Johnson – This was an appeal to Circuit Court of a Family Court Order denying the State's Motion to transfer/waive jurisdiction to General Sessions Court of a Murder charge against the 15-year-old defendant. I was not involved in the Family Court waiver hearing but was asked by the Solicitor to handle the appeal and assist the juvenile court prosecutor. This was the first time I was aware of our office appealing a Family Court order to Circuit Court. I prepared a "Record on Appeal" and was able to introduce it as an exhibit in the Circuit Court hearing, I argued the case in Circuit Court. The appeal was successful, and jurisdiction was transferred to General Sessions Court. He later pleaded guilty to Voluntary Manslaughter in General Sessions Court.

(9) Judicial Temperament:

The Commission believes that Ms. Richardson's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications reported Ms. Richardson to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability.

Ms. Richardson is married to Charles Thomas Richardson. She has three children.

Ms. Richardson reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association 1995-present
- (b) Georgetown County Bar Association, approximately 2014 - present

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- (c) former member, Horry County Bar Association
- (d) former member, Marion County Bar, Secretary-Treasurer for a few years approximately 1996-2000

Ms. Richardson provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations, and was involved in the following professional activities:

- (a) Ernest F. Hollings Award for Excellence in State Prosecution, Family Court 2009
- (b) South Carolina Supreme Court Docket Management Task Force, Family Court 2011-12
- (c) Completed Leadership Challenge Workshop, 2021
- (d) Completed, What You Do Matters Lessons from the Holocaust 2021
- (e) Completed, South Carolina Coalition Against Domestic Violence and Sexual Assault "Helping Juries Understand Sexual Assault," 2012
- (f) Attended, Public Agency Training Council, "Rape and Sex Crimes Investigation," 2005
- (g) Completed, American Prosecutors Research Institute Prosecutorial Leadership Course, 2003
- (h) Completed, South Carolina Council for Conflict Resolution Family/Divorce Mediation Training, March 8, 1999
- (i) Attended, Twelfth International Conference of Shaken Baby Syndrome/Abusive Head Trauma, Boston, MA, September 29 – October 1, 2012

Ms. Richardson further reported:

In preparing this application packet, I miraculously found drafts of my law school application essay I wrote over half of my lifetime ago. It was a humbling reminder of why I became a lawyer, why I have spent the majority of my career in public service, and why I am applying for the position of Family Court Judge. It is who I am and who I have always been.

This is some of what I wrote over 30 years ago:

The unique circumstances and experiences of my life have instilled in me the qualities that I feel are necessary for a legal career. Much of who I am is derived from my family. I am the daughter of a Southern Baptist Minister. My mother suffered from severe rheumatoid arthritis since her

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teens, but she never let her physical disabilities stop her from helping others. At the age of fifteen, I lost my older brother in an automobile accident. From that moment on, I realized that life itself is the most precious gift we have, and that family should never be taken for granted.

My parents were foster parents from the time I was eight years old. I have witnessed firsthand how the wrongdoings of one individual can nearly destroy the life of another. I have also witnessed the power of rehabilitation. I have seen frightened and withdrawn children become happy and outgoing once they were placed in a safe and loving environment. I have watched families that faced insurmountable odds become whole again.

I sincerely feel that I can make a difference. Some may feel that I am idealistic and not realistic, but I am determined to use my abilities to help others and our State. I have high goals that I am determined to reach. I want to work in the Family Court and with the Department of Social Services. I am aspiring to one day be Solicitor of my county and eventually to be a Judge.

I felt that way then and feel even stronger now. Since drafting that essay in hopes of beginning a legal career, I have added a vast array of personal and professional experience and life lessons that have prepared me for this position. I have been married for twenty-eight years and have three wonderful children. I have balanced a demanding legal career with the demands of motherhood.

While my legal career has not just been in Family Court, I feel that the experience I gained in prosecuting General Sessions Cases would be a benefit if I became a Family Court Judge. I want to be the type of Judge who is fair, honest, decisive, and sees the big picture. Safety, security, happiness, and being a productive citizen begin in the home. When disputes and problems arise with families and children, when children are abused or neglected, and when juveniles begin down the wrong path, there must be clear, fair, and decisive resolutions and guidance to ensure to help individuals become whole again.

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(11) Commission Members' Comments:

The Commission commented that Ms. Richardson appears to be well liked by her peers and has an excellent temperament that would serve her well should she be elected to the Family Court.

(12) Conclusion:

The Commission found Ms. Richardson qualified, and nominated her for election to the Family Court, Twelfth Judicial Circuit, Seat 1.

**The Honorable Thomas T. Hodges
Family Court, At-Large, Seat 7**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Hodges meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Hodges was born in 1959. He is 63 years old and a resident of Greenville, South Carolina. Judge Hodges provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Hodges.

Judge Hodges demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Hodges reported that he has not made any campaign expenditures.

Judge Hodges testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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(c) asked third persons to contact members of the General Assembly prior to screening.
Judge Hodges testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Hodges to be intelligent and knowledgeable.

Judge Hodges reported that he has taught the following law-related courses:

- (a) I moderated a CLE in 2011 titled "What Family Court Judges Want You to Know". This seminar involved a panel of eight Family Court judges speaking on a variety of topics.
- (b) I have spoken at several Greenville Bar Association Year End CLEs since becoming a judge. These covered common Family Court issues such as evidence, trial preparation, dos and don'ts in Family Court.
- (c) I have spoken at several CLE seminars for the Upstate Mediation center. These also covered common Family Court issues, such as trial preparation and evidence, as well as provided open forums for questions and answers.

Judge Hodges reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Hodges did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Hodges did not indicate any evidence of a troubled financial status. Judge Hodges has handled his financial affairs responsibly.

The Commission also noted that Judge Hodges was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Judge Hodges reported his last available rating by legal rating organizations:

- from Martindale-Hubbell, AV Rating.
- from Super Lawyers, Super Lawyer in Family Law.

Judge Hodges reported that he has not served in the military.

Judge Hodges reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Hodges appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Hodges appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Hodges was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

- (a) I graduated from law school in May 1987
- (b) Haynsworth, Baldwin, Miles, Johnson, Greaves and Edwards. Associate from August 1987 to December 1994. Partner from 1994 to May 2003. The firm was a labor and employment firm representing employers exclusively. The scope of my work ranged from legal research in the early years to appearing before various State and Federal agencies and courts representing clients in labor disputes in later years. I was not involved in any financial management of the firm.
- (c) Robertson Hodges and Coleman. Partner from October 2003 to 2005. In October 2003 Marsh Robertson (now Judge Robertson), Anne Coleman and I formed Robertson Hodges and Coleman. Our practice was limited to Family Court

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matters exclusively. Coleman left the practice in 2005. Each of us maintained separate trust and operating accounts. We had one combined operating account that was used to pay joint expenses.

- (d) Robertson and Hodges 2005 to February 2010. After Anne Coleman's departure, Marsh Robertson and I formed Robertson and Hodges, LLC. We continued to practice exclusively in Family Court and continued our same financial arrangement of having separate operating and trust accounts. This partnership was dissolved when Robertson was elected to the Family Court bench in 2010.
- (e) Thomas T. Hodges, P.A. February 2010 to May 2017. During this period, I was a solo practitioner. I continued to limit my practice to Family Court matters. I practiced until my election to the Family Court bench. I was solely responsible for administrative and financial matters.

Judge Hodges reported that he has held the following judicial office(s): I was elected to the Family Court bench in February 2017. I took office on July 3, 2017 and continue in that position today. The Family Court has exclusive jurisdiction in all matters concerning family or domestic relationships, including, divorce, separation, alimony, equitable distribution, custody, child support, adoptions, abuse and neglect, termination of parental rights, and juvenile delinquency.

Judge Hodges provided the following list of his most significant orders or opinions:

- (a) State v. A.W., 2016-JU-23-503 and 504; 2017-JU-23-978 and 979. This matter involved a motion to waive a juvenile's charges for murder, armed robbery and possession of a weapon during the commission of a violent crime to the Court of General Sessions so that the juvenile could be tried as an adult. In summary the State alleged that the defendant, along with another juvenile, chased an innocent man into a cemetery and shot him four times in the mistaken belief that he was someone else. After a full day of testimony from various witnesses, including psychologists and other professionals, I found that it was appropriate that the case be transferred to General Sessions.

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- (b) DSS v. Savannah Ann Spoon and Earl Wayne Hitt, 2016-DR-39-0897, Appellate Case Number: 2017-002484. This matter was a multi-day termination of parental rights case. There were numerous allegations against both parents. After careful consideration I found that the best interests of the children would be served by terminating the parents' parental rights. My decision was affirmed on appeal by the Court of Appeals.
- (c) Kravets v. Kravets, 2016-DR-39-0904. This was a divorce case that included issues of alimony, equitable division and attorney fees. Complicating this case was the existence of a closely held business, the value of which was highly disputed. The case included testimony from expert witnesses concerning the value the business and the existence of undisclosed income.
- (d) Nunn v. Nunn, 2019-DR-23-2215. This case involved a request to modify an alimony award based on the subsequent retirement of the supporting spouse. After considering all testimony and exhibits, I found that while the plaintiff had retired and had less income, his retirement was voluntary; he had not proven that his former spouse needed less support and, most importantly, he still had the ability to pay since he had amassed an estate in excess of one million dollars since the prior order was issued.
- (e) Kearns v. Odom, 2017-DR-23-2201, 2022-UP-191. This was a multi-day trial involving a father's attempt to modify a preexisting custody order granting the parents equal time with their child. After considering all the evidence and testimony, I found that he had not proven a change of circumstances warranting a modification. This finding was affirmed by the Court of Appeals. I also ordered the plaintiff to pay a significant amount of attorney fees. This was also affirmed on appeal. Additionally, I ordered the plaintiff to pay a substantial increase in child support. This issue was not appealed.

Judge Hodges reported no other employment while serving as a judge.

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Judge Hodges further reported the following regarding unsuccessful candidacies:

- (a) I was a candidate for Judge of the Family Court, At-Large Seat 6 in the fall of 2012. I was found qualified and nominated but withdrew my name from consideration prior to the election.
- (b) I was a candidate for Judge of the Family Court, Thirteenth Judicial Circuit, Seat 5 in the fall of 2013. I was found qualified but not nominated.
- (c) I was a candidate for Judge of the Family Court, Thirteenth Judicial Circuit, Seat 3 in the Spring of 2016. I was found qualified and nominated but withdrew my name from consideration prior to the election.

(9) Judicial Temperament:

The Commission believes that Judge Hodges's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Hodges to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Hodges is married to Erroll Anne Yarbrough. He has two children.

Judge Hodges reported that he was a member of the following Bar and professional associations:

- (a) Greenville County Bar
- (b) SC Bar
- (c) SC Family Law Inn of Court

Judge Hodges provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) I am a member of the Greenville Country Club and have served on the Nominating Committee.

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- (b) I am a member of Hogskin Hunt Club and have served as the Vice President.
- (c) I am a member of the Greenville Gun Club.

Judge Hodges further reported:

I have been a lawyer for almost 35 years. In my career I have seen and dealt with people from every financial, educational and social background. What I have learned is that almost everyone, regardless of their educational, financial or social background, will at one time or another enter a Family Court courtroom and when they do, they hope to be treated respectfully and fairly regardless of their status. I believe that my time on the bench has shown that I am capable of providing that respect and giving each person a fair hearing while honorably representing the State of South Carolina. Each day I try to improve my job performance so that each person leaves the courthouse feeling like they were important enough for me to care about them and their circumstances.

(11) Commission Members' Comments:

The Commission is impressed with Judge Hodges's intellect as well as his sense of humor. Further, the Commission noted how impressive the BallotBox comments are and that his judicial temperament is well suited for service on the family court bench.

(12) Conclusion:

The Commission found Judge Hodges qualified, and nominated him for re-election to Family Court, At-Large, Seat 7.

**The Honorable Rosalyn Frierson-Smith
Family Court, At-Large, Seat 8**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Frierson-Smith meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Frierson-Smith was born in 1958. She is 64 years old and a resident of Columbia, South Carolina. Judge Frierson-Smith provided in her application that she has been a resident of South Carolina for at least

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the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Frierson-Smith.

Judge Frierson-Smith demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Frierson-Smith reported that she has not made any campaign expenditures.

Judge Frierson-Smith testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Frierson-Smith testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Frierson-Smith to be intelligent and knowledgeable.

Judge Frierson-Smith reported that she has taught the following law-related courses:

- (a) I have served on a panel of judges for the Statewide Guardian ad Litem CLE Training, January 31, 2020.
- (b) I have served as a panelist on the Access to Justice in Civil Cases, for the S.C. Legal Services 50th Anniversary Celebration representing Family Court, February 15, 2018.
- (c) I was the Honors Day Convocation Speaker at Morris College, February 10, 2022.
- (d) I served on a Roundtable Panel at the Probate Bench Bar CLE – Intersection of Family Court and Probate Court, September 7, 2018.

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- (e) I made a presentation to the Clerks of Court and Register of Deeds Conference on the perspective from the administrative and judicial sides of the court system, April 30, 2018.
- (f) I have served as a panelist on the 2021 ABA Judicial Panel-Demystifying the Judicial Election and Selection Process: State and Federal Courts, January 19, 2021.
- (g) I have made presentations at the S.C. Bar “Bridge the Gap” Program for new lawyers giving an overview of the State Court System. I have presented at almost all programs since becoming State Court Administrator in 1998 until 2012 when the program format changed.
- (h) I have provided opening remarks and overview to Summary Court judges during the Orientation School for Summary Court judges twice a year for at least 14 years.
- (i) I was a panelist at the University of Kentucky Law Journal Symposium on Court Funding, 9/23/2011. The topic was 18th Century Courts – 21st Century Expectations. The audience included State Chief Justices, State Court Administrators, attorneys and law professors from across the U.S. and territories.
- (j) I was a presenter at the 2008 Annual Meeting of the Conference of Chief Justices and State Court Administrators during an educational session. The educational session was a mock trial where I presented oral argument on behalf of the state in a hypothetical case related to ethical misconduct. The audience was State Chief Justices and State Court Administrators and other guests.
- (k) I have made numerous presentations at the annual Clerks of Court Association conferences related to court related procedural issues, legislation affecting the courts and other pressing concerns affecting clerks of court and the operation of the courts.
- (l) I was a presenter at the ABA Task Force on Preservation of the Justice System - General Counsel Summit May 2, 2012. The summit included chief legal counsel from America’s leading corporations, Chief Justices and other attorneys.
- (m) I was a presenter at the ABA Symposium titled Justice is the Business of Government: The Critical Role of Fair & Impartial State Courts, 5/7-9/2009. The invitation only national conference was hosted by the ABA Presidential Commission on Fair and Impartial State Courts and the National Center for State Courts. The discussion centered around best practices for improving inter-branch cooperation towards the goal of making the justice system more effective and efficient to meet the needs of the public.

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(n) I was a panelist at the ABA Tort Trial & Insurance Practice Section CLE 5/18/2012, discussing continuity of operations for state courts in the event of a disaster. The audience consisted of attorneys from various states.

(o) I was a presenter at the Master in Equity CLE discussing background leading to the mortgage foreclosure administrative order issued by the Supreme Court in May 2011 and provided information on recent court procedural changes.

(p) I was a presenter at a Bench Bar Hot Tips CLE December 7, 2012, discussing the requirements of the recently enacted Parenting Plan. The audience included the family court bench and attorneys.

(q) I was a presenter at the 2016 Annual Meeting of the Conference of Chief Justices and State Court Administrators during an educational session. I served as moderator July 26, 2016, for the Session titled Third Party Evaluators in Child Custody Proceedings: Who Are They and What Are the Standards of Practice. The audience was State Chief Justices, State Court Administrators and other guests.

Judge Frierson-Smith reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Frierson-Smith did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Frierson-Smith did not indicate any evidence of disqualifying financial issues. The Commission noted the state and federal tax liens jointly filed against her and her former spouse, which related to her former spouse's self-employment taxes, have been satisfied.

The Commission also noted that Judge Frierson-Smith was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Frierson-Smith reported that she is not rated by any legal rating organization.

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Judge Frierson-Smith reported that she has not served in the military.

Judge Frierson-Smith reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Frierson-Smith appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Frierson-Smith appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Frierson-Smith was admitted to the South Carolina Bar in 1992.

She gave the following account of her legal experience since graduation from law school:

(a) Summer Associate, Nelson, Mullins, Riley & Scarborough, Columbia, South Carolina, May 1990 - August 1990; May 1991 - August 1991

Researched legal issues and drafted memoranda with emphasis in Workers' Compensation, Bankruptcy and Commercial Law.

(b) Staff Attorney: South Carolina Supreme Court, August 1992 - July 1993

I researched legal issues; prepared screening memoranda and reviewed appellate motions for the Supreme Court Justices.

(c) Legal Writing Instructor University of South Carolina School of Law 1998-1999

I taught legal writing to first year law students and was responsible for providing instruction on legal research and legal writing, graded assignments and provided course grades.

(d) Law Clerk to the Honorable Ernest A. Finney, Jr., Chief Justice

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South Carolina Supreme Court, July 1993 - November 1998

As a Supreme Court law clerk, I researched complex legal issues on appeal to the Supreme Court. I wrote bench memoranda for the court providing legal case analysis and proposed recommendations and opinions in the areas of domestic, civil and criminal law. Because of my earlier experience as a Budget Research Analyst for the House of Representatives, Ways and Means Committee, I assumed the additional duty of monitoring legislative bills that affected the Judicial Branch, as well as the Appropriations Act.

(e) State Court Administrator, S.C. Judicial Department;
November 1998 – June 2017

As State Court Administrator, I am responsible for administering the state court system under the direction of the Chief Justice of the S.C. Supreme Court. My Responsibilities include developing procedures to implement Supreme Court rules, policies and state and federal law affecting state courts. Additional responsibilities include coordinating state judicial functions with county court officials; serving as State contact with the National Center for State Courts; serving as a conduit for information for the management of personnel and operations in support of the functions of the state courts at all levels. Duties include serving as liaison between the Legislative and Judicial Branch relating to the annual appropriation act and legislation affecting the courts. My duties involve managing Court Administration staff including five staff attorneys and over 100 Judicial Department Court Reporters. As State Court Administrator, my responsibilities include responding to legislative, governmental, media and citizen inquiries. Duties require frequent interaction with governmental agencies such as the Department of Social Services, Department of Juvenile Justice, Probation Parole and Pardon, Department of Corrections, Guardian ad Litem and Foster Care Review Board regarding state court policies and procedures. I assist the media with requests for court related information promoting public accountability and transparency. Duties include making recommendations to the Supreme Court to implement changes in state law and court rules. My office is responsible for providing education and direction to judges, clerks of court and the bar to implement new policies and procedures. This position involves identifying emerging issues that may impact the courts statewide or that may have precedent setting impact and making recommendations to the Supreme Court to address the challenges. On a regular basis, I am required to exercise judgment

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and problem resolution skills particularly related to the interpretation of state law and court rules.

- (f) Substitute Municipal Court Judge – City of Columbia; August 2013 – June 2017

I was appointed by Columbia City Council to serve as Substitute Municipal Court Judge. As a substitute judge, I held court an average of two to five days per month. Municipal Court, with some exceptions, has jurisdiction over criminal offenses that are subject to fines of not more than \$500.00 and/or imprisonment of not more than 30 days. As Municipal Court judge I presided over preliminary hearings, bond court, non-jury criminal, domestic violence, and traffic cases.

- (g) Family Court Judge – At-Large, Seat 8, July 2017 – present

Family Court is a court of limited jurisdiction and has exclusive jurisdiction over all matters involving domestic or family relationships. It is the sole forum for the hearing of all cases concerning marriage, divorce, separate maintenance, child custody and visitation, termination of parental rights, adoption, child abuse and neglect, protection of vulnerable adults and juvenile delinquency and other matters as provided by law.

Judge Frierson-Smith reported that she has held the following judicial office(s):

- (a) Family Court Judge elected by the General Assembly February 2017
- (b) Substitute Municipal Court Judge, appointed by Columbia City Council; August 2013–June 2017. Municipal Court, with some exceptions, has jurisdiction over criminal offenses that are subject to fines of not more than \$500.00 and/or imprisonment of not more than 30 days. Municipal judges preside over traffic court, criminal court, quality of life court, domestic violence court, and bond court.

Judge Frierson-Smith provided the following list of her most significant orders or opinions:

- (a) Gwendolyn Stanley v. James Gardner, 2016-DR-28-317
- (b) Gregory Charles v. Sherilyn Charles, 2015-DR-40-2978

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- (c) SCDSS v. Edward Larsen, Karen Larsen, 2017-DR-40-0259, Op. No. 2019-UP-372 & 2019-UP-373, (S.C. Ct. App. filed Dec. 3, 2019)
- (d) Malinda Sullivan-Carter v. Sammy Joe Carter, 2017-DR-28-112
- (e) Joshua Crowell v. Samantha Brown, 2019-DR-40-0974

Judge Frierson-Smith reported no other employment while serving as a judge.

Judge Frierson-Smith further reported the following regarding unsuccessful candidacies:

I ran for Family Court At-Large seat #1, Jan. 2013. I was found qualified and nominated. The first ballot was tied and I lost on the second ballot by one vote.

(9) Judicial Temperament:

The Commission believes that Judge Frierson-Smith's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications reported Judge Frierson-Smith to be "Well Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted: "Has been a great asset to the family court bench."

Judge Frierson-Smith is married to Leroy Smith Jr. She has two children and one stepchild.

Judge Frierson-Smith reported that she was a member of the following Bar and professional associations:

- (a) S.C. Women Lawyers Association, President 2007
- (b) S.C. Bar House of Delegates, 2010 - 2017
- (c) ABA State Delegate representing SC Bar, 2010 - 2014
- (d) Richland County Bar Association member, 2000 – present

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- (e) Richland County Bar Association Civic Star Award, 2002
- (f) American Bar Association member, 2008- present
- (g) ABA Family Law Section
- (h) S.C. Black Lawyers Association
- (i) S.C. Supreme Court Commission on Judicial Conduct
- (j) Family Court Bench Bar Committee
- (k) S.C. Children's Justice Act Task Force
- (l) Supreme Court Committee on Private Guardian ad Litem Issues
- (m) Pro Bono Board of the South Carolina Bar
- (n) One Judge One Case Committee Meeting
- (o) S.C. Family Law American Inn of Court
- (p) President Conference of State Court Administrators, 7/2011-8/2012
- (q) Vice Chair, National Center for State Courts, 7/2011-8/2012
- (r) S.C. Lawyer Magazine Articles Editorial Board, 2006 – 2017- Editor 2014-2016
- (s) Executive Session for State Court Leaders in the 21st Century

Harvard Kennedy School of Government (participation by invitation), 2009 -2011

- (t) Inductee, National Center for State Courts Warren E. Burger Society, 2014
- (u) S.C. Lawyers Weekly Leadership in Law Award Honoree, 2015
- (v) Gold Compleat Lawyer Awardee, USC School of Law Alumni Council, 2016

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- (w) National Task Force on Fines, Fees, & Bail Practices,
Advisory Board, 2015-2021

Judge Frierson-Smith provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Columbia Alumnae Chapter of Delta Sigma Theta Sorority,
Inc.,

President, 2007 – 2011

Parliamentarian, 2003 – 2007

- (b) St. Martin de Porres Catholic Church, Member and Lector
(Lay Reader)

- (c) St. Martin de Porres Rosary Altar Society, Parliamentarian,
2011 - 2012

- (d) Rosary Altar Society Vice President, 2018 – present

- (e) Columbia Deanery Council of Catholic Women,
Parliamentarian, 2020- 2022

- (f) Columbia Deanery, Catholic Woman of the Year, 2020

- (g) Diocese of Charleston, Catholic Woman of the Year, 2020

- (h) Columbia Chapter of The Links, Incorporated

- (i) Delta House Inc., Board of Directors, 2021-present

- (j) Columbia Alumni Chapter Silhouettes member (Kappa
Alpha Psi Fraternity)

Judge Frierson-Smith further reported:

By all measures I am grateful for and humbled by the public trust to serve as a Family Court Judge. Early in my appointment to the bench, I was cautioned to exemplify the type of judgeship that offers each litigant due respect and objective fairness. I accepted this challenge as a core principle of how I interact with all parties, irrespective of their position taken in a case. I am forever mindful that my deliberations and decisions carry far reaching consequences, which I pledge to give my full attention.

(11) Commission Members' Comments:

One affidavit was filed against Judge Frierson-Smith by Ms. Rhonda Meisner. The Commission thoroughly reviewed all documents while

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carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony and questioned the complainant, and allowed Judge Frierson-Smith to reply to the allegations.

After thoroughly reviewing the complaint and hearing testimony at the public hearing, the Commission does not find a failing on the part of Judge Frierson Smith in the nine evaluative criteria.

The Commission noted Judge Frierson-Smith enjoys a reputation among attorneys as a hard-working, respected, and fair family court jurist.

(12) Conclusion:

The Commission found Judge Frierson-Smith qualified, and nominated her for re-election to Family Court, At-Large. Seat 8.

**ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED**

**Stephanie N. Lawrence
Administrative Law Court, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Administrative Law Court, Seat 5, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Lawrence meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

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Ms. Lawrence was born in 1974. She is 48 years old and a resident of Columbia, South Carolina. Ms. Lawrence provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Lawrence.

Ms. Lawrence demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Lawrence reported that she has not made any campaign expenditures.

Ms. Lawrence testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Lawrence testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Lawrence to be intelligent and knowledgeable.

Ms. Lawrence reported that she has taught the following law-related courses:

- (a) I have made presentations on the topic of South Carolina Workers' Compensation for insurance representatives, third-party administrators, and employers. These were client driven for annual updates, team training, and/or to satisfy continuing education requirements for insurance adjusters. The presentations generally included an overview of SC Workers' Compensation law, management of cases

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from inception to closure, forms training, best practices, case law updates and question/answer sessions.

- (b) I have provided training on Education Law related issues to South Carolina public school entities.

Ms. Lawrence reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Lawrence did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Lawrence did not indicate any evidence of a troubled financial status. Ms. Lawrence has handled her financial affairs responsibly.

The Commission also noted that Ms. Lawrence was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Lawrence reported that she is not rated by any legal rating organization.

Ms. Lawrence reported that she has not served in the military.

Ms. Lawrence reported that she has never held public office.

(6) Physical Health:

Ms. Lawrence appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Lawrence appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Lawrence was admitted to the South Carolina Bar in 2006.

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She gave the following account of her legal experience since graduation from law school:

(a) BOYKIN & DAVIS, L.L.C., Columbia, SC

Associate (Aug 2006 – July 2008) Senior Associate (August 2008 – February 2011)

- Practiced in the areas of Employment and Education Law with a client base consisting mainly of public entities. These include public school districts, public colleges and technical colleges, small towns, and municipalities.
- Advised clients on responsibilities under Title VII, Americans with Disabilities Act, Age Discrimination in Employment Act, Family Medical Leave Act, and other federal and state employment statutes.
- Responded to various federal and state agencies in connection with discrimination-based investigations, including preparation of position statements to the EEOC, S.C. Human Affairs Commission, and the U.S. Department of Justice.
- Conducted training for school districts regarding various personnel and student-related issues including teacher dismissal proceedings.

(b) MCANGUS, GOUDELOCK & COURIE

Senior Associate (February 2011 – February 2012)

- Practiced in the area of South Carolina Workers' Compensation law.
- Managed litigation of cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.

(c) MILLER LAWRENCE, L.L.C.

Owner/Partner (February 2012 –August 2013)

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- Operated a boutique style litigation defense firm that provided legal representation in the areas of South Carolina Workers' Compensation law and liability defense to employers, insurance providers and Third-Party Administrators.
- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.
- Direct and daily involvement with the administrative and financial management of this firm, including management of its trust account.

(d) DICKIE, MCCAMEY & CHILCOTE, P.C.

Of Counsel (August 2013 – December 2017) Shareholder (January 2018 – January 2020)

- Practiced primarily in the area of South Carolina Workers' Compensation law, with some Employment law and Insurance Defense.
- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act as well as some state and federal employment statutes.
- Direct and daily involvement with the administrative and financial management of the South Carolina office, with no involvement in any of the firm's trust accounts.

(e) AFR HEARING SERVICES, LLC

Owner (January 2020 – Present)

- Provide service as an attorney hearing officer to state and local entities in various due process/grievance proceedings.

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- Analyze pre-hearing submissions to include Pre-hearing statements and proposed exhibits.
- Preside over full evidentiary hearings in accordance with South Carolina Rules of Civil Procedure and Evidence.
- Prepare Report and Recommendation(s) for final decision by authorizing agency.
- Direct and daily involvement with the administrative and financial management of the business.

(f) SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION (SCSBA)

Director of Policy and Legal Services (July 2021 – July 2022)

General Counsel (July 2022 – Present)

- Coordinate the operation of SCSBA's policy and legal services division to ensure local school boards receive the necessary assistance in the governance of their school districts through policy.
- Ensure that districts are kept informed of legal developments in school law and its impact on their board and district policies.
- Provide ongoing training to local school boards on topics relating to effective governance of school districts.
- Coordinate and direct the continuing legal education programming for school law attorneys in the state through the South Carolina Council of School Attorneys (COSA).
- Provide legal oversight concerning South Carolina School Board Association matters.

Ms. Lawrence further reported regarding her experience with the Administrative Law Court practice area:

I was second chair in a couple of matters before the Administrative Law Court while employed with Boykin & Davis LLC. These entailed prosecuting OSHA citations on behalf of the South Carolina Department of Labor Licensing and Regulation. The issues discussed were analysis

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of serious versus other than serious violations relating to excavation and proper slope calculations. I have had no appearances within the last five years as my practice was focused solely before the South Carolina Workers' Compensation Commission and then presiding over matters as a hearing officer for the State Department of Education.

Ms. Lawrence reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: 149 matters before the South Carolina Workers' Compensation Commission; Presiding over 15 matters serving as a hearing officer with the State Department of Education.

Ms. Lawrence reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 96% Workers' Compensation Matters; 4% Education Law Matters.

Ms. Lawrence reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100% before a South Carolina Workers' Compensation Commissioner or Panel.

Ms. Lawrence provided that during the past five years she most often served as sole counsel.

The following is Ms. Lawrence's account of her five most significant litigated matters:

- (a) Karen Wilson, individually and as Personal Representative of the Estate of John Paul Taylor v. Horry Georgetown Technical College, et al.

This was a wrongful death and survival action involving a 14-year-old student who drowned in a hotel swimming pool during a field trip to Ashville, North Carolina. The issues were many, but the most salient I recall was identification of the proper beneficiaries, recoverable damages, negligence standards in student supervision (Tort Claims Act),

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and evidence supporting conscious pain and suffering. There were also informal parenting designations and relationships that considerably impacted the case dynamics.

This case was significant for me because it was my first death case and because of the decedent's age. Also, the impact of the application of the Tort Claims Act on limitation of liability, evidentiary requirements, and damages.

(b) Strickland v. J. Frank Baker, et. al

This was an employment discrimination action filed under Title VII of the Civil Rights Act of 1964. The claim was brought against multiple defendants including two school districts, and several named employees. The matter was initially filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission. After the EEOC issued a Dismissal and Notice of Rights, the Plaintiff filed suit in the United States District Court for the District of South Carolina

The case hinged on timeliness of the claim. The merits, though many, were never really addressed by the Courts. This case was significant for me because of the experience in litigating a claim beginning at a state level agency up to the United State Supreme Court.

(c) Donte Riddick v. Carolina Cannery

This was a denied, then later admitted back claim which ultimately morphed into a denied death claim before the Workers' Compensation Commission. The Claimant received some initial conservative treatment and was returned to work light duty, while awaiting a pending orthopedic evaluation. The Claimant engaged in light duty activities for half a day before complaints, which resulted in his return to out of work status the same day. The next day he died. The cause of death listed on the death certificate was diabetes mellitus. The issue was whether the half day of light duty work activities aggravated the Claimant's diabetic condition thereby causing or contributing to his death.

This case hinged on the medical evidence and expert endocrinologist testimony, which ultimately supported long-term noncompliance with diabetic treatment and a completely different non-work-related cause of death – cardiac arrest with hypercholesterolemia. The case was significant for me because of the details involved in establishing whether a death is related or unrelated under the Workers' Compensation Statute. It was also a great lesson in medical expert strategy.

(d) Travis L. Severson v. Pactiv Corporation

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This matter started out as what seemed like a standard admitted back claim where the Claimant sustained a T-spine fracture when he was using a pry bar to remove a gear box to repair a seal. The Claimant received orthopedic treatment and was eventually referred for oncological evaluation in response to his delayed healing and oncological history. He was ultimately diagnosed with multiple myeloma (bone cancer) and a tumor was identified in the fracture. The issue became one of obligation for continued medical treatment as the Claimant required pain management for his back but was pending a stem cell transplant for the cancer. The case turned on the medical reports and testimony of the oncologist and orthopedic specialists. They were unable to opine to a reasonable degree of medical certainty that the Claimant's continued pain management needs were caused by the work injury versus the underlying cancer condition, which causes bone pain.

Unfortunately, the Claimant's condition progressed rather quickly forcing him and his family to make difficult choices concerning the continued litigation of his claim. The case was ultimately worked out through an agreement of the parties concerning continued treatment obligation and permanency for back injury. This case was significant to me because of the underlying cancer issues which permeated the case. This required more robust discovery, substantial research on the subject matter, and a good amount of coordination across medical specialties in different states. That said, most noteworthy was witnessing the impact of life changing health conditions on litigation.

(e) Joseph Black v. Miles Road Paint & Body, Inc.

This was initially a right knee injury with a later included back claim that was straight forward in terms of acceptance and causally related medical care. The Claimant ultimately required surgery for his knee and physical therapy for the back. The prevalent issue concerned temporary disability payments. Defendants issued required weekly payments, but later requested a credit covering a four-month period when it was discovered the Claimant was also receiving wages from his employer.

The Claimant alleged he never received the temporary disability checks. After Defendants produced evidence showing the checks were cashed, then Claimant maintained the checks were stolen from his mailbox by his ex-wife who suffered a drug addiction. Ultimately, the credit issue was determined in favor of Defendants as there was no evidence to support the Claimant's allegations outside of his own testimony. The Commissioner also concluded the allegation of the Claimant's stolen checks should be pursued in a criminal court setting as the Commission

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lacked subject matter jurisdiction over such matters. This case is significant to me because it was the first time in a hearing where I had to actively work to manage my frustration with a witness in the midst of the hearing testimony.

The following is Ms. Lawrence's account of two civil appeals she has personally handled:

- (a) Sheila Hogan v. Culp, Inc. D/B/A Culp Woven Velvets, Inc., and Farming Casualty Company C/O Travelers (W.C. C. File No: 1021103)

South Carolina Workers' Compensation Commission Appellate Panel,
October 24, 2011

- (b) Strickland v. J. Frank Baker, et. al

United States Court of Appeals for the Fourth Circuit, April 27, 2010

Ms. Lawrence reported she has not personally handled any criminal appeals.

Ms. Lawrence further reported the following regarding unsuccessful candidacies:

I was a candidate for the Administrative Law Court, Seat 3 during the July 2020 – February 2021 judicial cycle. I was found "Well Qualified" and screened out of committee as one of three final candidates. I ultimately withdrew from the race a day or two before election as I lacked enough support in our House of Representatives to win the seat.

- (9) Judicial Temperament:

The Commission believes that Ms. Lawrence's temperament would be excellent.

- (10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Lawrence to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Citizens Committee noted: "Very well versed in admin law. Would make a great asset to the bench!"

Ms. Lawrence is married to Anthony T. Lawrence. She has two children.

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Ms. Lawrence reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association;
- (b) Richland County Bar Association;
- (c) South Carolina Counsel of School Attorneys;
- (d) South Carolina Black Lawyers Association;
- (e) South Carolina Women Lawyers Association.

Ms. Lawrence provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Gamma Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

(Parliamentarian 2016 – 2018)

- (b) Ridgeview High School Improve Council

(Vice Chair 2018 -2019)

- (c) 2022 South Carolina Education Policy Fellow

Ms. Lawrence further reported:

It would be my honor and privilege to serve on the South Carolina Administrative Law Court. I see my service as a member of our judiciary to be the pinnacle of my legal career and how I wish to continue my contributions to our community until retirement. I feel my personality and temperament is well suited to the bench. My legal background evidences my ability to transition across practice areas, which will be necessary to successfully maneuver the learning curve of the Administrative Law Court given the scope of its jurisdiction. I am also confident I have the drive and work ethic to efficiently manage a docket and return decisions in a timely manner.

(11) Commission Members' Comments:

The Commission commented that Ms. Lawrence is well qualified to be an Administrative Law Court judge and that her wealth of experience would serve her well on the bench.

(12) Conclusion:

The Commission found Ms. Lawrence qualified, and nominated her for election to Administrative Law Court, Seat 5.

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**The Honorable Crystal Rookard
Administrative Law Court, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Administrative Law Court, Seat 5, 3 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Rookard meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Rookard was born in 1967. She is 55 years old and a resident of Columbia, South Carolina. Judge Rookard provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Rookard.

Judge Rookard demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Rookard reported that she has not made any campaign expenditures.

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Judge Rookard testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Rookard testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Rookard to be intelligent and knowledgeable.

Judge Rookard reported that she has taught the following law-related courses:

- (a) Spring 2020 - present, I have taught a course for the University of South Carolina School of Law.
- (b) I have conducted seminars regarding contract review and the relationship between external and internal counsel at college financial officer's conferences.
- (c) I have conducted numerous seminars, conference presentations and employee/supervisory training programs regarding civility & sensitivity in the workplace, contract review, employment law/employee relations, discrimination, harassment, human resources, leadership/management, methods to reduce legal exposure, sexual harassment, Campus Save Act, Violence Against Women Act, higher education related legal issues and Title IX.
- (d) I have been employed as an adjunct instructor since 2005 until present at local colleges/university. I have taught healthcare law, business law, criminal justice and in-house counsel/externship course.

Judge Rookard reported that she has not published any books or articles.

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(4) Character:

The Commission's investigation of Judge Rookard did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Rookard did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Rookard was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Rookard reported that she is not rated by any legal rating organization.

Judge Rookard reported that she has not served in the military.

Judge Rookard reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Rookard appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Rookard appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Rookard was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) From 1997 – 1999, I was a law clerk at the Johnson, Toal & Battiste law firm. This law firm handled family law, personal injury, social security, worker's compensation, probate, and criminal law matters. I primarily assisted with the personal injury and worker's compensation matters.

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(b) From 2000 – 2005, I was Deputy General Counsel for the SC Department of Corrections (SCDC). I defended the Department against inmate litigation. The inmate litigation was appealed to the Administrative Law Court. I drafted and filed briefs, prepared documents to be submitted into the record and interacted with staff members of the Administrative Law Court. I handled inmate cases involving prison disciplinary appeals, sentence calculations, custody, and liberty interests. Handled appeals under the Administrative Procedures Act as needed. I represented SCDC against inmate litigation filed in circuit court in Richland County, SC.

(c) Additional duties included:

- Prepared, drafted, reviewed, approved, and negotiated SCDC contracts with executives in private industries, local, state, and federal governments.
- Conducted employee grievance investigations, represented SCDC in employee mediation/arbitration proceedings included preparation of settlement agreements if necessary and represented the agency in hearings before the State Employee Grievance Committee, included hearing preparation: oral arguments, preparation of legal documents, witness preparation, opening/closing arguments, questioning the witnesses on direct/cross-examination.
- Extensive knowledge of relevant state and federal law.
- Investigated and responded to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Worked with outside counsel on cases as required, providing background information, case analysis and relevant law.
- Provide legal advice to Department of Correction (SCDC) senior executives, attorneys, court officials and

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other state agencies in the interpretation of state and federal law, SCDC policies.

- Reviewed and recommended revisions to policies and state law, as necessary.
- Conducted legal training courses for SCDC employees in both classroom setting and on camera.
- Conducted independent legal research using Lexis & Westlaw.
- Drafted legal memoranda including briefs, motions, and other pleadings, as necessary.
- Conducted investigations and responded to allegations of sexual harassment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
- Successfully entrusted with responsibility under limited supervision with proven results.

(d) From 2006 - 2011, selected as the Human Resources Director/Legal Counsel, Midlands Technical College, Columbia, South Carolina. Duties included:

- Provided legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.
- Analyzed, interpreted, advised, and informed the President, Senior Vice President for Business Affairs and other Executive Council members on employment law matters, various legal issues, and regarding local, state, and federal laws and regulations.
- Participated in executive level decisions as requested, coordinated, and represented the college in legal matters.

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- Provided legal advice to the Office of Student Development services concerning student complaints, disciplinary actions, and grievances.
- Directed, supervised human resource department to include: responsible for and managed the HR budget, recruiting and hiring, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters for over 1,000 employees.
- Conducted informal and formal stages of employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, and veteran status, and monitoring resolution and compliance.
- Provided advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducted investigations and fact finding as required to formulate recommendations as to necessary actions.
- Coordinated Human Resource matters with the State Technical Board and State Office of Human Resources as required.
- Managed the college's Equal Employment Opportunity and affirmative action goals in compliance with the South Carolina Human Affairs Commission.
- Ensured appropriate communication of resources and training programs for all college administrators, faculty, and staff.
- Reviewed, drafted, and advised college on contractual matters, review and draft policies, procedures and legislation as needed.

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- Conducted legal research as required and coordinated legal matters with external legal counsel. Handled all responses to discovery requests and deposition preparation as needed.
 - Monitored the completion of all required reports with established guidelines.
 - Responsible for the departmental budget and approved expenditures.
- (e) From 2012 – 2017, General Counsel, Midlands Technical College, Columbia, South Carolina. Duties included the following:
- Provided legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.
 - Analyzed, interpreted, advised, and inform the President, Senior Vice President for Business Affairs and other Executive Council members on employment law and various legal matters, local, state, and federal laws, and regulations.
 - Participated in executive level decisions as requested, coordinated, and represented the college in legal matters.
 - Provided legal advice to the Office of Student Development services concerning student complaints, disciplinary action, and grievances.
 - Served as the college chief compliance officer for employment related laws and regulations. As the chief compliance officer, in cooperation with the appropriate Human Resource Management employees and/or other employees conducted informal and formal stages of employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, pregnancy and

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veteran status, and monitoring resolution and compliance.

- Investigated and responded to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Directed and/or executed governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.
- Served as legal training coordinator for the college and works closely with various departments to assess training needs. Developed and delivered an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation.
- Provided advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducted investigations and fact finding as required to formulate recommendations as to necessary actions.
- Ensured appropriate communication of resources and training programs for all college administrators, faculty, and staff.
- Reviewed, drafted, and advised college on contractual matters, review and draft policies, procedures and legislation as needed.
- Conducted legal research as required and coordinated legal matter with external legal counsel includes responding to all discovery requests and deposition preparation as needed.
- Monitored the completion of all required reports with established guidelines.

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- Responded to Freedom of Information Act requests.
- (f) From 2015 – present Associate (Substitute) Municipal Court Judge
- Conduct hearings and adjudicate cases in criminal and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
 - Files reports with the SC Court Administration and other officials, as necessary.
 - Perform duties as of Administrative Judge and other Associate Judges as required in their absences.
 - Attend training, seminars & workshops as required to maintain job knowledge and skills.
 - Perform related administrative and judicial work as required.
- (g) From 2017 – present, General Counsel and Vice-President for Lander University, Greenwood, SC
- Reports directly to the President and serves as general counsel for the university by providing legal advice and guidance to the Lander Board of Trustees, Cabinet, and other college officials regarding complex legal matters, policies and procedures and help ensure college operations are consistent with local, state, and federal laws and regulations.
 - Coordinates and represents the college in legal matters. Represents college before courts, administrative and governmental entities.
 - Member of the Cabinet and attend various meetings involving the Cabinet, the Board of Trustees, Board Committee meetings, and the Lander Foundation.
 - Review, draft and advise university on contractual matters, review/draft legislation, policies and procedures, processes, and publications as needed.

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Conduct research on legal matters as required. Recommend, develop, and implement policy and procedure.

- Direct and/or execute governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.
- Oversight of human resource department to include: recruitment/talent acquisition, hiring, onboarding and orientation processes, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters, compliance with applicable state and federal employment laws.
- Oversight of the University's Diversity Advisory Council and the Lander Leadership Institute.
- Develops and delivers an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation. Conduct legal research as required.
- Investigate and respond to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Responsible for and manage the budgets for the Office of General Counsel, the Diversity Advisory Council, and the Lander Leadership Institute.

Judge Rookard further reported regarding her experience with the Administrative Law Court practice area:

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For over twenty-three years, I have served as a state government attorney in South Carolina. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted, reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.

During my tenure at the Department of Corrections, I appeared in court numerous times to defend the Department in litigation filed by inmates. In addition, I argued and defended SCDC in employee grievance hearings before the South Carolina Office of Human Resources. Throughout my legal career, I have written numerous legal memoranda defending my client before the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission involving allegations of discrimination and harassment. I humbly state that I have prevailed on behalf of my client in every SHAC/EEOC complaint that I handled.

I believe that my experiences as an associate municipal court judge, my human resources and legal background have prepared me to preside over matters that come before an Administrative Law Judge. For over ten years, I have served as a Human Resource Director and a Chief Human Resources. Thus, I possess extensive experience and knowledge of state human resources' regulations and laws. Also, I have working knowledge of the state employee grievance process.

Throughout my legal career, I have had to quickly learn new areas of law and I have become adept at applying legal principles and procedures to legal matters. I would compare being an in-house counsel for a large

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government agency to being a sole practitioner in private practice. Almost daily or weekly a novel issue has been brought to my attention that required that I research and provide legal advice. In addition, as in-house counsel there is an intense amount of people contact. My “client” does not have to make an appointment to see me they simply drop by my office if they have an issue that needs attention.

As in-house counsel I learned the art of negotiation and resolving issues. Many times, I addressed matters before litigation was filed against my client. My years of experience as a Human Resources Director taught me the ability to intervene and negotiate a solution.

While I have not appeared before the Administrative Law Court within the past five years, since 2015 I have served as an associate municipal court judge. In this capacity I conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court, preside over bond court, rule on motions, draft orders and conduct legal research, as necessary. In municipal court, there are bench trials in which I listen to testimony and review evidence presented by both parties, then make the decision. I have interacted extensively with pro se litigants and those represented by legal counsel.

Judge Rookard reported the frequency of her court appearances during the past five years as follows:

I have served as an associate municipal court judge since 2015. From 2015--beginning of 2020, I presided over hundreds of contested cases in criminal, traffic, domestic violence, and quality of life court, bond court and preliminary hearings. Since 2021--present, I primarily preside over bond court and preliminary hearings.

From 2000--2017, I handled various employee grievances pursuant to the State Employee Grievance Procedures.

From 2000--2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court.
The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court.

- (a) Federal: 0%
- (b) State: 0%
- (c) From 2015 -- present, preside as a part-time judge in municipal court

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Judge Rookard reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 60%;
- (b) Criminal: 35%;
- (c) Domestic: 5%;
- (d) Other: 0%.

Judge Rookard reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 20%;
- (b) Non-jury: 40%*.

*Since 2015 I have served as an associate (substitute) municipal court judge. In this capacity I conduct hearings and adjudicate cases in criminal court, domestic violence court, homeless court, quality of life court and traffic court, preside over bond court, rule on motions, draft orders and conduct legal research, as necessary. In municipal court, there are bench trials in which I listen to testimony and review evidence presented by both parties, then make the decision. I have interacted extensively with attorneys, law enforcement, pro se litigants, those represented by legal counsel and victims.

Since 2000--present, I have served as legal counsel for three state government agencies. I possess extensive state government legal experience applicable to the SC Administrative Procedures Act to include: auditing issues, contract review, drafted and negotiated agreements with local hospitals and healthcare facilities, employee grievances, including arbitrations, mediations and hearings before the State Employee Grievance Committee, budget issues, law enforcement issues, easements/real estate issues, ethics/compliance, freedom of information, governance, healthcare/nursing issues, review/draft legislation, privacy and records management, transactional matters involving copyright and technology transfer, policies and procedures, and publications as needed, higher education law, human resource management: benefits, class/compensation, criminal background checks, disability, leave, payroll, recruitment, retirement, temporary employment, unemployment issues, and providing legal advice to supervisors, board members, and executive-level management.

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*From 2000--2005, 50% of my practice involved serving as the Deputy General Counsel for the SC Department of Corrections (SCDC). I defended the Department against inmate litigation. The inmate litigation was appealed to the Administrative Law Court. I drafted and filed briefs, prepared documents to be submitted into the record and interacted with staff members of the Administrative Law Court. **The conservative estimate is that handled around 1,000 inmate appeals before the Administrative Law Court.** I handled inmate cases involving prison disciplinary appeals, sentence calculations, custody, and liberty interests. Handled appeals pursuant to the Administrative Procedures Act as needed. Also, I represented SCDC against inmate litigation filed in circuit court in Richland County, SC.

Also, I have working knowledge of the state employee grievance process. I have handled employee grievance hearings before the state employee grievance committee. I conducted employee grievance investigations, handled employee mediations/arbitration and hearings this included hearing preparation: oral arguments, legal document prep, witness preparation, opening/closing arguments, and questioning witnesses on direct/cross-examination.

Throughout my legal career in state government, I have handled legal matters involving the SC Department of Employment and Workforce, SC Procurement Services, State Accident Fund, Worker's Compensation Commission, Division State of Human Resources, Office of Insurance Reserve Fund, Public Employee Benefit Authority. Additionally, I have handled legal matters involving the South Carolina Human Affairs Commission, the SC Technical College System, State Board of Education, Commission on Higher Education, the Department of Probation Parole and Pardon, DSS, DHEC, LLR, etc.

Judge Rookard provided that during the past five years she most often served as chief counsel in her role as General Counsel for Lander University and Midlands Technical College.

The following is Judge Rookard's account of her most significant litigated matters:

- (a) Ralph Porcher v. SCDC, I handled the initial grievance, the investigation, and the subsequent hearing before the SC Office of Human Resource. This case involved a former employee testing positive for drugs. The primary

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issues of the case involved the use of a urine analysis vs. a hair analysis and the chain of custody of the urine analysis.

- (b) I handled employee cases in which I was responsible for the initial grievance, the investigation, and the subsequent hearing before the State Employee Grievance Committee. However, I do not recall the specific names of the cases.

The following is Judge Rookard's account of civil appeals she has personally handled:

From 2000-2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court. **The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court.** The inmate appeals to the Administrative Law Court involved civil related matters. However, I do not recall the specific names of the cases.

The following is Judge Rookard's account of criminal appeals she has personally handled:

From 2000-2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court. **The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court.** These inmate appeals involved criminal related matters. However, I do not recall the specific names of the cases.

Judge Rookard further reported the following regarding unsuccessful candidacies:

- (a) In 2012, I submitted an application for an Administrative Law Judge vacancy however, I withdrew my application before it was considered by the Judicial Merit Selection Commission.
- (b) In 2016, I submitted an application for an Administrative Law Judge vacancy however, I withdrew my application after the public hearing.

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- (c) In 2017 and 2019, I requested an application, but I did not proceed with the process.
- (d) In 2020, I was found qualified but not nominated for election to the Administrative Law Court.

(9) Judicial Temperament:

The Commission believes that Judge Rookard's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Rookard to be "Well-Qualified" as to the evaluative criteria of ethical fitness, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, mental stability, and experience. There were no related comments by the Committee.

Judge Rookard is not married. She does not have any children.

Judge Rookard reported that she was a member of the following Bar and professional associations:

- (a) SC Summary Court Judges' Association, Inc
- (b) SC Bar Association
- (c) SC Bar Association Diversity Committee
- (d) SC Bar Association Education Committee
- (e) SC Bar Association Fee Dispute Committee
- (f) SC Bar Association In-House Counsel Committee
- (g) SC Women Lawyers Association
- (h) Women in Higher Education, Midlands Technical College's Institutional Representative
- (i) Society of Human Resource Management
- (j) College and University Professional Association
- (k) South Carolina Correctional Association

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- (l) American Correctional Association
- (m) Federal Bar Association (SC Chapter)
- (n) Richland County Bar Association

Judge Rookard provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Five Points Rotary Club, board member (2013-2014)
- (b) SC Women in Higher Education, institutional representative (2008-2012)

Judge Rookard further reported:

- (a) For over twenty-three years, I have served as a state government defense attorney. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted, reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.
- (b) Please note the following highlights from my legal career:
 - Currently, I serve as an Associate (Substitute) Municipal Judge since October 2015 for the City of Columbia, South Carolina. Note: this is a part time position.

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- Conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
- Files reports with the SC Court Administration and other officials, as necessary.
- Performs duties as Administrative Judge and other Associate Judges as required in their absences.
- Attend training, seminars & workshops as required to maintain job knowledge and skills.
- Perform related administrative and judicial work as required.
- South Carolina Circuit Court Arbitrator & Mediator.
- Served as Human Resources Director/Chief Human Resources Officer for over ten years.
- Adjunct instructor for various colleges from 2005 – Present.
- Nominated for the SC Chamber of Commerce's 2011 Award of Professional Excellence in Human Resource Management.
- Over nineteen years of experience in drafting, reviewing, and negotiating contracts.
- Extensive experience conducting employee investigations, mediations, arbitrations, employment related hearings before the South Carolina Office of Human Resources and responding to discrimination complaints to the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Over nineteen years of experience in employment law and employee relations.

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- Extensive experience conducting training courses on employee relations, higher education law (e.g. Clery Act, Campus SaVE Act, Violence Against Women Act & Title IX, human resource management & legal issues, anti-discrimination, sexual harassment, supervisory training and workplace laws in both classroom settings and on camera.
- Versatile and skilled professional with experience managing people and processes.
- Outstanding verbal and written communication skills.
- Exceptional interpersonal, leadership and negotiation skills.
- Recognized for my excellent ability to manage heavy workloads, time, and multi-task in fast-paced environment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
- Ability to exercise sound judgment and discretion in applying and interpreting laws.
- Successfully entrusted with responsibility under limited supervision with proven results.

(11) Commission Members' Comments:

The Commission commented that Judge Rookard has a variety of experience and excellent temperament that would ably serve her should she be elected to the Administrative Law Court.

(12) Conclusion:

The Commission found Judge Rookard qualified, and nominated her for election to Administrative Law Court, Seat 5.

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QUALIFIED, BUT NOT NOMINATED

The Honorable Ralph K. Anderson III
Supreme Court, Seat 4

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Anderson meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Judge Anderson was born in 1959. He is 63 years old and a resident of Columbia, South Carolina. Judge Anderson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Anderson.

Judge Anderson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Anderson reported that he has not made any campaign expenditures.

Judge Anderson testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Anderson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Judge Anderson to be intelligent and knowledgeable.

Judge Anderson reported that he has taught the following law-related courses:

Recently, I spoke or lectured at the following classes, programs or seminars:

- (a) USC School of Law Class (Law Practice Workshop) on February 7, 2022.
- (b) Recorded CLE for SC Bar & SCAARLA (How to Craft an Order) on December 13, 2021.
- (c) Seminar sponsored by the ABA Judicial Division & Commission on Disability Rights as a panelist concerning “Living with a Disability in the Profession on October 27, 2021
- (d) SC Administrative Law Court (How to Craft an Order) on October 8, 2021.
- (e) How to Craft an Order (Pub. Serv. Comm’n) on June 8, 2021.
- (f) Recorded SC Judicial CLE (The Administrative Law Court: Overview and Judicial Considerations) on March 29, 2021.
- (g) USC School of Law Class (Jurisdiction before the ALC) on March 17, 2021.
- (h) USC School of Law Class (Law Practice Workshop) on February 8, 2021.
- (i) SC Bar Convention - Virtual CLE (Tales from Emails) on January 22, 2021.
- (j) Recorded CLE for SCAARLA (Appellate Jurisdiction before the ALC) on October 8, 2020.
- (k) SCAARLA (Tales from Emails) on February 21, 2020.

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- (l) USC School of Law Class (Law Practice Workshop) on February 10, 2020.
- (m) SC Bar Convention (Case Law Update: Administrative Law) on January 24, 2020.
- (n) SC Bar Diversity Committee (Panel: How ____ can I be?) on January 7, 2020.
- (o) Central Panel Directors Conference (Asheville NC) - Report of the South Carolina ALC on November 1, 2019.
- (p) USC School of Law Class (Law Practice Workshop) on February 25, 2019.
- (q) SC Bar Convention (Case Law Update: Recent Supreme Court and Court of Appeals Cases from the ALC and Recent ALC Cases) on January 17-18, 2019.
- (r) USC School of Law Class (Law Practice Workshop) on February 26, 2018.
- (s) SCAAO Conference on October 6, 2017, concerning tax law cases and statutory construction.
- (t) USC School of Law Class (Law Practice Workshop) on April 3, 2017.
- (u) DHEC (What is Effective Regulation?) on October 28, 2016.
- (v) Fifth Circuit's Spring Courthouse Keys event on April 1, 2016.
- (w) USC School of Law Class (Law Practice Workshop) on February 8, 2016.
- (x) SC Bar Convention for the Regulatory and Administrative Law Section on January 22, 2016.
- (y) SC Bar (Fifth Circuit Tips from the Bench) on January 8, 2016.
- (z) USC School of Law Class (Law Practice Workshop) on February 9, 2015.

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- (aa) A seminar for SC HHS Hearing Officers on April 13, 2015.
- (bb) An Administrative Law & Practice in S.C. Seminar on January 31, 2014.
- (cc) USC School of Law Class (Law Practice Workshop) on March 3, 2014.
- (dd) S.C. Bar Convention (Panel Discussion on Administrative Law) on January 25, 2013.
- (ee) A seminar for the Public Service Commission. (APA, Agency Decision & Ethics) on March 20, 2013.
- (ff) Two separate CLEs on Administrative Law on February 21 & 22, 2013.
- (gg) S.C. Bar CLE (Hot Topics in Administrative Law) on October 30, 2009.
- (hh) A panel discussion for the Judicial Merit Selection Commission CLE on July 31, 2009.

Judge Anderson reported that he has published the following:

- (a) "A Survey on Attributes Considered Important for Presidential Candidates," Carolina Undergraduate Sociology Symposium, April 17, 1980.
- (b) "An Overview of Practice and Procedure Before the Administrative Law Judge Division," South Carolina Trial Lawyer, Summer 1996.
- (c) The Majesty of the Lord's Prayer: An Analytical Review of Its Meaning and Implications (Murrels Inlet: Covenant Books, Inc., 2020).

(4) Character:

The Commission's investigation of Judge Anderson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Anderson did not indicate any evidence of a troubled financial status. Judge Anderson has handled his financial affairs responsibly.

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The Commission also noted that Judge Anderson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Anderson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

Judge Anderson reported that he has not served in the military.

Judge Anderson reported that he has held the following public office: He was appointed and served as an Assistant Attorney General 1985 to January 1995. He was not required to file with the State Ethics Commission in that capacity.

(6) Physical Health:

Judge Anderson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Anderson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Anderson was admitted to the South Carolina Bar in 1984.

He gave the following account of his legal experience since graduation from law school:

I began my legal career at the South Carolina Attorney General's Office in September 1984. During my career at the AG's office, I prosecuted numerous criminal cases of all types and handled a wide variety of civil litigation. My duties included:

- (a) Statewide criminal prosecutor
- (b) Assisted in the implementation of the Statewide Grand Jury
- (c) Extradition hearing officer on behalf of the Governor of South Carolina
- (d) Counsel to the State Ethics Commission
- (e) Represented the State in a variety of civil litigation matters

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(f) Represented the State in post-conviction relief matters

(g) Committee Attorney for the State Employee Grievance Committee

(h) Prosecutor for the Engineering and Land Surveyor's Board

I also prosecuted Medical Board cases, wrote Attorney General Opinions and handled Criminal Appeals.

On May 25, 1994, I was elected to Administrative Law Judge Seat No. 6 and re-elected to that position in 1996, 2001 and 2006. Administrative Law Judges hear appellate, injunctive and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

On May 13, 2009, I was elected Chief Administrative Law Judge and re-elected to this position February 5, 2014 and February 6, 2019.

As an Assistant Attorney General, I did not have any significant administrative and financial management. As an Administrative Law Judge, I did not have any legal obligation regarding administrative and financial management but was occasionally assigned those duties by the Chief Judge. As Chief Administrative Law Judge, I am responsible for the administration of the court, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. See S.C. Code Ann. § 1-23-570. Also, section 1-23-660 of the South Carolina Code (Supp. 2017) provides "The chief judge is solely responsible for the administration of the [Office of Motor Vehicle Hearings], the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff.

Judge Anderson reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal Infrequently
- (b) State: At least 100 times during a five-year period.

Judge Anderson reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 70%
- (b) Criminal: 30%;
- (c) Domestic: 0%;
- (d) Other: 0%.

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Judge Anderson reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 30%
- (b) Non-jury: 70%.

Judge Anderson provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Anderson's account of his five most significant litigated matters:

- (a) State v. Dwight L. Bennett - This was a felony DUI case in which the victim lost the baby she was carrying and suffered horrible injuries. Although the defendant was convicted, this case was used as a legislative example as the need to increase the maximum felony DUI punishment.
- (b) Georgia v. Richard Daniel Starrett, aff'd., Richard Daniel Starrett v. William C. Wallace, - Starrett was convicted of several crimes in South Carolina. Afterwards, Georgia sought his extradition in an attempt to convict him under the death penalty. Starrett's challenge to the Attorney General's Office authority to hold extradition hearings was denied.
- (c) State v. Michael Goings - Goings was a notorious City of Cayce police officer charged with assault and battery of a high and aggravated nature.
- (d) State v. Herbert Pearson and Terrance Singleton - The Defendants in this case were accomplices in the armed robbery, attempted murder and murder of attendants at a gas station in Sumter, S.C.
- (e) State v. William Keith Victor - After the Defendant was convicted of murder and kidnapping, he was given the death penalty. His case was later reversed on appeal and I assumed the prosecution. The prosecution, under difficult circumstances, resulted in the Defendant's plea to murder, and the aggravating circumstance of kidnapping.

The following is Judge Anderson's account of five civil appeals he has personally handled:

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- (a) Bergin Moses Mosteller v. James R. Metts, S.C. Supreme Court, Not known when this case was decided.
- (b) Dennis G. Mitchell v. State of S.C., S.C. Supreme Court, Not known when this case was decided.
- (c) Ex Parte, Bobby M. Stichert v. Carroll Heath, S.C. Supreme Court, Decided August 29, 1985 (286 S.C. 456, 334 S.E. 2d 282).
- (d) Patrick C. Lynn, et al. State of S.C., Supreme Court, Not known when this case was decided.
- (e) Paul David Tasker v. M.L. Brown, Jr., S.C. Supreme Court, Not known when this case was decided.

The following is Judge Anderson's account of criminal appeals he has personally handled:

I handled several criminal appeals while serving as an Assistant Attorney General. However, my service with the Attorney General's Office ended in February 1995, when I began serving as an Administrative Law Judge. As a result of the passage of time since that date, the briefs and specific case captions are no longer available.

Judge Anderson reported that he has held the following judicial office(s):

I was elected by the General Assembly to serve as an Administrative Law Judge beginning February 1, 1995. On May 13, 2009, I was elected Chief Administrative Law Judge and have been serving continuously since that date.

Administrative Law Judges hear appellate, injunctive, and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

The Administrative Law Court's appellate jurisdiction includes appeals involving Medicaid; driver's license revocations and suspensions; licensing decisions from boards/commissions under the Department of Labor, Licensing and Regulation; Budget and Control Board's Employee Insurance Program; AFDC benefits; operation of day care facilities and foster home licensing; food stamps; and revocations or suspensions of teachers' certificates. The Administrative Law Court also hears appeals from final decisions of the Department of Employment and Workforce; the Department of Corrections in "non-collateral" matters; and appeals from

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final decisions of the South Carolina Department of Probation, Parole and Pardon Services permanently denying parole eligibility.

The contested case litigation includes hearings involving environmental and health permitting; Certificates of Need; State Retirement Systems' disability determinations; Disadvantaged Business Enterprises; state and county tax matters; alcoholic beverage issues; and wage disputes.

Judge Anderson provided the following list of his most significant orders or opinions:

- (a) Travelscape, LLC v. S.C. Dep't of Revenue, Docket No. 08-ALJ-17-0076-CC. Holding affirmed in Travelscape, LLC v. S. C. Dept. of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011)
- (b) Duke Energy Corp. v. S. C. Dep't of Revenue, Docket No. 10-ALJ-17-0270-CC. Holding affirmed in Duke Energy Corp. v. S.C. Dep't of Revenue 410 S.C. 415, 417, 764 S.E.2d 712, 713 (Ct. App. 2014), reh'g denied (Nov. 21, 2014), cert. granted (Apr. 9, 2015) and further affirmed by the Supreme Court in Duke Energy Corp. v. S. C. Dep't of Revenue, 415 S.C. 351, 782 S.E. 2d 590 (2016).
- (c) Kiawah Dev. Partners, II v. S.C. Dep't of Health and Env'tl. Control, Docket No. 09-ALJ-07-0029-CC and S.C. Coastal Conservation League v. S.C. Dept. of Health and Env'tl. Control, Docket No. 09-ALJ-07-0039-CC (February 26, 2010) (consolidated cases). Holding originally reversed by the Supreme Court, then affirmed and then reversed 3-2 in Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env'tl. Control, 411 S.C. 16, 766 S.E.2d 707 (2014).
- (d) Amazon Servs., LLC v. S.C. Dep't of Revenue, Docket No. 17-ALJ-17-0238-CC (September 10, 2019) (Currently on appeal)
- (e) Lexington Cty. Health Servs. Dist. Inc., d/b/a Lexington Med. Ctr. v. S.C. Dep't of Health and Env'tl. Control and Prisma Health-Midlands, Providence Hosp., LLC d/b/a Providence Health, Providence Health Northeast, Providence Health Fairfield, and Kershaw Hosp., LLC d/b/a KershawHealth Med. Ctr., Docket No. 20-ALJ-07-0108-CC (December 7,

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2020) (Originally appealed to the Court of Appeals, appeal later withdrawn by parties)

Judge Anderson reported no other employment while serving as a judge.

Judge Anderson further reported the following regarding unsuccessful candidacies:

- (a) Administrative Law Judge, Seat 3 (February 23, 1994)
- (b) Fifth Judicial Circuit Court, Seat 3 (May 24, 2000) - Found qualified and nominated but withdrew prior to election.
- (c) Circuit Court, At-Large Seat 9 (January 16, 2003) - Found qualified but not nominated.
- (d) Court of Appeals, Seat 9 (March 10, 2008) - Found qualified but not nominated.
- (e) Supreme Court, Seat 2 (January 14, 2016) - Found qualified and nominated but withdrew prior to election.
- (f) Supreme Court, Seat 5 - Found qualified and nominated on November 15, 2016) but later found qualified and not nominated on December 5, 2016.

(9) Judicial Temperament:

The Commission believes that Judge Anderson's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Anderson to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, experience, reputation, and judicial temperament. The Committee further noted: "Very sincere in his relationship with the law! Good work ethic that will get opinions out sooner!"

Judge Anderson is married to Linda Corley Anderson. He does not have any children.

Judge Anderson reported that he was a member of the following Bar and professional associations:

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- (a) South Carolina Bar
- (b) Administration and Regulatory Law Committee of the SC Bar
- (c) South Carolina Administrative and Regulatory Law Association; President since 2009

Judge Anderson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Shandon Baptist Church. I am a member of the church but have not held any office with the church.
- (b) South Carolina Administrative and Regulatory Law Association (SCAARLA). I became a member and board member of SCAARLA following its formation in 2002. In 2009, I was elected President of SCAARLA and have been serving in that capacity since that date.

(11) Commission Members' Comments:

The Commission noted that Judge Anderson's intellect and organizational skills have made him a highly effective Administrative Law Judge and Chief Judge.

(12) Conclusion:

The Commission found Judge Anderson qualified, but did not nominate him for election to Supreme Court, Seat 4.

**The Honorable Jan B. Bromell Holmes
Court of Appeals, Seat 2**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Bromell Holmes meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Bromell Holmes was born in 1970. She is 52 years old and a resident of Georgetown, South Carolina. Judge Bromell Holmes provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Bromell Holmes.

Judge Bromell Holmes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Bromell Holmes reported that she has not made any campaign expenditures.

Judge Bromell Holmes testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Bromell Holmes testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Bromell Holmes to be intelligent and knowledgeable.

Judge Bromell Holmes reported that she has taught the following law-related courses:

- (a) I have presented at New Judges School for Newly Elected Family Court Judges on the topic of Domestic Matters in 2021 and on the topics of Child Custody, Visitation and Contempt in 2022.
- (b) I have presented in the 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, and 2021 Horry County Bar Family Court Seminar-Procedural for Family Court practitioners.
- (c) I was a panelist at the Attorney General's Youth Summit on Human Trafficking on June 27, 2018.

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- (d) I have presented at the National Business Institute One Day Seminar entitled "What Family Court Judges Want You to Know" on October 28, 2011.
- (e) I have presented at the Children's Law Center Volunteer Guardian ad Litem Conference entitled Permanency Planning for Children on October 7, 2011 to volunteer guardian ad litem.
- (f) I have presented at the Children's Law Center "Training for Attorneys Appointed in Abuse and Neglect Cases in the 15th Judicial Circuit on November 13, 2009.
- (g) I presented at the 2013 South Carolina Solicitor's Association Annual Conference on Juvenile Delinquency matter to Juvenile Solicitors on September 22, 2013
- (h) I have presented at the SC Bar CLE entitled Fifteenth Circuit Tips from the Bench: What Your Judges Want You to Know on November 18, 2016.

Judge Bromell Holmes reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Bromell Holmes did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Bromell Holmes did not indicate any evidence of a troubled financial status. Judge Bromell Holmes has handled her financial affairs responsibly.

The Commission also noted that Judge Bromell Holmes was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Bromell Holmes reported that she is not rated by any legal rating organization.

Judge Bromell Holmes reported that she has not served in the military.

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Judge Bromell Holmes reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Bromell Holmes appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Bromell Holmes appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Bromell Holmes was admitted to the South Carolina Bar in 1995.

She gave the following account of her legal experience since graduation from law school:

- (a) Since my graduation from law school on May 13, 1995, I worked for Morant and Morant Law Firm located at 1022 Prince Street in Georgetown, SC from September 1995 to July 1997. I performed title searches, closed real estate loans, handled social security disability cases, personal injury cases, prepared wills, prepared deeds and handled family court cases.
- (b) From July 1997 to June 2007, I ventured out and opened my own law firm, Jan B. Bromell, P.A. Seventy five (75%) of my practice consisted of domestic matters. I prosecuted and defended child support and child custody cases, divorce, alimony, separate maintenance and support, adoption and termination of parental rights, appointed and retained on juvenile cases, appointed and retained on abuse and neglect matters, name change, annulment, equitable distribution, and orders of protection. Twenty-four percent (24%) of my practice consists of civil matters. I handled real estate transactions, performed title searches, handle social security disability cases, personal injury cases, prepared power of attorney, contracts, wills and deeds. One percent (1%) of my practice consisted of criminal cases.

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- (c) Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007 and working continuously since.

Judge Bromell Holmes reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) federal: Only once in 2006. Case scheduled for trial on 09/20/06, but settled.
(b) state: 5 to 10 times per month for domestic hearings/trials, roster meetings for civil matters, civil trials, roll call for criminal matters, criminal trials, probate court chemical dependency or estate hearings, master in equity hearings.

Judge Bromell Holmes reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:

- | | | |
|-----|-----------|-----|
| (a) | Civil: | 24% |
| (b) | Criminal: | 1% |
| (c) | Domestic: | 75% |
| (d) | Other: | |

Judge Bromell Holmes reported the percentage of her practice in trial court prior to her service on the bench as follows:

- | | | |
|-----|-----------|-----|
| (a) | Jury: | 2% |
| (b) | Non-jury: | 98% |

Judge Bromell Holmes provided that during the past five years prior to her service on the bench she most often served as sole counsel.

The following is Judge Bromell Holmes's account of her five most significant litigated matters:

- (a) Gallant-Taylor vs. Taylor, 2002 DR 22 156 was an annulment action based on non-consummation of marriage and fraud. The parties met in 1995 and never engaged in sexual intercourse while dating. Plaintiff Wife was a Christian and Defendant Husband was a Minister. The parties believed that sexual intercourse was an act reserved for married couples. Thus, the couple agreed not to engage in intercourse until married. The parties were married on December 29, 2001 in Georgetown County. Throughout the marriage, Defendant Husband offered excuses as to why he

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could not engage in sexual intercourse with Plaintiff Wife. Defendant Husband's continuous refusal to engage in sexual intercourse with Plaintiff Wife led to the parties' separation on May 3, 2002 in Columbia, SC. Plaintiff Wife filed an action for annulment. The court found based on the testimony of Plaintiff Wife that: (1) the parties agreed that intimacy was appropriate when two parties were married; (2) the Plaintiff Wife expected that the parties would consummate their relationship once they were married; (3) the Plaintiff Wife was reasonable in expecting that the parties would consummate their relationship once they were married; (4) the parties never engaged in sexual relations during marriage; (5) the Plaintiff is entitled to have her marriage annulled based on non-consummation of marriage and (6) the Plaintiff is entitled to have her marriage annulled based on fraud.

- (b) Stephens, Respondent vs. Stephens, Appellant Unpublished Opinion No. 2002-UP 077 was significant because the Court of Appeals agreed with my position that the trial court erred in apportioning the marital debts of the parties. At the time of the commencement of marital litigation, the total credit card debt of the parties was \$24,927.30. Of this total debt, the trial court ordered Husband to pay \$22,065.07 and ordered Wife to pay \$2,862.23. The trial court, in its order, failed to address any of the factors as they relate to apportionment of marital debt. The Court found the Husband at fault in the break up of the marriage and Wife was granted a divorce on the grounds of physical cruelty. Although fault is one factor for the court to address in equitably dividing marital property, it does not justify a severe penalty. *Morris vs. Morris* 335 S.C. 525, 517 S.E.2d 720 (Ct. App. 1999). The Wife argued that because she was given the marital home by the Husband and there exists a mortgage of \$13,000.00 on the home, the award is fair. However, the Wife received the marital home as part of the settlement agreement. There was no indication that the Court considered this debt in apportioning the debt. The Court of Appeals was unable to discern from the record the

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family court's basis for its apportionment of the credit card debt. The case was remanded for further consideration and discussion of the factors set forth in S.C. Code of Laws Ann. § 20-7-472 (Supp). The Court of Appeals further stated that the court may adjust the apportionment of the debt if it deems such an adjustment is appropriate.

- (c) Moore vs. Moore 2002 DR 22 156 was a two day contested trial concerning custody of the parties' minor children, alimony and attorney fees. A guardian was appointed to represent the interests of the minor children. I represented the Defendant Father. The Court awarded custody of the parties two minor children to the Father. In determining custody, the Family Court considered the character, fitness, attitude and inclination on the part of each parent as they impact or relate to the child. Paparella v. Paparella 340 S.C. 186, 531 S.E.2d 297 (Ct. App. 2000). The Court found the Father to be more actively involved in the children's daily life. The Court also found the Father to be the primary caretaker of the minor children. The Court was guided in awarding custody to the primary caretaker by the cases of Smith v. Smith 294 S.C. 194, 363 S.E.2d 404 (Ct. App. 1987) and Epperly v. Epperly 312 S.C. 411, 440 S.E.2d 884 (1994). Mother was denied alimony. The factors were not proven. Mother was also ordered to pay a portion of Father's attorneys fees based on the factors in Glasscock vs. Glasscock , 304 S.C. 158, 403 S.E. 2d 313 (1991) and clarified in EDM v. TAM 307S.C. 471, 415 S.E.2d 812 (1992): the difficulty of the matter, favorable results obtained, reasonableness of time and costs incurred, ability of the Mother to pay attorney fees and inability of the Father to pay attorney fees if no assistance is provided.
- (d) Harrell vs. Gubicza 2004 DR 26 2251 was a two day contested trial concerning custody of the parties' minor child. A guardian was appointed to represent the interests of the minor child. I represented the Plaintiff Father. The Father brought this action to save his daughter from the immoral environment of the Defendant and Defendant's Mother home. The parties were never married and the child

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was born out of wedlock. The law states that custody of a child born out of wedlock is with the mother. However, an acknowledged father may petition the court for custody or visitation. At such proceeding, the best interest of the minor child is the determining factor S.C. Code of Laws Ann. § 20-7-953 (B) (1976). Absent an agreement or court order regarding child custody, both parties are equally entitled to the custody of the minor child. S.C. Code of Laws Ann. § 20-7-100 (Supp). In this case we had a child born out of wedlock to young parents who had not had the issue of custody decided between them. At the temporary hearing, custody of the minor child was awarded to the Plaintiff because of the affidavits submitted on his behalf as well as the fact that the Defendant did not appear. At the conclusion of the merits hearing, the Court undertook the awesome task of looking into the past of each party and predicting which of the two available environments would advance the best interest of the child and bring about the best adjusted mature individual. *Cook v. Cobb* 271 S.C. 136, 142, 245 S.E.2d 612, 615 (1978). The Court awarded custody of the minor child to the Father.

- (e) *Pushia vs. Pushia* 2005 DR 22 470 was a divorce matter wherein the Plaintiff Wife sought alimony. The parties were married for twenty years. For most of the marriage, the Plaintiff Wife was a homemaker. The Defendant Husband's monthly income was \$5869. The Plaintiff Wife's imputed monthly income was \$893. The Defendant Husband was ordered to pay child support for the parties' two minor children in a semi-monthly amount of \$392.50 plus the 5% court costs. The Court found that although the Plaintiff Wife was a homemaker, she had a high school education, nursing degree, was very computer literate, skilled in word processing and had the probability of good opportunity. The court considered the following in awarding rehabilitative alimony: (1) the duration of the marriage; (2) the age, health, and education of the supported spouse; (3) the parties' accustomed standard of living; (4) the ability of the supporting spouse to meet his needs while meeting the needs

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of the supported spouse; (5) the time necessary for the supported spouse to acquire job training or skills; (6) the likelihood that the supported spouse will successfully complete retraining; and (7) the supported spouse's likelihood of success in the job market. Plaintiff testified that she desired to go back to school to obtain a dual degree in Medical Office Clerical Assistant and Office Systems Technology at Horry Georgetown Technical College. While pursuing this career, Plaintiff Wife would need financial support to assist her with the college expenses and the household expenses. The Court further considered the additional schooling required by the Plaintiff Wife as well as the time necessary for the Plaintiff Wife to look for and obtain employment after school to sufficiently support herself. The Court awarded the sum of \$1000 per month for 5 years, beginning June 15, 2006 and continuing the 15th of each month thereafter. The Court believed this amount to be sufficient rehabilitative alimony for the Defendant Husband to pay and for the Plaintiff Wife to receive. The amount would allow the Plaintiff Wife to meet her expenses at approximately the same level during the marriage. The Defendant Husband was the principal wage earner and provided the family with a comfortable standard of living. Defendant Husband earned \$60,000 per year most of which was earned at his principal employment with International Paper Company. The Court found that Defendant Husband would have no difficulty maintaining his standard of living by payment of \$1000.00 to Plaintiff Wife on a monthly basis. The award was intended to encourage Plaintiff Wife to become self-supporting after the divorce from Defendant Husband. I believe this to be the trend of the court in these type cases.

The following is Judge Bromell Holmes's account of two civil appeals she has personally handled:

- (a) Sheryl L. Stephens, Respondent v. Michael Anthony Stephens, Appellant. Appeal from Georgetown County Haskell T. Abbott, III, Family Court Judge. Unpublished Opinion No. 2002-UP-077. submitted November 14, 2001-

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Filed February 11, 2002. Affirmed in Part; Remanded in Part. In this case, I represented the Appellant.

- (b) Ralph Hoffman, Appellant vs. Lola Watts, Respondent, Appeal from Georgetown County Master in Equity, Benjamin H. Culbertson. Affirmed. Unpublished Opinion. In this case, I represented the Respondent.

Judge Bromell Holmes reported that she has not personally handled any criminal appeals.

Judge Bromell Holmes reported that she has held the following judicial office(s):

Elected by SC General Assembly February 7, 2007 as Family Court Judge, Fifteenth Judicial Circuit, Seat 1. Re-elected February 2013 and February 2019 to same position.

Judge Bromell Holmes provided the following list of her most significant orders or opinions:

- (a) High v. High, S.C. Court of Appeals Published Opinion # 4717. Filed July 28, 2010

This was a divorce action with an agreement on equitable distribution of marital property and debt. The contested issues were child custody and attorney fees. The matter was appealed. The Father appealed my order granting Mother sole custody of the couple's two children, arguing the family court erred in: (1) refusing to qualify Teressa Harrington, LPC as an expert witness; (2) prohibiting the introduction of statements made by the couple's minor daughter to Harrington; (3) refusing to admit Harrington's records into evidence; (4) making certain findings of fact relevant to the issue of custody which were not supported by the record; (5) failing to consider important factors contained in the record in its award of primary custody to Mother; (6) awarding Mother sole custody based on the fact that Mother was historically the caregiver of the minor children; and (7) granting Mother custody based on the primary caretaker factor. The Mother cross-appealed arguing that the family court erred in (1) hearing Father's untimely motion to alter or amend, and (2) failing to award her attorney's fees and costs. The Court of Appeals affirmed my ruling.

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(b) In the Interest of Spencer R., S.C. Court of Appeals,
Published Opinion #4668. Filed April 25, 2010.

This was a juvenile delinquency matter in which Spencer R. was charged with pointing and presenting a firearm. This case was my first juvenile trial as a family court judge. What was difficult about this case is that the State charged the juvenile in one petition for pointing and presenting a firearm at three different people. I didn't understand why the State didn't file three petitions, one for each person. It was clear to me that the juvenile intended to point and present a firearm at one of the individuals, but not the other two. However, because of how the petition was filed, I thought that I had to find the juvenile delinquent on the petition. The juvenile appealed his conviction for presenting a firearm, alleging the family court erred in finding sufficient evidence to support his conviction. The Court of Appeals affirmed the conviction of one of the individuals and reversed the conviction of the other two individuals. I am particularly proud of this case because prior to my ruling, there was no case law in the State of South Carolina which defined presenting a firearm.

(c) Simmons vs. Simmons, Supreme Court Opinion
#26970. Filed May 9, 2011.

This was a difficult case for me. The parties divorced in 1990 and entered into a family court-approved settlement agreement that was determined to be void in part. A central part of the parties' agreement required Husband to give Wife one-third of his Social Security benefits if he began receiving them at age 62 or one-half of those benefits if he began receiving them at age 65. The Social Security benefits were to "be construed only as a property settlement, and shall not in any way be considered or construed as alimony." Husband attained the age of 62 in 1994 and 65 in 1997, but he failed to pay Wife any portion of his Social Security benefits. In December of 2003, Wife filed a petition for a rule to show cause, seeking to compel compliance with the agreement. Husband responded by filing a Rule 60(b)(4), SCRCP,[2] motion, asserting that the family court lacked subject matter jurisdiction to order division of his Social Security benefits. The family court dismissed Husband's subject matter jurisdiction challenge, and Husband appealed. The court of appeals reversed. Simmons v. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006). The court found that the Social Security Act, specifically 42 U.S.C. § 407(a) (2010), preempted and expressly precluded the parties' agreement to divide Husband's Social Security

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benefits. As a result, the court voided that portion the agreement. The appeal presented the question of whether the family court may revisit, in whole or in part, the now partially voided agreement. I ruled in 2008 that I lacked subject matter jurisdiction to reconsider the 1990 court-approved agreement. The Supreme Court reversed and remanded for reconsideration of the court-approved agreement.

(d) Scott Meyers v. SCDSS 2022–UP-141 filed March 17, 2022

Scott and Catherine Meyers appealed my order dismissing their petition to adopt their niece based on the fact that they did not satisfy the requirements of the ICPC. On appeal, they argued the family court erred in finding the Interstate Compact on the Placement of Children (ICPC) applied to the action because they are related to minor child. The Court of Appeals found that the ICPC applies and statutorily bars the Meyers from adopting the minor child. My ruling was affirmed.

(e) In the Interest of Justin B., a Juvenile Under the Age of Seventeen, Opinion No. 27306 (S.C. Sup. Ct. filed August 28, 2013)

This case was also significant to me in that it involved sexual abuse committed between siblings. On May 3, 2009, Justin B's adoptive mother witnessed him sexually molest his adoptive sister and notified police. In August 2009, he was indicted for CSC–First in violation of section 16-3-655(A)(1) of the South Carolina Code. S.C. Code Ann. § 16-3-655(A) (Supp. 2012). Pursuant to a negotiated plea deal in which the juvenile agreed to plead guilty if allowed to do so in family court, the juvenile was brought before me on a juvenile petition in November 2009. He admitted guilt and was subsequently adjudicated delinquent. I committed the juvenile for an indeterminate period to the Department of Juvenile Justice, not to exceed his twenty-first birthday, and required him to undergo counseling. He was also ordered to register as a sex offender as required by section 23-3-460 of the South Carolina Code, and to comply with section 23-3-540's electronic monitoring requirements. Id. §§ 23-3-460, -540. The Juvenile appealed challenging the active electronic monitoring requirements of section 23-3-540 of the South Carolina Code Section 23-3-540 that individuals convicted of certain sex-related offenses, including criminal sexual conduct with a minor in the first degree (CSC–First), submit to electronic monitoring for the duration of the time the individual is required to remain on the sex

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offender registry. S.C. Code Ann. § 23-3-540(A)–(H) (Supp.2012). An individual found guilty of CSC–First is required to register as a sex offender bi-annually for life. Id. §§ 23-3-430, -460 (Supp. 2012). Section 23-3-540 also provides that ten years from the date electronic monitoring begins, an individual may petition the chief administrative judge of the general sessions court for the county in which the offender resides for an order of release from the monitoring requirements. Id. § 23-3-540(H). However, those persons convicted of CSC–First may not petition for this review. Id. Thus, these sex offenders must submit to monitoring for the duration of their lives.

Justin B argued that, because he is a juvenile, this imposition constitutes cruel and unusual punishment in violation of the federal and state constitutions. The Supreme Court found that electronic monitoring is not a punishment, and rejected Justin B’s claim. However, the Supreme Court allowed the juvenile to have periodic judicial review to determine the necessity of continued electronic monitoring. My decision was affirmed as modified.

Judge Bromell Holmes reported no other employment while serving as a judge:

(9) Judicial Temperament:

The Commission believes that Judge Bromell Holmes’s temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Bromell Holmes to be “Well Qualified” as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee had no related or summary comments.

Judge Bromell Holmes is married to Cleveland Bernard Holmes. She has two children.

Judge Bromell Holmes reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Conference of Family Court Judges (Vice President, 2021-2022) and (Secretary/Treasurer, 2020-2021)

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- (b) Family Court Advisory Committee (2020-Present)
- (c) South Carolina Bar Association (1997-Present)
- (d) Georgetown County Bar Association (1997-Present)
- (e) Coastal Women Lawyers
- (f) South Carolina Bar Pro Bono Board (Past Member)
- (g) Coastal Inn of Court
- (h) South Carolina Family Court Inn of Court
- (i) Family Court Bench/Bar (2009-2017)

Judge Bromell Holmes provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Alpha Kappa Alpha Sorority, Inc. (Parliamentarian 2016-2018) Member of the Year for 2009
- (b) St. Paul AME Church, Steward (2005-Present), Finance Committee(2005-Present) Christian Education Department (2004-Present), Women's Missionary Society (1995-Present) Youth Choir Director (2016-Present)

Judge Bromell Holmes further reported:

I have come into contact with thousands of people over the past fifteen years as a Family Court Judge as well as the preceding twelve years prior to my judgeship as an attorney. Throughout my life, I have lived by the golden rule "do unto others as you would have them do unto you". I have treated all individuals with the utmost respect. These individuals came from many walks of life. I am naturally inclined to attentively and objectively listen to all parties in a dispute. I am inherently fair, courteous, diligent, patient, humble and compassionate. I possess the intellectual capacity to interpret legal principles, apply them to the facts of each case and clearly and logically communicate the reasoning leading to my conclusions. I have been patient, dignified, open-minded and diligent in disposing of my cases. I have handled the pressure of a rigorous schedule. I have maneuvered the uncertainties of returning to our new normal by being flexible in accommodating a different courtroom format such as continuing the use of virtual hearings when warranted. The totality of my life experiences has equipped me to

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become an outstanding Court of Appeals Judge. I'm looking forward to expanding my horizons.

(11) Commission Members' Comments:

Judge Bromell Holmes is well respected on the family court bench for her knowledge and dedication as well as her excellent judicial demeanor.

(12) Conclusion:

The Commission found Judge Bromell Holmes qualified, but did not nominate her for election to Court of Appeals, Seat 2.

**Charles J. McCutchen
Circuit Court, At-Large, Seat 3**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. McCutchen meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. McCutchen was born in 1977. He is 45 years old and a resident of Orangeburg, South Carolina. Mr. McCutchen provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2002.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McCutchen.

Mr. McCutchen demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McCutchen reported that he has not made any campaign expenditures.

Mr. McCutchen testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

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(b) sought or been offered a conditional pledge of support by a legislator;

(c) asked third persons to contact members of the General Assembly prior to screening.

Mr. McCutchen testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. McCutchen to be intelligent and knowledgeable.

Mr. McCutchen reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. McCutchen reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McCutchen did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. McCutchen did not indicate any evidence of a troubled financial status. Mr. McCutchen has handled his financial affairs responsibly.

The Commission also noted that Mr. McCutchen was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. McCutchen reported that he is not rated by any legal rating organization.

Mr. McCutchen reported that he has not served in the military.

Mr. McCutchen reported that he has never held public office.

(6) Physical Health:

Mr. McCutchen appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Mr. McCutchen appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. McCutchen was admitted to the South Carolina Bar in 2002.

He gave the following account of his legal experience since graduation from law school:

- (a) Hood Law Firm, LLC, Charleston, SC. Associate. September 2002 – January 2004. My primary area of practice was general civil litigation defense, beginning with initial pleadings and conducting discovery, all the way through mediation, as well as trial preparation/trial. I was not involved in any management position in this role, including management of trust accounts.
- (b) Lanier & Burroughs, LLC, Orangeburg, SC. Non-equity member. February 2004 – Present. My areas of practice have always included personal injury litigation practice, including pretrial, trial preparation and trial, domestic litigation, criminal defense, workers compensation, as well as Social Security disability appeals and magistrate's Court civil and criminal litigation practice. Although I never managed the firm nor the trust accounts, I do oversee the trust account disbursements in cases that I personally handle.

Mr. McCutchen further reported regarding his experience with the Circuit Court practice area:

Over the past 5 years, and even prior, I have handled DUI/DUS cases, cases involving burglary and stolen goods, assault and battery, criminal domestic violence, various drug and firearm related charges, and also numerous traffic offenses. The usual issues presented in these cases pertained to probable cause or lack thereof, Miranda violations, failure of law enforcement to comply with South Carolina law, as well as mitigating facts and circumstances to be considered beyond just the charge(s) alone. The vast majority of my criminal cases concluded in negotiated plea agreements after concluding the rule 5 discovery process.

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As far as civil matters, I frequently and routinely handle an array of cases including automobile accidents and premises liability cases, primarily. These typically involve issues of proximate causation, damages and especially on the premises liability side, foreseeability issues and issues of actual and constructive notice, in addition to the proximate cause and damages issues. Again, the vast majority of my civil cases ended in an agreed upon settlement, whether it be at mediation or before; however, a few cases that included issues of causation/liability coupled with issues of causally connected damages, ended up proceeding to trial. Most of my practice is spent representing Plaintiffs, but from time to time I do represent individual defendants who have been sued.

I certainly am aware that my practice has been primarily on the civil side; however, I believe that the Rules of Evidence apply across the board, in any type of case, and the practice of one type of law familiarizes you with those same rules to be applied in other areas. I believe there would be a swift learning curve on the criminal side if I were elected, as there are usually more General Sessions terms of court compared to Common Pleas terms. As criminal matters involve the potential loss of rights most sacred to our State and US Constitutions, I would most certainly ensure that I was well versed, by way of research and independent study, on any unfamiliar issue that may arise in a case before me. That would also hold true with civil matters, as I am a firm believer in proper preparation in all areas of the law, and beyond.

Mr. McCutchen reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 5, or on average about 1 per year
- (b) State: 191 total, or on average about 38 times per year

Mr. McCutchen reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: including pre-suit civil matters, 5%. Including only filed civil matters 43%
- (b) Criminal: including pre-suit civil matters, 5%. Including only filed civil matters, 6%
- (c) Domestic: including pre-suit civil matters, 25%; including only filed civil matters, 33%
- (d) Other: Including pre-suit civil matters, 13%; Including only filed civil matters, 18%

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Mr. McCutchen reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 97%
- (b) Non-jury: 3%

Mr. McCutchen provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Mr. McCutchen's account of his five most significant litigated matters:

- (a) Sandra Canty, indiv. and as Guardian of Andrea Gulley, an Incapacitated Adult v. Orangeburg County EMS; Case # 2018-CP-38-01354

This matter involved alleged breaches of the standard of care by EMS personnel in responding to a 911 call from the Plaintiff's daughter, which resulted in an anoxic brain injury. The case involved multiple experts in the areas of causation and damages, as well as issues surrounding protections under the SC Tort Claims Act. After discovery and expert preparation, the case was successfully mediated, wherein a substantial, yet limited recovery was obtained to assist in Ms. Gulley's lifelong care.

- (b) Shawn Hale v. Locals Pub of Orangeburg, SC, et al.,; Case # 2017-CP-38-00005

This premises liability case involved injuries sustained by the owner of a security company who was shot while checking on staff at a night club providing security services. The Plaintiff had extensive medical treatment requiring a month long hospitalization, multiple skin grafts and was permanently limited in function as a result of his injuries. The issues litigated were the duties owed by the landowner, and imputed notice from tenant to the landlord, assumption of the risk doctrines, and criminal acts of third parties. After extensive investigation, numerous depositions and surviving a defense motion for summary judgment, the case was successfully mediated.

- (c) William Rutland v. Hazel H. Fogle; Case # 2016-CP-38-01449

This automobile accident case was one where liability was admitted, partly because the Defendant later became incapacitated due to age. Also, the case contained issues of pre-existing medical problems, exacerbation of a prior condition, causally connected medical expenses, and UIM offset due to failure to exhaust liability limits. After lengthy

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discovery, treating physician deposition(s), and subsequent consulting independent medical examiner testimony, the case was mediated twice (liability and UIM) and ultimately resolved prior to trial.

(d) Shayeata Taylor v. Wal-Mart Stores East, LP, etal.,; Case # 2013-CP-38-0650

Suit was commenced in this matter due to the wrongful arrest and subsequent prosecution of the Plaintiff for shoplifting. Plaintiff was a single mother who lost her job because of her detention and arrest. Significantly, the case involved issues of computer forensics and data stored on a gaming console which assisted in proving the allegations of wrongful arrest and malicious prosecution. Further, past economic loss was a substantial portion of the damages in the case. After multiple pretrial motions hearings, requiring amendment of the complaint itself, the matter settled prior to trial, after it was previously mediated unsuccessfully.

(e) Walter Proctor v. Admon Louis Moran d/b/a Moran Stumping Company, etal.,; Case # 2010-CP-14-124

This case, along with the companion loss of consortium case, arose out of an accident between a private vehicle and a tractor trailer hauling pine tree stumps. From the beginning, this matter contained issues and violations of the Federal Motor Carrier Safety Administration regulations, conspicuity analysis, accident reconstruction, comparative negligence, as well as substantial physical injuries sustained by the Plaintiff and his wife. The case was unsuccessfully mediated, yet settled prior to trial

Mr. McCutchen reported he has not personally handled any civil or criminal appeals.

Mr. McCutchen reported that he has never held public office.

Mr. McCutchen further reported the following regarding unsuccessful candidacies:

In 2021, I was a candidate for the Circuit Court, First Judicial Circuit, Seat One position. I was found Qualified and Nominated by the Judicial Merit Selection Commission in the Media Release dated November 23, 2021. I ultimately withdrew my candidacy on January 20, 2022.

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(9) Judicial Temperament:

The Commission believes that Mr. McCutchen's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Mr. McCutchen to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented: "Energetic, pragmatic, resourceful, good ideas, personable, smart, great qualities—all of the qualities of a good circuit judge."

Mr. McCutchen is married to Tara Lovelace McCutchen. He has two children.

Mr. McCutchen reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Orangeburg County Bar Association, Treasurer 2008-Present
- (c) First Judicial Circuit Fee Dispute Resolutions Board
- (d) South Carolina Association of Justice, Member

Mr. McCutchen provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Orangeburg County Community of Character, Board of Directors, 2014-Present
- (b) 2018 Lawyer of the Year, as voted on by readers of the Times & Democrat Newspaper
- (c) City of Orangeburg Dixie Youth Baseball Coach, 2012-2020

Mr. McCutchen further reported:

I was born and raised in a small community a few miles north of Kingstree, South Carolina. Growing up, my parents and grandparents taught me the importance of diligence and hard work. More importantly,

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they taught me how to be a person of good character, which includes how to treat people. I never once witnessed my parents mistreat another human being, not so much as to raise their voice at them. The opposite was more true: my parents would inconvenience themselves and go out of their way to help their peers, indiscriminately. At age twelve, my father passed away, and I watched my mother work tirelessly to ensure our needs were met. Growing up, I held every job a teenager in rural Williamsburg County could possibly have: from country store clerk to farming or working the tobacco and gladiola fields, I did it all. I consider myself fortunate to have met so many people from various walks of life at such a young age. It keeps me grounded to this day. I have walked many miles in many different persons' shoes, and I believe this is extremely important when one day I may be asked to adjudicate matters involving those same people.

My humble beginnings in life have stayed with me throughout my career, and I believe that is partially what has prepared me to be a Judge. I pray that if I am ever fortunate enough to wear a black robe, I will be no different of a man then as I am today. No person is bigger than the system in which they operate, including the law. I have realized over my eighteen years of practice that any case I have handled, although all important regardless of size and type, is the most important case to 1 person: the client that hired you. When an individual places that much trust in another individual, it is a very humbling experience. It is even more humbling to fathom that one day I may have to preside over matters where there are two sides having their most important, and sometimes only experience, within the judicial system. That is a responsibility that I do not, and will not take lightly. Having to preside and render judgment over an individual's life or livelihood is a sobering, serious responsibility, and that is a responsibility that I will gladly and humbly assume.

(11) Commission Members' Comments:

The Commission commented that Mr. McCutchen is a personable, well-respected attorney with years of experience.

(12) Conclusion:

The Commission found Mr. McCutchen qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 3.

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**William K. Witherspoon
Circuit Court, At-Large, Seat 3**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Witherspoon meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Witherspoon was born in 1959. He is 63 years old and a resident of Columbia, South Carolina. Mr. Witherspoon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Witherspoon.

Mr. Witherspoon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Witherspoon reported that he has not made any campaign expenditures.

Mr. Witherspoon testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Witherspoon testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. Witherspoon to be intelligent and knowledgeable.

Mr. Witherspoon reported that he has taught the following law-related courses:

- (a) I have lectured at the SC Bar Program “Bridge the Gap” for new lawyers.
- (b) I have made presentations on the topics of appellate advocacy and domestic relations to lawyers attending the Annual SC Bar Meeting
- (c) I have taught an upper-level Business Law class at Benedict college.
- (d) I have taught a Trial Advocacy class at the U.S.C. School of Law.
- (e) I have lectured at the SC Bar CLE program “20/20: An Optimal View of Significant Developments”.
- (f) I have lectured at the Richland County Bar Association’s annual ethics seminar.
- (g) I have lectured to federal paralegals on “Pretrial Discovery” issues.
- (h) I have lectured to federal paralegals on “Fifth Amendment” issues.
- (i) I have lectured to federal paralegals on “Witness Immunity” issues.
- (j) I have lectured to new federal employees on federal criminal procedure.
- (k) I have lectured to law students on criminal conspiracy issues.
- (l) I have lectured to several classes at USC on mental health issues in criminal matters.
- (m) I have lectured at Narcotics Commanders School on “Preparing Search Warrants” to law enforcement officers attending the school.
- (n) I have made presentations to students at the Charleston School of Law and UofSC School of Law.

Mr. Witherspoon reported that he has published the following:

- (a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1995), Contributing Author;
- (b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1997), Editorial Board.

(4) Character:

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The Commission's investigation of Mr. Witherspoon did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Witherspoon did not indicate any evidence of a troubled financial status. Mr. Witherspoon has handled his financial affairs responsibly.

The Commission also noted that Mr. Witherspoon was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Witherspoon reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Witherspoon reported that he has held the following public office: I was appointed a Municipal Court judge for the City of Columbia in August 1998. I served in this position until May 2000.

(6) Physical Health:

Mr. Witherspoon appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Witherspoon appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Witherspoon was admitted to the South Carolina Bar in 1991.

He gave the following account of his legal experience since graduation from law school:

(a) August 1991 – July 1992 Law clerk to the Honorable Randall T. Bell, S.C. Court of Appeals

(b) August 1992 – August 1993 Law clerk to the Honorable Matthew J. Perry, Jr., United States District Court for the District of South Carolina

(c) September 1993 – November 1995 Berry, Dunbar, Daniel, O'Connor, Jordan & Eslinger. My practice was a general civil

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plaintiff's-oriented practice. I was involved in contract matters, automobile accidents and other personal injury cases.

(d) November 1995 – August 1996 Law clerk to the Honorable Matthew J. Perry, Jr., United States District Court for the District of South Carolina

(e) September 1996 – July 1998 Berry, Adams, Quackenbush & Stuart. My practice was a general practice with both plaintiff's and defense cases. Cases included employment matters, contract matters, criminal defense, automobile accidents and other personal injury cases.

(f) July 1998 – May 2000 Associate General Counsel, South Carolina Budget & Control Board. As a member of the General Counsel's Office, I served as legal advisor, provided legal advice, and representation to different Board offices and staff. I reviewed contracts, proposed legislation, and represented the Board offices in legal disputes.

(g) May 2000 – present United States Attorney's Office. I am involved in the prosecution of federal narcotics and firearms crimes. I have held several positions in the US Attorney's Office including, Anti-Terrorism Coordinator, interim Violent Crimes Section chief, First Assistant United States Attorney and currently serve as Senior Litigation Counsel.

Mr. Witherspoon further reported regarding his experience with the Circuit Court practice area:

Criminal Experience

Over the last five (5) years, my practice has been exclusively in criminal matters. I have handled cases involving violations of federal narcotics and firearms statutes, immigration laws, armed robbery matters and narcotics related murders. I was the leader prosecutor in a case involving the prosecution of a former federal agent. As part of my criminal practice, I have handled some appeals and responded to post-conviction matters which are civil in nature.

Civil Experience

Over the course of my career, I have represented both plaintiffs and defendants in civil matters. My civil practice included personal injury cases and other intentional torts. I have handled automobile accident cases, contract disputes and employment matters. In addition, I have continued to review reported civil cases from both the state and federal courts. I would continue to study the Rules of Civil Procedure and the reported civil cases to overcome any deficiency in my experience. I have

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viewed civil CLEs through online training courses and read South Carolina Advance Sheets in this area.

Mr. Witherspoon reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 100%;
- (b) State: 0%.

Mr. Witherspoon reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 95%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Mr. Witherspoon reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 30%;
- (b) Non-jury: 70%.

Mr. Witherspoon provided that during the past five years he most often served as sole counsel.

The following is Mr. Witherspoon's account of his five most significant litigated matters:

- (a) Tobias, et al. v. The Sports Club, et al., 332 S.C. 90, 504 S.E.2d 318 (1998). I served as co-counsel in this case. This was a first party cause of action against the defendants for serving alcohol to an intoxicated plaintiff under the theory of Christiansen v. Campbell, 328 S.E.2d 351 (Ct. App. 1985). After the jury returned a verdict for the defendants, my firm appealed on behalf of the plaintiffs. The jury verdict was upheld but the Supreme Court overruled Christiansen.
- (b) United States of America v. Jorge Gonzalez-Vasquez, et al., 77 Fed. Appx. (4th Cir. (S.C.) October 20, 2003). I served as co-counsel in this case. This case was tried in federal court. This case arose from the discovery of an organized drug smuggling and sports betting ring in the federal prison in Edgefield, South Carolina. A total of 22 defendants, including inmates and their family members, were charged. Four of the defendants went to trial and were convicted. The remaining eighteen (18) defendants pled guilty to several different charges. Because several of

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the defendants did not speak English, this case involved the use of Spanish interpreters for the defendants, the use of translated recorded prison telephone calls and the use of historical evidence of drug smuggling from other federal prisons.

(c) United States v. David Michael Woodward, et al., 430 F.3d 681 (4th Cir. 2005). I served as co-counsel in this case. This case arose out of a pain management clinic in Myrtle Beach. The clinic was dispensing powerful narcotic pain medication to its patients. We alleged that the doctors were over prescribing and illegally prescribing these medications to patients who were not in need of the medication. In some cases, the doctors did not perform any physical examination of the patients or the patients were intoxicated when they came to the clinic. Patients, allegedly in severe pain, were traveling more than three (3) hours to visit the clinic. The doctors alleged that they were in a better position to diagnose and treat the patients. After a two (2) week trial, the doctors were convicted. This case was the first of its kind in South Carolina.

(d) United States v. Kenneth Reid, et al., 523 F.3d 310 (4th Cir 2008). I served as co-counsel in this case. This case arose out of an undercover drug deal in Rock Hill, South Carolina. After Mr. Reid determined who the undercover informant was, he hired another drug dealer to kill the informant. They were successful in killing the informant. The local police sought federal help in investigating and prosecution of this case. After the shooter was located in Texas and brought back to South Carolina, he then faked being mentally ill which required a mental evaluation and hearing to determine his competency. Only Mr. Reid went to trial. At trial, we tried Mr. Reid on several different charges, including using a firearm during a violent crime. He was convicted of several charges and sentenced to life imprisonment. This case is significant based upon the request from the victim's family.

(e) United States v. Darryl Hemphill, et al. I served as lead counsel in this case. This case arose out of a drug organization located in the Rock Hill, South Carolina area. I indicted approximately 19 defendants as a result of a wiretap. The defendants were flying to California to meet with the source of supply for cocaine, methamphetamine, marijuana, heroin and fentanyl. Once they met with the source of supply, they would ship packages containing the illegal substances back to different locations in Charlotte, North Carolina. Eventually, the defendants began making counterfeit pain pills using fentanyl. This case is ongoing. This case is significant because after the arrest of the individuals the local law enforcement noticed a significant decrease in the number of counterfeit pills in the area.

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The following is Mr. Witherspoon's account of two civil appeals he has personally handled:

- (a) Walker v. South Carolina Department of Health and Environmental Control, 1998 WL 637298 (4th Cir. (S.C.) August 31, 1998).
- (b) Heyward v. Monroe, 1998 WL 841494 (4th Cir. (S.C.) December 7, 1998).

The following is Mr. Witherspoon's account of five criminal appeals he has personally handled:

- (a) United States v. Anderson, 773 Fed. App'x. 127 (4th Cir. 2019).
- (b) United States v. Cannon, 740 Fed. App'x. 785 (4th Cir. 2018).
- (c) United States v. Cash, 2008 WL 4699771 (4th Cir. (S.C.) October 27, 2008).
- (d) United States v. Hallman, 2007 WL 1423758 (4th Cir. (S.C.) May 10, 2007).
- (e) United States v. Charley, 2006 WL 521735 (4th Cir. (S.C.) March 03, 2006).

Mr. Witherspoon further reported the following regarding unsuccessful candidacies:

I ran for the Circuit Court, At-Large, Seat No. 9 in September 2002. I was found qualified but not nominated by the Judicial Merit Screening Committee. I ran for the Circuit Court, At-Large, Seat No. 9 in May 2006. I was found qualified and nominated by the Judicial Merit Screening Committee. I was not elected. I ran for the Circuit Court, At-Large, Seat No. 8 in 2009. I was found qualified but not nominated. I was one of five (5) finalists for a Federal Magistrate Judge position in August 2008.

(9) Judicial Temperament:

The Commission believes that Mr. Witherspoon's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Witherspoon to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial

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temperament. Additionally, the Committee noted: “Made a great impression on the committee, especially the attorneys.”

Mr. Witherspoon is married to Maggie Sythiner Bracey. He has two children.

Mr. Witherspoon reported that he was a member of the following Bar and professional associations:

- (a) President, S.C. Bar 2016-2017
- (b) President-elect, S.C. Bar 2015-2016
- (c) Treasurer, S.C. Bar 2014-2015
- (d) Member, S.C. Bar Board of Governors 2010 – 2018
- (e) Member, S.C. Bar House of Delegates 1998 – present
- (f) Chair, S.C. Bar House of Delegates 2013-2014
- (g) Past Chair, S.C. Bar Long Range Planning Committee
- (h) Past Member, S.C. Bar Nominating Committee
- (i) Past Member, S.C. Judicial Qualifications Committee
- (j) Past Member, Supreme Court Board of Grievances and Discipline
- (k) Past Member, S.C. Bar Continuing Legal Education Committee
- (l) Past Member, S.C. Bar Publications Committee
- (m) Past Member, S. C. Bar Diversity in Profession Committee
- (n) Past Member, S.C. Bar Professionalism Committee
- (o) Past Member, Richland County Bar Long Range Committee
- (p) Past Member, Palmetto Legal Aide Board of Directors

Mr. Witherspoon provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Salvation Army Board of Directors
- (b) Child Evangelism Board of Directors
- (c) Omega Psi Phi Fraternity

Mr. Witherspoon further reported:

I believe that my diverse legal background would benefit me as a Circuit Court judge. I have worked as a law enforcement officer, in private practice, in public service and over my legal career gained valuable courtroom experience as a federal prosecutor. I believe these experiences would be an attribute to me if I am selected as a Circuit Court judge.

I have also tried to continue my involvement in civic and professional activities in addition to practicing law. I have served on several committees and boards in the South Carolina Bar including the

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Board of Grievances and Discipline, CLE, Diversity, Professional Responsibility, Long Range Planning and the Nominating Committee. As a result of my bar and community service, I was awarded the Compleat Lawyer Silver Medallion by USC School of Law. The Silver Medallion is awarded to lawyers practicing less than fourteen (14) years for service to the legal profession and the community at large. The recipients of the award are chosen by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, the Dean of the Law School, the Executive Director of the SC Bar and the President of the Law School Alumni Board. I have also received the South Carolina Lawyers' Weekly Leadership in the Law award.

These activities are important and beneficial to me in that they have provided an opportunity to improve both the legal profession and the community at large. I believe that it is important that judges come from varied backgrounds and perspectives. Being involved in professional and civic activities is a way of achieving that diversity of experience and allow me to gain valuable insight into other ideas and perspectives.

(11) Commission Members' Comments:

The Commission was impressed with Mr. Witherspoon's continued involvement with the South Carolina Bar and his commitment to improving the legal profession. The Commission noted Mr. Witherspoon has had impressive mentors throughout his legal career and is well regarded in the legal community.

(12) Conclusion:

The Commission found Mr. Witherspoon qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 3.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

SUPREME COURT

SEAT 4

The Honorable David Garrison
"Gary" Hill
The Honorable Aphrodite
Konduros

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The Honorable Stephanie
Pendarvis McDonald

COURT OF APPEALS

SEAT 1

SEAT 2

The Honorable Blake A. Hewitt
Whitney B. Harrison
The Honorable Grace Gilchrist
Knie
The Honorable Letitia H. Verdin

CIRCUIT COURT

FIFTEENTH JUDICIAL
CIRCUIT, SEAT 1

Amanda A. Bailey
B. Alex Hyman

AT-LARGE, SEAT 3

Patrick C. Fant III
Doward Keith Karvel Harvin
S. Boyd Young

FAMILY COURT

FIRST JUDICIAL CIRCUIT,
SEAT 3

Mandy W. Kimmons
Margie A. Pizarro

TWELFTH JUDICIAL CIRCUIT,
SEAT 1

Philip B. Atkinson
Alicia A. Richardson

AT-LARGE, SEAT 7

The Honorable Thomas T.
Hodges

AT-LARGE, SEAT 8

The Honorable Rosalyn
Frierson-Smith

**ADMINISTRATIVE LAW
COURT**

SEAT 5

Stephanie N. Lawrence
The Honorable Crystal Rookard

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Judicial Qualifications Committee

**The Honorable Ralph K. Anderson, III
Supreme Court of South Carolina, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Ralph K. Anderson, III's candidacy for The Supreme Court of South Carolina, Seat 4, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable David Garrison "Gary" Hill
Supreme Court of South Carolina, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David Garrison Hill's candidacy for The Supreme Court of South Carolina, Seat 4, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Aphrodite Konduros
Supreme Court of South Carolina, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Aphrodite Konduros' candidacy for The Supreme Court of South Carolina, Seat 4, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Stephanie Pendarvis McDonald
Supreme Court of South Carolina, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Stephanie Pendarvis McDonald's candidacy for The Supreme Court of South Carolina, Seat 4, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Blake A. Hewitt
Court of Appeals, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Blake A. Hewitt's candidacy for the Court of Appeals, Seat 1, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**Whitney B. Harrison
Court of Appeals, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Whitney B. Harrison's candidacy for the Court of Appeals, Seat 2, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Jan B. Bromell Holmes
Court of Appeals, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Jan B. Bromell Holmes' candidacy for the Court of Appeals, Seat 2, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

**The Honorable Grace Gilchrist Knie
Court of Appeals, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Grace Gilchrist Knie's candidacy for the Court of Appeals, Seat 2, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Letitia H. Verdin
Court of Appeals, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Letitia H. Verdin's candidacy for the Court of Appeals, Seat 2, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**Amanda A. Bailey
Circuit Court, 15th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Amanda A. Bailey's candidacy for the Circuit Court, 15th Judicial Circuit, Seat 1, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

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**B. Alex Hyman
Circuit Court, 15th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding B. Alex Hyman's candidacy for the Circuit Court, 15th Judicial Circuit, Seat 1, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

**Patrick C. Fant, III
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Patrick C. Fant's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**Doward Keith Karvel Harvin
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Doward Keith Karvel Harvin's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

**Charles J. McCutchen
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Charles J. McCutchen's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

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**William K. Witherspoon
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding William K. Witherspoon's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

**S. Boyd Young
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding S. Boyd Young's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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Mandy W. Kimmons
Family Court, 1st Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mandy W. Kimmons' candidacy for the Family Court, 1st Judicial Circuit, Seat 3, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Margie A. Pizarro
Family Court, 1st Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Margie A. Pizarro's candidacy for the Family Court, 1st Judicial Circuit, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

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Philip B. Atkinson
Family Court, 12th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Philip B. Atkinson's candidacy for the Family Court, 12th Judicial Circuit, Seat 1, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Judicial Qualifications Committee has concerns about candidate's ability to perform judicial duties impartially and to act objectively and without bias.*

Alicia A. Richardson
Family Court, 12th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Alicia A. Richardson's candidacy for the Family Court, 12th Judicial Circuit, Seat 1, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified

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Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Thomas T. Hodges
Family Court, At-Large, Seat 7**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Thomas T. Hodges' candidacy for the Family Court, At-Large, Seat 7, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Rosalyn Frierson-Smith
Family Court, At-Large, Seat 8**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Rosalyn Frierson-Smith's candidacy for the Family Court, At-Large, Seat 8, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Qualified

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Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Stephanie N. Lawrence
Administrative Law Court, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Stephanie N. Lawrence's candidacy for the Administrative Law Court, Seat 5, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Crystal Rookard
Administrative Law Court, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Crystal Rookard's candidacy for the Administrative Law Court, Seat 5, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified

THURSDAY, JANUARY 12, 2023


Reputation
Judicial Temperament

Well-Qualified
Well-Qualified

Respectfully submitted,



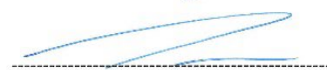
Senator Luke A. Rankin



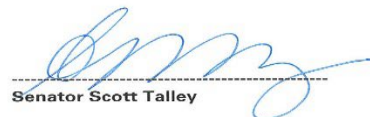
Rep. Micajah P. "Micah" Caskey, IV



Senator Ronnie A. Sabb



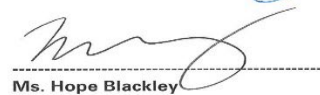
Rep. J. Todd Rutherford



Senator Scott Talley



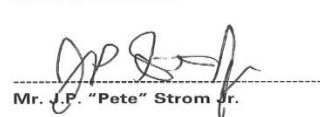
Rep. Wallace H. "Jay" Jordan, Jr.



Ms. Hope Blackley



Mr. Andrew N. Safran



Mr. J.P. "Pete" Strom Jr.



Ms. Lucy Grey McIver

**The Judicial Merit Selection Commission Report of Candidate Qualifications for 2022 was inserted into the journal as received with the exception of formatting.*

THURSDAY, JANUARY 12, 2023

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lewis Harrison of Roebuck, S.C. Lewis had an intense love for his family and the Lord. He was an active member of Mount Calvary Presbyterian Church. Lewis was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator KIMPSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of David Fletcher Aylor of Charleston, S.C. David was a graduate of the College of Charleston and the University of South Carolina School of Law. He began his legal career serving as an Assistant Solicitor in the Ninth Circuit Solicitor's Office for Charleston County and later founded his own law firm. David taught criminal justice at the College of Charleston and Trident Technical College and was acting prosecutor for the City of Hanahan. He enjoyed volunteering at Hanahan Elementary School, Going Places, Be a Mentor, Charleston Animal Society and Boy Scouts of America to mention a few. David was a loving son and devoted father and brother who will be dearly missed.

and

THURSDAY, JANUARY 12, 2023

MOTION ADOPTED

On motion of Senators CROMER, GROOMS, HUTTO and MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of W. Gene Whetsell of Bowman, S.C. Gene was a land surveyor for 57 years. He served in the National Guard and was Colleton County's first tax assessor where he worked for 20 years. He was elected to Colleton County Council in 2002. He served on the Recreation Commission, Fire Commission and Planning Commission and represented the Lowcountry Council of Governments. Gene enjoyed sports, storytelling and spending time outdoors and with family. Gene was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:08 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Friday, January 13, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

MOTION ADOPTED

On motion of Senators McELVEEN and K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Corine Shaw Newton of Sumter, S.C. Corine was the First Lady of Jehovah Missionary Baptist Church. She and her husband Pastor Marion Newton made significant contributions to their church and community and she will be dearly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SHEALY, the Senate adjourned to meet next Tuesday, January 17, 2023, at 12:00 Noon.

* * *

Tuesday, January 17, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 40:36

In the writings of Isaiah we read:

“ . . .but those who hope in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint.”

Bow with me as we pray: O glorious Lord, we come to this Chamber today seeking to honor You, taking seriously the roles bestowed upon us as Your servants, desiring indeed to be the faithful leaders who want more than anything else to provide for the needs of the people of this State. To that end, dear God, grant to each Senator and every staff member the caring spirit of the late Martin Luther King, Jr. May these leaders, as did King typically, strive to do what they can to bring Your blessings upon each woman, man, and child here in South Carolina -- thereby doing all that they can do to keep the dream alive for everyone. All this, dear Lord, we humbly pray in Your loving and gracious name. Amen.

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

MESSAGE FROM THE GOVERNOR

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

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Statewide Appointments

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2017, and to expire March 15, 2023

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406

VICE Dr. Lonnie Randolph

Referred to the Committee on Corrections and Penology.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406

Referred to the Committee on Corrections and Penology.

Point of Quorum

At 12:06 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Massey
Peeler	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Talley
Turner	Williams	

A quorum being present, the Senate resumed.

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Statement by Senator YOUNG

I am not attending session today because I am assisting my family after my father's recent death.

Doctor of the Day

Senator CAMPSSEN introduced Dr. Ghazala Javed of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:06 P.M., Senator YOUNG was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SETZLER, at 12:06 P.M., Senator VERDIN was granted a leave of absence until 12:35 P.M.

Leave of Absence

On motion of Senator SHEALY, at 12:06 P.M., Senators SENN and MARTIN were granted a leave of absence for today.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

Remarks by Senator STEPHENS

Thank you, Mr. PRESIDENT, ladies and gentlemen of the Senate. As you all know, today we will start the debate on vouchers in South Carolina. Let me just say, that I am proud to be a proponent of public education in South Carolina. I served approximately 19 years with the Orangeburg County School Board and Orangeburg County School District.

I've learned that we need to educate students so that we can enable them to become well-rounded individuals focusing on the whole child, not just a mastery of academic content, and to prepare students to live a productive life and become good citizens. I understand that there are ten major challenges to a good public education. Those challenges are classroom size, poverty, family factors, technology, bullying, students, attitude and behavior, no child left behind, and parent involvement. However, this list is critical to the world-class education experience that we should be giving -- the opportunity for our children to have.

I'm hoping that when we start the debate on this issue, we will take these things into consideration. We talk about the possibility of \$90

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million going to the Voucher Bill. My belief is that if we take that \$90 million and we look at the number of teachers we have in our system -- that is just at the minimum amount -- the minimum pay scale, if we look at that comprehensively, and use part of that \$90 million to get our teachers up to a \$45,000-\$46,000 pay scale, I believe you can and will attract good quality teachers in our system. If you take part of that same \$90 million and put into academics, those programs that will enhance that delivery of a world class education, we will produce children who are competitive as it relates to the job market. If we take some of that \$90 million and we put it toward facilities especially in rural South Carolina, we will put our children in an environment that is conducive to learning.

Now ladies and gentlemen, it is upon us as elected officials, members of the General Assembly, to ensure that public education is given what it needs to adequately and effectively do its job. Over the years, that has not been the case. I agree with the Governor in his budget proposal -- and he is listing education as one of his priorities. There is a lot to be done and I applaud him for taking a stance that education is a priority in South Carolina -- public education, I stress public education -- is a priority in South Carolina. I am asking members of this Body to continue to give public education an opportunity to educate our children so that they can be competitive here and abroad.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator STEPHENS were ordered printed in the Journal.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 164	Sens. Grooms and Garrett
S. 234	Sens. Grooms and Bennett
S. 260	Sen. Hutto
S. 285	Sen. Rice
S. 304	Sen. Climer
S. 330	Sen. Verdin
S. 331	Sen. Verdin
S. 380	Sen. McElveen
S. 381	Sen. Verdin
S. 393	Sen. Stephens

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 386 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE JOSEPH WASHINGTON UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS FORTY-TWO YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0216km-vc23.docx : 2411b791-859b-4ab8-886e-f87e73eef83f

The Senate Resolution was adopted.

S. 387 -- Senator Allen: A SENATE RESOLUTION TO COMMEND THE GREENVILLE (SC) CHAPTER OF THE LINKS, INCORPORATED, FOR SEVENTY YEARS OF COMMITTED COMMUNITY SERVICE AND TO EXTEND BEST WISHES TO THIS FINE ORGANIZATION AS ITS MEMBERS CONTINUE TO SERVE.

lc-0160wab-rm23.docx : ecdf1641-6b46-4622-9c00-00dfeec389c4

The Senate Resolution was adopted.

S. 388 -- Senator Reichenbach: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SOUTH FLORENCE HIGH SCHOOL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN HISTORIC SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE.

lc-0154wab-gm23.docx : 7bf6ec15-db5e-4f7b-8f3b-b453a6b7ecde

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

S. 389 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 81 TO TITLE 2 SO AS TO CREATE THE "JOINT COMMITTEE ON FEDERALISM" TO EVALUATE CERTAIN FEDERAL LAWS, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO SPECIFY THE PROCESS OF EVALUATION, AND TO SET FORTH OTHER DUTIES.

lc-0110dg23.docx : f746b281-3faa-43f8-88e2-d826dcf506a2

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

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S. 390 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-330, RELATING TO LIMITATIONS ON THE IMPOSITION OF LOCAL FEES SO AS TO LIMIT THE AMOUNT OF A STORMWATER FEE TO FIFTEEN PERCENT OF THE AMOUNT OF AD VALOREM TAXES LEVIED ON THE PROPERTY BY THE LOCAL GOVERNING BODY IMPOSING THE FEE.

lc-0111dg23.docx : 15a1354e-150c-4376-9578-d080c634ae6c

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

S. 391 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-1520 SO AS TO REQUIRE COMMISSIONERS AND ALTERNATES TO A CONVENTION OF STATES OR TO A STATE RATIFICATION CONVENTION TO TAKE AN OATH, TO PROVIDE CRIMINAL PENALTIES FOR THOSE COMMISSIONERS AND ALTERNATES WHO ARE CONVICTED OF VIOLATING THE REQUIRED OATH, AND TO DEFINE RELEVANT TERMS.

lc-0113dg23.docx : 430397e7-ee3c-4475-8b9c-2e9cbd292480

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

S. 392 -- Senators Rice and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO THE LIMITATION ON OWNERSHIP OR CONTROL OF LAND IN THIS STATE BY ALIENS OR CORPORATIONS OWNED BY ALIENS, SO AS TO REDUCE THE LIMITATION TO ONE THOUSAND ACRES.

lc-0165wab23.docx : 77953f86-7fd3-47c8-befb-f8c1ce4eac1b

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

S. 393 -- Senators Rice and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-750, RELATING TO THE OFFENSE OF FAILURE TO STOP MOTOR VEHICLES WHEN SIGNED BY LAW ENFORCEMENT VEHICLES, SO AS TO PROVIDE PENALTIES WHEN VEHICLES LEAD OFFICERS ON HIGH-SPEED PURSUITS WHICH HAVE BEEN VIDEO RECORDED.

lc-0191cm23.docx : 11277955-b31f-4be7-af3c-6ca602c86d41

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

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S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

lc-0136vr23.docx : 788382c7-7e48-408b-a804-ebe045f06564

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

S. 395 -- Senators Climer, Massey, M. Johnson and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-13-160 SO AS TO PROVIDE THAT THE CHAPTER APPLIES TO ALL PERSONS ELECTED OR APPOINTED TO A SPECIAL PURPOSE DISTRICT THAT CHARGES A FEE OR RATE TO A CONSUMER TO PROVIDE A SERVICE; BY AMENDING SECTION 8-13-1110, RELATING TO PERSONS REQUIRED TO FILE STATEMENT OF ECONOMIC INTERESTS, SO AS TO INCLUDE A PERSON ELECTED OR APPOINTED TO A SPECIAL PURPOSE DISTRICT THAT CHARGES A FEE OR RATE TO A CONSUMER TO PROVIDE A SERVICE; AND BY AMENDING SECTION 8-13-320(10)(L), RELATING TO DUTIES AND POWERS OF STATE ETHICS COMMISSION, SO AS TO PROVIDE THAT WRITTEN DECISIONS MUST BE POSTED TO THE STATE ETHICS COMMISSION'S WEBSITE.

sr-0214km23.docx : 8df5cb8a-3ed8-407a-9bbc-ecd2ab16adcc

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

S. 396 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-13-40, RELATING TO CREATION OF SOUTH CAROLINA COMMISSION ON HUMAN AFFAIRS, SO AS TO DELETE CERTAIN REQUIREMENTS; BY AMENDING SECTION 1-13-90, RELATING TO COMPLAINTS, INVESTIGATIONS, HEARINGS, AND ORDERS, SO AS TO PROVIDE REMEDIES ANALOGOUS WITH FEDERAL LAW AND AS ARE NECESSARY AND PROPER TO PROMOTE THE PUBLIC INTEREST AND ELIMINATE DISCRIMINATION; BY AMENDING SECTION 1-13-90, RELATING TO COMPLAINTS, INVESTIGATIONS, HEARINGS, AND ORDERS, SO AS TO AMEND THE STATUTE OF

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LIMITATIONS FOR AN ACTION IN CIRCUIT COURT UNDER THIS SECTION; BY AMENDING SECTION 31-21-120, RELATING TO COMPLAINTS, PROCESS, AND HANDLING, SO AS TO DELETE CERTAIN REQUIREMENTS; AND BY AMENDING SECTION 31-21-140, RELATING TO CIVIL ACTION; DAMAGES, SO AS TO CLARIFY THE STATUTE OF LIMITATIONS FOR A CIVIL ACTION BY AN INDIVIDUAL.

smin-0073aa23.docx : a0c42c82-5aa5-4df4-9554-158c1858795a

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

S. 397 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

sr-0031jg23.docx : 9f23c22c-c387-4814-873f-61d616aba1db

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

S. 398 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0190cm-cm23.docx : 87f94a65-70a1-4ceb-b059-fe1912d16b67

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

S. 399 -- Senators Peeler and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD

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OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE

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DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,

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AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

sf-0005ch23.docx : 210fe417-40d9-42b3-851d-b18d1ffa94f9

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

S. 400 -- Senators Young, Massey, Setzler, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Shealy, Stephens, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LAW ENFORCEMENT OFFICERS OF THE AIKEN COUNTY SHERIFF'S OFFICE, THE SOUTH CAROLINA HIGHWAY PATROL, AND THE NORTH AUGUSTA DEPARTMENT OF PUBLIC SAFETY AND TO CONGRATULATE THEM FOR BEING AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

lc-0092dg-gm23.docx : 7e631918-00dc-468d-b144-f9774cc18fbf

The Senate Resolution was adopted.

S. 401 -- Senators Young, Massey, Setzler, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Shealy, Stephens, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MEMBERS OF THE AIKEN COUNTY SHERIFF'S OFFICE AND TO CONGRATULATE THEM FOR BEING

TUESDAY, JANUARY 17, 2023

AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION
MEDAL OF VALOR.

lc-0117ph-gm23.docx : fdea9d41-341e-413d-8567-a881981c07ff

The Senate Resolution was adopted.

H. 3603 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION
INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER,
GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO
ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT
7:00 P.M. ON WEDNESDAY, JANUARY 25, 2023, IN THE
CHAMBER OF THE SOUTH CAROLINA HOUSE OF
REPRESENTATIVES.

lc-0075ahb-ahb23.docx : 19846fd4-fe32-4dd7-8e2a-a582a5a4a61e

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

H. 3621 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey,
Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell,
Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey,
Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox,
B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder,
Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest,
Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes,
Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon,
Hosey, Howard, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W.
Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon,
Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel,
McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan,
Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus,
Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford,
Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis,
Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West,
Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and
Yow: A CONCURRENT RESOLUTION TO IMPROVE THE CARE
OF ATHEROSCLEROTIC CARDIOVASCULAR DISEASE IN THE
STATE OF SOUTH CAROLINA.

lc-0114vr-vr23.docx : f875e283-07db-45ec-aba4-5d39abb6f0e6

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

TUESDAY, JANUARY 17, 2023

H. 3704 -- Reps. Hixon, Hiott, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS OF SOUTH CAROLINA'S FFA, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL THOSE WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION, AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18-25, 2023.

lc-0148sa-gm23.docx : 8417370d-f4c0-4121-9904-c6c96bc5b5b6

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

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

OBJECTION

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE

TUESDAY, JANUARY 17, 2023

ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

Senator FANNING objected of consideration of the Bill.

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED

TUESDAY, JANUARY 17, 2023

STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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

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

MOTION ADOPTED

At 12:46 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

POINT OF ORDER

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210,

TUESDAY, JANUARY 17, 2023

SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

Point of Order

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

The PRESIDENT sustained the Point of Order.

DEBATE INTERRUPTED BY ADJOURNMENT

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S

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ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

The Senate proceeded to the consideration of the Bill.

Senator HEMBREE explained the Bill.

Point of Quorum

At 2:16 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Motion Adopted

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

REPORT RECEIVED

College and University
Trustee Screening
Commission

Sen. Thomas C.
Alexander
Sen. John L. Scott, Jr.
Sen. Daniel B.
"Danny" Verdin, III
Sen. Richard A.
"Dick" Harpootlian



Rep. William R.
Whitmire,
Chairman
Rep. John King
Rep. Seth Rose
Rep. Timothy A.
"Tim" McGinnis

Staff:
Macey Webb

429 Blatt Building
P.O. Box 142
Columbia, South Carolina
29202
Phone: (803) 734-3054
Email: maceywebb@
schouse.gov

TUESDAY, JANUARY 17, 2023

**College and University Trustee Screening Commission
Report to the General Assembly
January 17, 2023**

The College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to which they applied. These individuals will be released to receive commitments on Wednesday, January 18, 2023 at 12:00 p.m. noon. The Joint Assembly to elect the trustees is currently set for Wednesday, February 1, 2023 at 12:00 p.m. (noon). A complete transcript of the hearings for these candidates will be printed in today's Senate and House Journals.

The Citadel

CANDIDATES FOUND QUALIFIED AND NOMINATED

One (1) at-large seat
-terms expires June 30, 2028

~~Benjamin D. Dixon~~
Withdrew 4/19/22
Dylan W. Goff
Columbia

Kara Irvin
North Charleston

Clemson University

CANDIDATES FOUND QUALIFIED AND NOMINATED

Three (3) at-large seats
-terms expire June 30, 2026

Patricia H. McAbee
Greenville

John N. McCarter
N. Myrtle Beach

Sharka Marie Prokes
Inman
Joseph D. Swann
Greenville

Lander University

CANDIDATES FOUND QUALIFIED AND NOMINATED

At-Large - Seat 8
-term expires June 30, 2026

Robert A. Barber, Jr.
Charleston

TUESDAY, JANUARY 17, 2023

At-Large - Seat 9 -term expires June 30, 2026	James C. Shubert <i>Simpsonville</i>
At-Large - Seat 10 -term expires June 30, 2026	Peggy Makins <i>Lexington</i>
At-Large - Seat 11 -term expires June 30, 2026	Donald H. Scott <i>Waterloo</i>
At-Large - Seat 12 -term expires June 30, 2026	DeWitt B. Stone, Jr. <i>Clemson</i>
At-Large - Seat 13 -term expires June 30, 2026	Raymond D. Hunt, Sr. <i>Chapin</i>
At-Large - Seat 14 -term expires June 30, 2026	Marcia T. Hydrick <i>Seneca</i>
At-Large - Seat 15 -term expires June 30, 2026	John E. Craig, Jr. <i>Lancaster</i>

Wil Lou Gray Opportunity School

CANDIDATES FOUND QUALIFIED AND NOMINATED

Two (2) At-Large seats -terms expire June 30, 2026	J. Blake Lindsey <i>West Columbia</i>
	Marilyn E. Taylor <i>Columbia</i>

University of South Carolina

CANDIDATES FOUND QUALIFIED AND NOMINATED

1 st Judicial Circuit -term expires June 30, 2026	Charles H. Williams <i>Orangeburg</i>
3 rd Judicial Circuit -term expires June 30, 2026	C. Dorn Smith III <i>Lake City</i>
5 th Judicial Circuit -term expires June 30, 2026	Alexander English <i>Blythewood</i>

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7th Judicial Circuit
-term expires June 30, 2026

~~D. Benjamin Graves~~
~~Spartanburg~~
Withdrew 4/25/22

Henry L. Jolly, Jr.
Gaffney

~~J. Patrick Anderson~~
~~Spartanburg~~
Withdrew 5/2/22

9th Judicial Circuit
-term expires June 30, 2026

John C. von Lehe
Mount Pleasant

11th Judicial Circuit
-term expires June 30, 2026

Thad H. Westbrook
Lexington

12th Judicial Circuit

C. Edward Floyd
Florence

13th Judicial Circuit
-term expires June 30, 2026

~~D. Hollis Felkel II~~ –
~~Simpsonville~~
Withdrew 4/25/22

~~Brody Glenn~~
~~Greenville~~
Withdrew 4/28/22

Reid T. Sherard
Greenville

**STATE OF SOUTH CAROLINA
COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

**REVIEW OF THE UNIVERSITY OF SOUTH CAROLINA
TRUSTEE**

TUESDAY, JANUARY 17, 2023
CANDIDATES IN CARRY OVER STATUS

TRANSCRIPT OF PUBLIC HEARINGS

Date: Tuesday, January 10, 2023
Time: 3:39 P.M.
Location: Blatt Building
1101 Pendleton Street
Columbia, South Carolina 29201

Committee Members Present:

Representative William R. Whitmire, Chairman
Senator Thomas C. Alexander, Vice-Chairman
Senator John L. Scott, Jr.
Senator Daniel B. "Danny" Verdin, III
Senator Richard A. "Dick" Harpootlian
Representative John King
Representative Seth Rose
Representative Timothy A. "Tim" McGinnis

Also Present:

Macey Webb, Staff Counsel

MR. CHAIRMAN: This is the January 10, 2023, Screening Committee for Colleges and Universities. At this time I would like to call on my good friend, President ALEXANDER, for a brief prayer.

PRESIDENT ALEXANDER: Let us pray. Dear Heavenly Father, we just give you thanks for the opportunity to serve you and serve the people of this great state of South Carolina. Just be with us this afternoon in the deliberations and the opportunities that you provide. Be with us throughout this new year and in this new legislative session. In Thy holy name we pray. Amen.

MR. CHAIRMAN: Thank you, Mr. PRESIDENT. I'd like to introduce the Commission members. On my right, you've already met -- of course everybody knows PRESIDENT Alexander. Senator SCOTT to his right. Then Senator VERDIN. So welcome -- oh, sorry. Senator HARPOOTLIAN. How did I forget him? Don't be mad at me. Now, on my left, is -- we have Representative John R. King, who is with us in the last few sessions. And we've got two new members, Representative Tim McGinnis, from the Myrtle Beach area and Representative Seth Rose, who is from the Columbia area. And I will now challenge the Senate to a tennis match sometime in the spring. Because I think we've

TUESDAY, JANUARY 17, 2023

got a real chance. For our meeting today, our Commission's goal is to take a vote to ratify the previous Commission's work that we completed last session, in 2022. We'll take a vote to approve all of the trustee candidates that our Commission screened last session and found qualified and nominated. This way, those trustees will not have to be rescreened this session and can instead go to the floor, to be voted on in a Joint Assembly. We will also take a vote on the five University of South Carolina trustee members that we have in carry-over status. We're going to vote to approve last session's screening work so I would defer to our staff member, Macey Webb.

MS. WEBB: Good afternoon. So, bear with me. We have long list of candidates that I'm going to read through that we screened and gave a favorable report to last session. So, please be patient with me as we go thorough that. So, the College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to which they applied. For the Citadel: Benjamin D. Dixon, Dylan W. Goff, Kara Irvin. For Clemson University: Patricia H. McAbee, John N. "Nicky" McCarter, Sharka Marie Prokes, Joseph D. Swann. For Lander University: Robert A. Barber, Jr., James C. Shubert, Peggy Makins, Donald H. Scott, DeWitt B. Stone, Jr., Raymond D. Hunt, Sr., Marcia T. Hydrick, John E. Craig, Jr. For Wil Lou Gray Opportunity School: J. Blake Lindsey, Marilyn E. Taylor.

MR. CHAIRMAN: Any comments by members of the Commission? (No replies are heard.)

MR. CHAIRMAN: Hearing none, do I hear a motion to adopt.

SENATOR VERDIN: Mr. Chairman?

MR. CHAIRMAN: Yes, sir. VOTE:

SENATOR VERDIN: I would move adoption of the Commission's report from the previous committee meeting.

PRESIDENT ALEXANDER: Second.

MR. CHAIRMAN: All right. All those in favor, please signify by raising your right hand. (Hands are raised.)

MR. CHAIRMAN: And it's unanimous, eight to zero. Okay. Thank you. All right. Next, we'll take up the five University of South Carolina Trustee candidates in carry-over status. But first, before we vote on them, I would like to let Senator HARPOOTLIAN make some remarks.

SENATOR HARPOOTLIAN: Thank you, Mr. Chairman. As everyone knows, I have been deeply involved examining the Board of Trustees. I had legislation last year that just didn't quite make it on the last day, of the legislation structure of the board. And let me say, sort of the good news/bad news. I have since then met with the new chairman of the

TUESDAY, JANUARY 17, 2023

board, Thad Westbrook. I'm impressed with his efforts to make sure the Board acts like a board. I've met with the new president. I'm impressed with his understanding that it's his job to talk to department heads, that board members talk to him, and not to department heads directly. I'm also impressed with their follow-through on a couple of issues that they got back to me on. So, not that you have to make me happy, but what does concern me is that, in my opinion, some members of this board -- I see Charles Williams out here. I have no problem with him whatsoever. I think he is a good board member. I know that he objected to the process by which they picked President Caslen. I know he objected to the borrowing of general fund money -- or to use to buy off -- or pay off the contract for football coach, twelve million dollars. And I think he's been a good steward of the State's money and has acted in a responsible fashion. By contrast, I've spent since that last vote, looking -- serving FOIs on the University of South Carolina for emails and texts between the board members and department heads. I've done some additional searching in terms of residences. And as to the former chairman, Dorn Smith, I've determined a couple of things. He routinely bypassed the President of the University and talked to department heads, specifically on numerous occasions, the head of the athletic department, without going through the President, about matters that he had no business discussing. Secondly, I have huge questions about where he lives. His wife's residence is in Florence County. He claims to live in Lake City, in a different county, to qualify to be on the board. I've got to tell you -- and I'm going to vote no on him today. And if I'm able to, I'll vote no on him when he comes to the floor of the Joint Assembly. The last thing I'd say, one of the board members has been on that board since 1998. Another one of the board members has been on there not that long but thirty years. And I seriously hope that this legislation has been introduced by Senator HEMBREE that we come up with some restructuring, term limits, something, to insure that the board is the board and not twenty-something different presidents that communicate with department heads as to what they want, not what the majority of board wants. This is a problem that has plagued USC. Again, we have somebody here, Charles Williams, who has not done that. So it's not every board member. But a number of them have done this. So, Mr. Chairman, I appreciate the opportunity to express why I'm going to vote no on Dorn Smith today. And while I would do so again, I'm sure he's got the votes to get to the floor. And I will do so again, when it comes to the floor.

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MR. CHAIRMAN: Thank you, Senator. Are there any other members of the Commission that would like to make remarks at this time. If not, we will proceed to the University of South Carolina candidates. First, we're going to take up the candidates that were found qualified last fall. And I will refer to Macey for that.

MR. WEBB: Yeah, so just for clarification of the record, I'm now going to read the University of South Carolina candidates that the Commission found as qualified and nominated last session and then we will move on to the other five USC candidates that we have in carry over status. So please bear with me as I read the names of the five University of South Carolina candidates that our Commission found qualified and nominated in 2022, and then we will take the vote on them. For the University of South Carolina: Alexander English, D. Benjamin Graves, Henry L. Jolly, Jr., J. Patrick Anderson, D. Hollis Felkel, C. Brody Glenn, and Reid T. Sherard. All received a favorable report from our Commission last session and were found qualified and nominated. VOTE:

MR. CHAIRMAN: Do I have a motion?

SENATOR SCOTT: I'd make a motion, Mr. Chairman.

MR. CHAIRMAN: And a second. All those in favor signify by raising your right hand. (Hands are raised.)

MR. CHAIRMAN: And it's unanimous. All right. On the other five, we're going to vote on each candidate individually, of course. And I will need a motion by a sitting member to insert the name of the candidate. And we will either vote to qualify or we will not vote qualified or if you don't want to, you don't have to vote at all.

SENATOR HARPOOTLIAN: Mr. Chairman, I would move to find Charles Williams qualified and nominated.

MR. CHAIRMAN: There's a motion to find Charles Williams qualified and nominated.

SENATOR SCOTT: And a second.

MR. CHAIRMAN: And a second. All those in favor, signify by raising your right hand. (Hands are raised.)

MR. CHAIRMAN: It's unanimous, eight/zero. All right, next.

PRESIDENT ALEXANDER: Mr. Chairman, I would move that on the Third Judicial Circuit, that C. Dorn Smith, III be found qualified and nominated.

MR. CHAIRMAN: Is there a second?

SENATOR VERDIN: Second.

MR. CHAIRMAN: All those in favor of C. Dorn Smith, please raise your right hand. (Hands are raised.)

MR. CHAIRMAN: All those opposed? (A hand is raised.)

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MR. CHAIRMAN: One? Okay. Seven to one. Thank you, Mr. President. All right.

SENATOR SCOTT: Mr. Chairman?

MR. CHAIRMAN: Yes, sir.

SENATOR SCOTT: The Ninth Judicial Circuit, John C. von Lehe in Mt. Pleasant, to find him qualified and nominated.

MR. CHAIRMAN: Second?

REPRESENTATIVE McGINNIS: Second.

MR. CHAIRMAN: All those in favor, signify by raising your right hand. (Hands are raised.)

MR. CHAIRMAN: It's eight/zero. Thank you, Senator SCOTT. All right, next. We have Thad Westbrook.

SENATOR SCOTT: Mr. Chairman?

MR. CHAIRMAN: Yes, sir.

SENATOR SCOTT: For the 11th Judicial Circuit I would like to nominate Thad H. Westbrook, from Lexington, qualified and nominated.

MR. CHAIRMAN: Second?

REPRESENTATIVE ROSE: Second.

MR. CHAIRMAN: All of those in favor signify by raising your right hand. And it's eight/zero. All right last is Dr. C. Edward Floyd. Do I have someone making that nomination. Mr. PRESIDENT?

PRESIDENT ALEXANDER: Mr. Chairman, I would move that for the Twelfth Judicial Circuit that Dr. C. Edward Floyd be found qualified and nominated.

MR. CHAIRMAN: There's a second. All those in favor signify by raising your right hand. (Hands are raised.)

MR. CHAIRMAN: Unanimous. I'm sorry, seven and one no.

MS. WEBB: To clarify, on the record and for the court reporter, for the Twelfth Judicial Circuit, C. Edward Floyd, by a vote of seven to one, with Representative John King voting no.

SENATOR HARPOOTLIAN: And I'd like to change my vote to no.

MS. WEBB: Okay. All right. By a vote of six to two, for the clarification of the record, with Representative King and Senator HARPOOTLIAN voting no on Dr. Floyd.

MR. CHAIRMAN: Okay. Our Commission will set a date and time for the Joint Assembly. We're going to try to hold a Joint Assembly on February 1, 2023, along with the judges. That should be a nice long day. The hope is that we can vote on all the candidates as well trustee candidates in the Joint Assembly. Does anyone have anything else to say? That it? I'm sorry, Mr. PRESIDENT.

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PRESIDENT ALEXANDER: Before you do, I just want to thank you, Mr. Chairman, and the work of all of the Commission members to get us to this point. I thank everyone for their service and their time and energy from that standpoint.

MR. CHAIRMAN: Thank you, Mr. PRESIDENT. I have to say, this has been the most difficult year we've had as far screening out candidates and I've been on here a long time. So, hopefully we can get the votes with a yay or nay with the General Assembly and we'll see where it goes from there. And also, Macey, do you have any timetable when we will - I guess it depends on court decisions, on the

MS. WEBB: Yeah, so as far as where the Commission will proceed from here, I'll be working in close contact with Chairman Whitmire, PRESIDENT Alexander's office and Speaker Smith's office to determine where we will go from here. The next step from here will be getting all of these trustees that did receive a favorable report today, getting them included in the Joint Assembly for February 1st. That's going to be the goal so they can be elected on the floor in that Joint Assembly. And then from there we still have, I believe, eight At-Large 2022 candidates that still need to be screened from 2022 as well several other 2022 congressional district seats, which we have not officially decided on the congressional districts. But the next goal will be to get the eight At-Large 2022 candidates screened, at the very least.

MR. CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: I know this process took a little longer than folks would like. But I think what's most important in all of that is to understand that this Committee will be doing checks and balances. Those days of rubber stamping and cutting through this process are long passed and gone. And I think that because of that time frame, folk have had to regather their behavior and their management practices back at the board. Although it may have one particular board that had had a lot of conversation, trust me, other boards have gone back and taken a look at their behavior and some of what's going on in these boards of trustees. Managing these boards, managing schools is big business. We want to make sure we're putting on boards of trustees who understand their responsibility and the separation between management and policy. Thank you, Mr. Chairman.

MR. CHAIRMAN: Representative Rose.

REPRESENTATIVE ROSE: Just briefly. I just want to say that I, too, favor and I supported the Bill to restructure the USC board. I went to undergrad at USC. I also went to law school. I live very close to the campus and so obviously some of the things that have transpired have

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been very troubling. But I also recognize that there are a lot of good things that happen as well. But I think the way the board is made up, I think the size of the board, the lack of diversity on the board, are all things that trouble me. And that is also why I supported the Bill that Senator HARPOOTLIAN referenced that unfortunately died in the Senate and I hope that there will be a push to have that come forward again. Thank you.

MR. CHAIRMAN: Any other members? First off, let me thank all of you, both Senators and Representatives for your hard work on this. And Macey, you did yeoman's work. Thank you for volunteering for this job. And I wish both the House and the Senate have very productive years this year. With that, we're adjourned. (There being nothing further, the proceeding concluded at 3:56 p.m.)

MOTION ADOPTED

On motion of Senators SETZLER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Thomas Roy "Tom" Young, Sr. of Aiken, S.C. Tom was the father of our beloved Senator Tom Young. Tom attended Anderson College and the University of South Carolina. He served eight years in the South Carolina National Guard. Tom opened an Allstate Insurance Agency in 1982 and was inducted into the Allstate Insurance Company Hall of Fame in 2007. He served in many business, faith-based and civic organizations including the Aiken County Gamecock Club, Anderson University Board of Trustees, Aiken County Transportation Committee and Rotary Club to mention a few. Tom was a member of Millbrook Baptist Church where he faithfully served for fifty years on various committees. Tom was a passionate Gamecock fan and enjoyed spending time with family and friends. Tom was a loving husband, devoted father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senators GROOMS, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Arthur Ravenel, Jr. of Charleston, S.C. Arthur represented Charleston, Georgetown and Horry Counties in the South Carolina House of Representatives from 1953-1958 and in the Senate from 1981-1986. He then served in South Carolina's First Congressional District from 1987-1995 before serving as a state Senator from 1997-2003. He served in the United States Marine Corp and graduated from the College of Charleston in 1950. Arthur was a loving husband, devoted father and doting grandfather who served our State well and will be dearly missed.

ADJOURNMENT

At 2:16 P.M., on motion of Senator MALLOY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, January 18, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Matthew 4:1

Matthew's Gospel tells us: "Then Jesus was led by the Spirit into the desert to be tempted by the devil."

Let us join our hearts together and pray: The story of Your Son's temptation in the wilderness, O God, brings us up sharply. After all, it is virtually commonplace to recognize that even in our own world of state government temptations confront us multiple times daily; seemingly there is no escaping from them. All the more, dear Lord, do we in this Senate call upon You to lead us away from life's tempting moments -- giving in to special interests, allowing ourselves to be lured off the beaten path by seductive voices, caving in to calls to cut corners. The list of examples can go on and on. Rather, Lord, strengthen all who serve here that we might all be individuals who steadfastly stand for what is appropriate and honorable, for what is right and just. In addition, O God, we lift up to You Senator Tom Young, Jr., and ask that You embrace him and his family in Your care in the recent death of the Senator's father. In Your hopeful name we pray, dear Lord. Amen.

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

Point of Quorum

At 1:06 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams
Bennett

Alexander
Cash

Allen
Climer

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Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	Matthews
Peeler	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	

A quorum being present, the Senate resumed.

Statement by Senator YOUNG

I am not attending session today because I am assisting my family after my father's recent death.

Doctor of the Day

Senator SENN introduced Dr. James McCoy of Summerville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 1:06 P.M., Senator YOUNG was granted a leave of absence for today.

CO-SPONSORS ADDED

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

S. 112	Sen. Shealy
S. 234	Sen. Rice
S. 246	Sen. Rice
S. 252	Sens. Adams, Kimbrell and Reichenbach
S. 304	Sen. Verdin
S. 363	Sen. Verdin
S. 375	Sen. Verdin
S. 381	Sen. Alexander

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 402 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE DR. OSCAR F. LOVELACE FOR RECEIVING

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THE SOUTH CAROLINA OFFICE OF RURAL HEALTH PIONEER AWARD.

sr-0222km-vc23.docx : 86064371-b21a-4baf-8254-4ac13c3d9fa8

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

S. 403 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-5-115 SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT POLITICAL PARTY; BY AMENDING SECTION 7-5-110, RELATING TO THE REQUIREMENT OF REGISTRATION IN ORDER TO VOTE, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS A MEMBER OF THAT POLITICAL PARTY; BY AMENDING SECTION 7-5-170, RELATING TO THE REQUIREMENTS FOR VOTER REGISTRATION, SO AS TO REQUIRE A STATEMENT OF POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUSION IN THE OATH, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ASSIST IN CAPTURING THIS DATA; AND BY AMENDING SECTION 7-9-20, RELATING TO QUALIFICATIONS FOR VOTING IN A PRIMARY ELECTION, SO AS TO REQUIRE REGISTRATION AS A MEMBER OF THE POLITICAL PARTY, AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

lc-0120hdb23.docx : f6c87129-9232-4d6c-9097-508eeaa56d47

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

S. 404 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 63-5-380 SO AS TO PROHIBIT OPERATORS OF INTERNET-BASED APPLICATIONS FROM USING "AUTOMATED DECISION SYSTEMS" TO PLACE CONTENT ON SOCIAL MEDIA PLATFORMS FOR USERS UNDER THE AGE OF EIGHTEEN WHO ARE RESIDENTS OF THE STATE OF SOUTH CAROLINA, TO REQUIRE OPERATORS TO PERFORM AGE-VERIFICATION PRACTICES FOR CERTAIN USERS, TO ESTABLISH THAT A VIOLATION IS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE

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UNDER THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT, AND FOR OTHER PURPOSES.

lc-0150vr23.docx : b2720206-ac3a-4d9e-9e39-8ce207e577d6

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

S. 405 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

sfgf-0014bc23.docx : b39743bc-a83c-4a67-aed3-550f4814e7cd

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

S. 406 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

sfgf-0015bc23.docx : 81bb10ed-a3f6-4222-9840-f5154689738a

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

S. 407 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

sr-0034jg23.docx : c1a25804-a4b6-4593-9952-d5ed4a56f84c

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

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S. 408 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-75-250, RELATING TO ISSUANCE OF LICENSE, DISPLAY, AND RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT; AND BY AMENDING SECTION 40-75-540, RELATING TO REGULATIONS FOR CONTINUING EDUCATION AND LICENSE RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT.

sr-0035jg23.docx : b793dd8c-004b-463d-9b7c-99b0bb7da5c2

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

S. 409 -- Senators Corbin, Climer, Massey, Loftis, Turner, Gustafson, Bennett, Garrett, Kimbrell, Gambrell, Adams and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 22-1-45 SO AS TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A CURRENT MEMBER OF THE SENATE TO APPEAR AS ATTORNEY AT LAW IN A MAGISTRATES COURT LOCATED IN A COUNTY REPRESENTED BY THE SENATOR.

sr-0210km23.docx : 5c36ab6c-5597-43fa-b504-3c47b505f808

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

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

sj-0025pb23.docx : 13d0e2c2-3f1e-4273-835d-a2a47257377b

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

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF U.S. HIGHWAY 76 FROM THE LITTLE MOUNTAIN TOWN LIMIT TO THE NEWBERRY/LEXINGTON COUNTY LINE "THE HONORABLE WALTON J. MCLEOD III

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HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

sr-0220km-hw23.docx : 92f2c87c-37a3-4e2f-b013-6b044c9c3759

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

S. 412 -- Senator Rice: A CONCURRENT RESOLUTION TO CALL UPON THE NATIONAL CONFERENCE OF STATE LEGISLATURES, THE COUNCIL OF STATE GOVERNMENTS, AND THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL TO COORDINATE IN THE CREATION OF A NATIONAL FEDERALISM TASK FORCE FOR THE PURPOSE OF CONVENING A SERIES OF FEDERALISM SUMMITS FOCUSED ON RESTORING AND MAINTAINING CLEARLY DISCERNIBLE DIVISIONS IN THE ROLES AND RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AND THE STATES.

lc-0167sa-sa23.docx : 78539edf-8897-49bc-a868-40d7cfda04ab

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

S. 413 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. OSCAR LOVELACE, A FAMILY MEDICINE PHYSICIAN IN PROSPERITY, AND TO CONGRATULATE HIM UPON RECEIVING THE PIONEER AWARD FROM THE SOUTH CAROLINA OFFICE OF RURAL HEALTH.

lc-0120dg-gm23.docx : 42e4aa1b-4693-4510-9ab3-2a5145e63458

The Senate Resolution was adopted.

S. 414 -- Senators Gambrell, Massey, Turner, Bennett and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL

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SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

sr-0196km23.docx : f6ca71a3-9ed6-44fe-9bf2-fbf74ac4ec9a

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

S. 415 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR STAFF SERGEANT STEVEN BLAKE WEATHERSBEE OF THE SUMTER COUNTY SHERIFF'S OFFICE AND TO CONGRATULATE HIM ON BEING AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

lc-0188cm-rm23.docx : 1c7b442b-6917-4ce0-9251-b15d8b19d3fa

The Senate Resolution was adopted.

S. 416 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DEPUTY JOSHUA KIRBY OF THE SUMTER COUNTY SHERIFF'S OFFICE AND TO CONGRATULATE HIM ON BEING AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

lc-0155sa-rm23.docx : cae97d81-096c-44b5-8d51-953e5e76b430

The Senate Resolution was adopted.

S. 417 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO

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RECOGNIZE AND HONOR LIEUTENANT ROBERT REYNOLDS OF THE SUMTER COUNTY SHERIFF'S OFFICE AND TO CONGRATULATE HIM ON BEING AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

lc-0132vr-rm23.docx : 77c2d493-f0ea-46ac-a9d3-b8ae97dc91d9

The Senate Resolution was adopted.

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A

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TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

lc-0162wab-wab23.docx : de6571a1-507f-48ba-a6e0-6276b91fb98e

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

H. 3715 -- Reps. Felder, Guffey, King, Ligon, Moss, O'Neal, Pope, Sessions and Gilliam: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BETTY MILLER, DEPUTY SOLICITOR FOR THE 16TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE, AND TO CONGRATULATE HER FOR RECEIVING THE ERNEST F. HOLLINGS AWARD FOR EXCELLENCE IN STATE PROSECUTION FOR 2022.

lc-0052ha-gm23.docx : 7437664d-4c3f-4d97-b312-65f68f0fe84f

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

REPORT OF STANDING COMMITTEE

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

S. 381 -- Senators Peeler, Verdin and Alexander: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE

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FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO
OFFSET MIDYEAR BUDGET REDUCTIONS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 388 -- Senator Reichenbach: A CONCURRENT RESOLUTION
TO RECOGNIZE AND HONOR THE SOUTH FLORENCE HIGH
SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL
OFFICIALS FOR AN HISTORIC SEASON AND TO
CONGRATULATE THEM FOR WINNING THE 2022 SOUTH
CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

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

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler,
Grooms and Garrett: A BILL TO AMEND THE SOUTH CAROLINA
CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE
44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY
AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-
7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF
HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE
REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY
AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE
CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO
NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE
THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN
APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN
ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED
STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL
SOUTH CAROLINA.

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

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

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MOTION ADOPTED

At 1:25 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
DEBATE INTERRUPTED**

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

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The Committee on Education proposed the following amendment (SEDU-39.DB0078S), which was adopted:

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

SECTION 1. Title 59 of the S.C. Code is amended by adding:

CHAPTER 8

Education Scholarship Trust Fund

Section 59-8-110. For purposes of this chapter:

(1) “Department” means the South Carolina Department of Education.

(2) “Education Scholarship Trust Fund”, “ESTF”, or “fund” means the individual account that is administered by the department to which funds are allocated to the parent of an eligible student to pay for qualifying expenses.

(3) “Eligible student” means a student who:

(a) is a resident of this State;

(b)(i) attended a public school in this State during the previous school year;

(ii) had not yet attained the age of five on or before September first of the previous school year but who has attained the age of five on or before September of the current school year; or

(iii) received a scholarship pursuant to this chapter for the previous school year; and

(c)(i) has a statement of Medicaid eligibility;

(ii) has an IEP; or

(iii) has a sibling living in the same household who receives a scholarship pursuant to this chapter.

(4) “IDEA” means the Individuals with Disabilities Education Act found in 20 U.S.C. Section 1400, et seq.

(5) “Parent” means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

(6) “Education service provider” means a person or organization approved by the department that receives payments from ESTF to provide educational goods and services to scholarship students.

(7) “Program” means the ESTF program created by this chapter.

(8) “Resident school district” means the public school district in which the student is domiciled.

(9) “Scholarship” means education funding allocated from an account established pursuant to this chapter.

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(10) “Scholarship student” means an eligible student who is participating in the Education Scholarship Trust Fund program.

(11) “Substantial misuse” means willfully and knowingly receiving or spending any portion of a scholarship for any purpose other than a qualifying expense.

(12) “Qualifying expense” means:

(a) tuition and fees of an education service provider;
(b) textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) tutoring services approved by the department;

(d) computer hardware or other technological devices that are used primarily for a scholarship student’s educational needs and approved by the department or a licensed physician;

(e) tuition and fees for an approved nonpublic online education service provider or course;

(f) fees for approved:

(1) national norm-referenced examinations, advanced placement examinations, or similar assessments;

(2) industry certification exams; or

(3) examinations related to college or university admission;

(g) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech-language therapies;

(h) approved contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;

(i) contracted teaching services and education classes approved by the department;

(j) fees for transportation paid to a fee-for-service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred fifty dollars for each school year;

(k) fees for ESTF account management by private financial management firms approved by the department; or

(l) any other educational expense approved by the department.

Section 59-8-115. (A) The department shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the Education Scholarship Trust Fund

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program. The application window established shall last at least forty-five days, opening no earlier than January fifteenth and closing no later than March fifteenth each calendar year.

(B) Pursuant to the timeline established pursuant to subsection (A), the department shall:

(1) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

(2) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(C) Before awarding a scholarship, the department shall have obtained evidence of the student's eligibility through the card issued in the student's name from the Department of Health and Human Services for Medicaid eligibility included as applicable with application documentation.

(D) The department shall approve an application for scholarship if:

(1) the parent submits an annual application for an scholarship in accordance with the application and procedures established by the department;

(2) the student on whose behalf the parent is applying is an eligible student;

(3) funds are available for the ESTF; and

(4) the parent signs an annual agreement with the department:

(a) to provide, at a minimum, a program of academic instruction for the eligible student in at least the subjects of English/language arts to include writing, mathematics, social studies, and science;

(b) to acknowledge and agree to comply with the education service provider's prescribed curriculum, dress code, and other requirements of enrolled students;

(c) to ensure the scholarship student takes assessments as referenced in Section 59-8-150 or provides assessments in a similar manner through other means if the scholarship student does not receive full-time instruction from an education service provider;

(d) to use program funds for qualifying expenses only for an approved provider to educate the scholarship student, subject to penalty;

(e) not to enroll their scholarship student in a public school as a full-time student in the resident school district, as defined in this chapter;

(f) not to participate in a home instruction program under Sections 59-65-40, 59-65-45, or 59-65-47;

(g) that includes documentation of the consultation process between the parent, the resident school district, the education service

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provider, and any school district that the education service provider contracts with under an IEP or services plan, for each scholarship student with a disability regarding the special education and related services, and the manner by which these services as listed in the student's IEP or services plan, will be provided to a scholarship student with a disability.

(h) to confirm that, if the parent's child is a student with disabilities, the parent has received notice from the department that participation in the ESTF program is a parental placement of the scholarship student under IDEA, along with an explanation of the rights that parentally placed students possess under IDEA and any applicable state laws and regulations, including the consultation process provided for in 20 U.S.C. Section 1412(a)(10) and the Individual Education Program requirements described in Section 1414(d) of IDEA.

(E) The department shall make available on its website in a conspicuous location information in conformity with 34 C.F.R Sections 300.130 through 300.144, Assistance to States for the Education of Children with Disabilities, explaining to parents the rights of children with disabilities under IDEA both in public schools and as parentally placed students in private schools.

(F) A parent will be allowed to make payments for the cost of educational goods and services not covered by the funds in their student's ESTF; however, personal deposits into an ESTF account are prohibited.

(G) Funds received pursuant to this section do not constitute taxable income to the parent of the scholarship student or to the student.

(H) A parent's signed agreement under subsection (D)(4) satisfies the state's compulsory attendance law pursuant to Section 59-65-10.

(I) The State Board of Education shall promulgate regulations for the administration of the program as may be applicable.

(J) The department may contract with qualified organizations to administer the program application process or specific functions, maintenance, and monitoring of the program application process as required above.

Section 59-8-120. (A) There is established at the department, the "South Carolina Education Scholarship Trust Fund" that is separate and distinct from the general fund, consisting of monies appropriated to the department to provide scholarships to eligible students for qualifying expenses. The fund must receive and hold all monies allocated for it as well as all earnings until disbursed as provided in this section.

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(B) The department shall administer the fund and is responsible for keeping records, managing accounts, and disbursing scholarships awarded pursuant to this section and as directed by the parent.

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly. Each year this amount shall be adjusted to reflect the percentage increase in the actual state allocated revenue per pupil as calculated by the Revenue and Fiscal Affairs Office pursuant to the annual appropriations act.

(D) The department shall create an individual online ESTF account for each scholarship student.

(1) The parent must be able to access the individual online account for the scholarship student using a secure portal.

(2) The individual scholarship student's account must be created within thirty days of the application approval.

(E) The department shall make payments to an individual scholarship student's account from the ETSF on a quarterly basis with the first payment being distributed by July thirty-first of each year.

(F) By September first of each school year and again on January fifteenth and March fifteenth of the school year, the department shall compare the list of scholarship students with the public school enrollment lists to avoid duplicate payments.

(G) Education service providers may not refund, rebate, or share a student's scholarship funds directly with a parent or the scholarship student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

(H) The department may contract with qualified organizations to administer the program.

Section 59-8-125. (A) The department shall develop an online electronic system for payment for services authorized by participating parents pursuant to this chapter and the guidelines provided by the department. Parents may not be reimbursed for out-of-pocket expenses.

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the ESTF to cover the costs of overseeing the accounts and administering the program up to a limit of three percent. Annually, on or before December thirty-first, the department shall notify the respective chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount

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deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

(C) The department may contract with qualified vendors to manage accounts and shall establish reasonable fees for private financial management firms participating in the program based upon market rates.

(D) The department may contract with qualified organizations to administer the program or specific functions of the program.

(E) Payments made by the department must remain in force until a parent or scholarship student is proven to have participated in a prohibited activity specified in this chapter, a scholarship student returns to a public school in his resident public school district, or a scholarship student graduates from high school or attains twenty-two years of age, whichever occurs first. A scholarship student who enrolls in his resident public school district is considered to have returned to a public school for the purpose of determining the end of the term.

(F) The department may suspend or deactivate an account for substantial misuse or the scholarship student leaves the program for any reason, at which time any remaining funds must revert to the ESTF.

(G) Unused funds must be rolled over to the following school year for a scholarship student who applies and continues to meet eligibility requirements to participate in the program.

(H) A scholarship terminates automatically if the student is no longer domiciled in this State, and any money remaining in the account reverts to the ESTF.

(I) Only one account may be established for a scholarship student.

Section 59-8-130. If a scholarship student's program of academic instruction is terminated for any reason before the end of the semester or school year and the student does not resume instruction within thirty days, then the parent shall notify the department and remaining funds in the account reverts to the ESTF.

Section 59-8-135. (A) Beginning with the 2023-2024 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Year 2023-2024, the program is limited to five thousand scholarship students;

(2) in School Year 2024-2025, the program is limited to ten thousand scholarship students; and

(3) in School Year 2025-2026, and for all subsequent school years, the program is limited to fifteen thousand scholarship students.

(B) In 2026, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

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Section 59-8-140. (A)(1) The department must develop an application approval process for participation in the ESTF program for education service providers.

(2) The department must require an independent school that applies to be an education service provider to be located in the State, to have an educational curriculum that includes courses set forth in the state's diploma requirements and to meet the compulsory attendance and State Board of Education approval requirements in Section 59-65-10.

(3) An education service provider that participated in the program in the previous school year and desires to participate in the program in the current school year shall reapply to the department. The education service provider reapplying shall certify to the department that it continues to meet all program requirements. An education service provider required to administer academic testing shall provide to the department test score data from the previous school year. If individual student test score data is not submitted, then the department shall remove the education service provider from the program.

(4) By February first of each year, the department will certify the list of approved education service providers for participation in the program that meet all program requirements. The department may waive the deadline requirement upon good cause shown by an education service provider.

(5) An education service provider that is denied approval pursuant to this section may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

(6) By February fifteenth of each year, the department shall publish on its website a comprehensive list of approved education service providers. The list must include the name, address, telephone number, and website address for each education service provider.

(B) If approved by the department, new education service providers may be added to the list of approved providers on a rolling basis. The providers will be added to the comprehensive list available on the department's website.

(C) The department may bar an education service provider from the program if the department establishes that the education service provider has:

(1) failed to comply with the accountability standards established in this section; or

(2) failed to provide the scholarship student with the educational services funded by the account.

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(D) The department shall create procedures to ensure that a fair process exists to determine whether an education service provider should be barred from receiving payments from accounts.

(1) If the department decides to bar an education service provider from the program, it shall notify affected students and their parents of this decision as quickly as possible.

(2) Education service providers may appeal the department's decision to bar the education service provider from receiving payments from accounts pursuant to the Administrative Procedures Act.

(E) The State Board of Education shall promulgate regulations to allow scholarship students to return to their resident school districts during the course of their participation in the program.

Section 59-8-145. (A) The department shall adopt procedures to inform students and their parents annually of their eligibility for the program.

(B) The department shall adopt procedures to annually inform scholarship students and their parents of the approved education service providers.

(C) The department shall provide to parents of a scholarship student written instructions for the allowable uses of an account and the responsibilities of parents and the duties of the department.

(D) The department may declare that a parent is ineligible for continuation in the program due to substantial misuse of their account funds.

(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of accounts on an annual basis.

(F) The department may refer cases of substantial misuse of funds to law enforcement agencies for investigation.

(G) The department may contract with one or more qualified organizations to administer some or all portions of this program.

(H) The department shall maintain a record of the number of applications received annually for the program, the number of students accepted into the program each year, and the number of students not accepted into the program each year with a corresponding explanation as to why the student was not accepted into the program. The department shall compile this information and provide a report to the General Assembly by December thirty-first of each year.

Section 59-8-150. (A) To ensure equitable treatment and personal safety of all scholarship students, all education service providers shall:

(1) comply with all applicable health and safety laws or codes;

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(2) hold a valid occupancy permit if required by the municipality in which the education service provider is located;

(3) not unlawfully discriminate on the basis of race, color, religion, or national origin; and

(4) conduct criminal background checks on employees and exclude from employment anyone who:

(a) is not permitted by state law to work in a school;

(b) reasonably might pose a threat to the safety of students; or

(c) is listed on federal, state, or other central child abuse registries.

(B) To ensure that funds are spent appropriately, all education service providers shall:

(1) provide parents with a receipt for all qualifying expenses; and

(2) demonstrate their financial viability by filing a surety bond with the department prior to the start of the school year if they are to receive fifty thousand dollars or more during the school year.

(C) In order to allow parents and the public to measure the achievements of the program, academic progress must be documented annually for each scholarship student. Students with an Individualized Education Plan that cannot be accommodated with standardized testing are excluded from the requirements of item (1). Education service providers that provide academic instruction must monitor the progress of students with significant cognitive disabilities through alternative assessments including portfolios.

(1) Education service providers that provide full-time academic instruction shall:

(a) ensure that each scholarship student in grades three through eight takes the SC Ready or SC Ready alternative summative assessment required of students in public schools in this State;

(b) ensure that each scholarship student in grades four and six takes the SC Pass or SC Pass alternative summative assessment required of students in public schools in this State;

(c) ensure that each scholarship student in grades nine through twelve takes a nationally norm-referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement; and

(d) measure academic performance and annual learning gains of its scholarship students by:

(i) requiring that each scholarship student takes either an approved nationally norm-referenced assessment annually, or an

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approved formative assessment in the fall and spring, to measure learning gains in math and reading; and

(ii) collecting high school graduation information of scholarship students for reporting to the department as required in this section.

(2) The department shall ensure that the education service provider has access to and is trained in administering the state assessments required in subitems (1)(a) and (b). The department shall assume any costs associated with training, administering, or taking assessments with no charges to the provider or ESTF students.

(3) For the purpose of evaluating program effectiveness, education service providers that provide full-time academic instruction shall ensure that results in item (1) are:

(a) provided to the parent of a scholarship student and must be provided to the department on an annual basis, beginning with the first year of program implementation; and

(b) disaggregated by grade level, gender, family income level, race, and English learner status.

(4) The department, or the appropriate organization chosen by the department, if any, must be informed of the scholarship student's graduation from high school.

(D) The department shall:

(1) comply with all student privacy laws;

(2) collect all test results;

(3) annually provide individual student assessment results and information to the Education Oversight Committee. The transmission of the information must be made in a manner that safeguards the data to ensure student privacy.

(E) The Education Oversight Committee shall:

(1) comply with all student privacy laws;

(2) report on and publish associated learning gains and graduation rates to the public by means of a state website with data aggregated by grade level, gender, family income level, number of years participating in the program, and race and a report for any participating school if at least fifty-one percent of the total enrolled students in the private school participated in the ESTF program in the prior school year or if there are at least thirty participating students who have scores for tests administered. If the Education Oversight Committee determines that the thirty participating-student cell size may be reduced without disclosing the personally identifiable information of a participating student, the Education Oversight Committee may reduce the participating-student

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cell size, but the cell size may not be reduced to fewer than ten participating students;

(3) evaluate and report the academic performance of scholarship students compared to similar public school populations; and

(4) collaborate with the department to develop and administer an annual parental satisfaction survey for all parents of scholarship students on issues relevant to the ESTF program, to include effectiveness and length of the program participation. Results of this survey must be provided to the General Assembly by December thirty-first of each year.

(F) An education service provider, not a public school, is autonomous and not an agent of the state or federal government, therefore:

(1) the department or any other state agency may not regulate the educational program of an approved education provider that accepts funds from an account;

(2) the creation of the program does not expand the regulatory authority of the State, its officers, or a school district to impose regulation of education service providers beyond those necessary to enforce the requirements of the program;

(3) the freedom of education service providers to provide for the educational needs of scholarship students without governmental control must not be abridged;

(4) an education service provider that accepts payment by a parent from an ESTF account pursuant to this chapter is not an agent of the state or federal government; and

(5) education service providers shall not be required to alter their creeds, practices, admissions policy, or curriculum in order to accept payments by a parent from an ESTF account.

Section 59-8-155. The scholarship student's resident school district shall provide a parent and the education service providers designated by the parent with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232(g).

Section 59-8-160. (A) There is created the "ESTF Review Panel" that shall serve as an advisory panel to the department.

(B) The review panel shall consist of ten members, pursuant to the following:

(1) the Governor, or his designee, who shall serve as the chair of the panel;

(2) three members to be appointed by the Governor;

(3) one member appointed by the Speaker of the House of Representatives;

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(4) one member appointed by the President of the Senate;

(5) one member appointed by the Chairman of the House of Representatives Education and Public Works Committee;

(6) one member appointed by the Chairman of the Senate Education Committee; and

(7) two parents of scholarship students to be appointed by the Governor.

(C) The review panel may advise the department on whether certain expenses meet the requirements to be considered a qualified expense under this chapter when requested by the department. The review panel periodically may make recommendations to the General Assembly about improving the program.

(D) Members shall serve at the pleasure of their appointing authority. In making appointments to the panel, the appointing authorities, as appropriate, shall consider legal, financial, accounting, and marketing experience and race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

(E) Members may not receive mileage or per diem.

Section 59-8-165. The provisions of the chapter do not restrict a school district's ability to enact or enforce a district's student transfer policy.

Section 59-8-170. A scholarship student transferring from one public school to another public school pursuant to this program is not subject to any prohibition by the South Carolina High School League on a transfer student from participating in a sport immediately upon transfer.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect thirty days after approval by the Governor, provided that upon approval of this act by the Governor, the Department of Education shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the

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provisions of this act may be fully implemented thirty days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

Amendment No. 1

Senator HEMBREE proposed the following amendment (LC-39.DG0200S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-115(D)(1) and (D)(4)(g) inserting:

(1) the parent submits an annual application for a scholarship in accordance with the application and procedures established by the department;

(g) that includes documentation of the consultation process between the parent, the resident school district, the education service provider, and any school district that the education service provider contracts with under an IEP or services plan, for each scholarship student with a disability regarding the special education and related services, and the manner by which these services as listed in the student's IEP or services plan, will be provided to a scholarship student with a disability; and

Amend the bill further, SECTION 1, by striking Section 59-8-135 and inserting:

Section 59-8-135. (A) Beginning with the 2024-2025 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Year 2024-2025, the program is limited to five thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to ten thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to fifteen thousand scholarship students.

(B) In 2027, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

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The amendment was adopted.

Amendment No. 2

Senator HEMBREE proposed the following amendment (LC-39.DG0199S), which was carried over:

Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(I) The trust fund does not constitute a debt of the State or any political subdivision thereof, including school districts. The trust fund must be held and applies solely toward carrying out the purposes of this chapter.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was carried over.

Amendment No. 3

Senator HEMBREE proposed the following amendment (LC-39.DG0201S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-120(C) and inserting:

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly. Each year this amount shall be adjusted to reflect the percentage increase in the actual state allocated revenue per pupil as calculated by the Revenue and Fiscal Affairs Office and required to be published by the annual appropriations act.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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Amendment No. 4

Senator HEMBREE proposed the following amendment (LC-39.DG0197S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-110, by adding an item to read:

(3) “Eligible school” means a South Carolina public school or an independent school that chooses to participate in the program. “Eligible school” does not include a charter school.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 5

Senator HEMBREE proposed the following amendment (LC-39.DG0196S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-110(3), by adding an undesignated paragraph at the end to read:

“Eligible student” does not include students participating in the Educational Credit for Exceptional Needs Children’s Fund program, as provided in Section 12-6-3790.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator HEMBREE proposed the following amendment (LC-39.DG0198S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-115, by adding a subsection to read:

(D) Before awarding a scholarship, the department must obtain evidence of all other student eligibility criteria set forth in Section 59-8-110.

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator HEMBREE proposed the following amendment (LC-39.DG0195S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(3)(c) and inserting:

(c)(i) has a statement of Medicaid eligibility; or

(ii) has a sibling living in the same household who receives a scholarship pursuant to this chapter.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the adoption of the amendment.

Amendment No. 8

Senators HEMBREE and MASSEY proposed the following amendment (LC-39.DG0193S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(C)(1) and inserting:

(1) Education service providers that provide full-time academic instruction shall:

(a) ensure that each scholarship student in grades three through eight takes the SC Ready;

(b) ensure that each scholarship student in grades four and six takes the SC Pass;

(c) in lieu of the assessments required by subitems (a) and (b), ensure that each scholarship recipient in grades three through eight takes a nationally norm referenced formative assessment at the beginning of the school year, at the end of the first semester, and at the end of the school year. The assessment must be approved by the department, aligned with state standards, and include a linking study;

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(d) ensure that each scholarship student in grades nine through twelve takes a nationally norm referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement;

(e) collect high school graduation information of scholarship students for reporting to the department as required in this section; and

(f) ensure that the parent or guardian of a scholarship student taking the assessments above receive a written report of the student's performance on each assessment. The report must include the student's score on the assessment and an indication of how the student's assessment performance compares to other South Carolina students.

The department may promulgate regulations to carry out the requirements of this subsection.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Objection

Senator MASSEY asked unanimous consent, with Senator HEMBREE retaining the floor, to withdraw Amendment No. 8 and substitute it with Amendment No. 13.

Senator MARTIN objected.

Senator HEMBREE resumed speaking on the amendment.

Motion Adopted

Senator MASSEY asked unanimous consent, to withdraw Amendment No. 8 and substitute it with Amendment No. 13.

Amendment No. 8 was withdrawn.

Amendment No. 13

Senators HEMBREE and MASSEY proposed the following amendment (LC-39.DG0206S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(C)(1) and inserting:

(1) Education service providers that provide full-time academic instruction shall:

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(a) ensure that each scholarship student in grades three through eight takes the SC Ready or SC Ready alternative summative assessment required of students in public schools in this State;

(b) ensure that each scholarship student in grades four and six takes the SC Pass or SC Pass alternative summative assessment required of students in public schools in this State;

(c) in lieu of the assessments required by subitems (a) and (b), ensure that each scholarship recipient in grades three through eight takes a nationally norm referenced formative assessment at the beginning of the school year, at the end of the first semester, and at the end of the school year. The assessment must be approved by the department, aligned with state standards, and include a linking study;

(d) ensure that each scholarship student in grades nine through twelve takes a nationally norm referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement;

(e) collect high school graduation information of scholarship students for reporting to the department as required in this section; and

(f) ensure that the parent or guardian of a scholarship student taking the assessments above receive a written report of the student's performance on each assessment. The report must include the student's score on the assessment and an indication of how the student's assessment performance compares to other South Carolina students.

The department may promulgate regulations to carry out the requirements of this subsection.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Debate was interrupted by adjournment.

Motion Adopted

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

ADJOURNMENT

At 5:37 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, January 19, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Micah 6:8b

In powerful phrases Micah brings us up short, saying: “. . .what does the Lord require of you, but to do justice, and to love kindness, and to walk humbly with your God?”

Please bow in prayer with me: How fervently do we pray indeed, dear Lord, that each person serving here in the Senate of South Carolina takes these words of the prophet Micah to heart. Such a powerful, hopeful, and blessed difference our doing so would make for the work of this Body, for the people of this State, even for all in generations yet to come. Truly, dear God, by Your grace allow that these simple words and phrases will indeed touch the hearts of all who hear them, that each individual serving here will do all she or he can to bring to life the realities of doing justice, of loving kindness, and of walking hand in hand with You, O God, all their days. And may the resulting blessings to the people of this State abound! In Your name we pray, dear Lord. Amen.

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

Statement by Senator YOUNG

I am not attending session today because I am assisting my family after my father's recent death.

Motion Adopted

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

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**MESSAGE FROM THE SOUTH CAROLINA
ELECTION COMMISSION**

The following appointment was transmitted by the South Carolina Election Commission:

Statewide Appointment

Initial Appointment, Director, State Election Commission, with the term to commence January 4, 2023, and to expire June 30, 2027

Howard M. Knapp, 10 Sasanqua Circle, Columbia, SC 29209

Referred to the Committee on Judiciary.

Doctor of the Day

Senator MALLOY introduced Dr. Gerald Wilson of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 11:22 A.M., Senator YOUNG was granted a leave of absence for today.

Leave of Absence

On motion of Senator STEPHENS, at 2:10 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator STEPHENS, at 2:10 P.M., Senator SABB was granted a leave of absence until 3:10 P.M.

Leave of Absence

On motion of Senator STEPHENS, at 2:10 P.M., Senator McELVEEN was granted a leave of absence until 3:10 P.M.

Leave of Absence

On motion of Senator K. JOHNSON, at 2:10 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator BENNETT, at 2:10 P.M., Senator TURNER was granted a leave of absence for the balance of the day.

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CO-SPONSORS ADDED

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

S. 164 Sen. Campsen
S. 236 Sen. Senn
S. 381 Sen. Martin

RECALLED

S. 319 -- Senators Williams and Reichenbach: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 418 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

sr-0224km23.docx : e6558d75-084a-40da-8bad-168228742b7b

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

S. 419 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-1710 SO AS TO PROVIDE A FRAMEWORK IN WHICH ANTI-SEMITISM IS CONSIDERED FOR ALL LAWS PROHIBITING DISCRIMINATORY ACTS, AND TO EDUCATE STATE PERSONNEL AND OFFICIALS ON ANTI-SEMITISM.

lc-0106dg23.docx : c75b9567-df90-4df2-afe9-9ce7e46b3194

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

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S. 420 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 9-1-1790 AND 9-11-90, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO CHANGE THE AMOUNT THAT MAY BE EARNED FROM TEN THOUSAND DOLLARS TO AN AMOUNT NOT TO EXCEED THE LOWER OF THE RETIREMENT EARNINGS TEST EXEMPT AMOUNTS FOR INDIVIDUALS BELOW NORMAL RETIREMENT AGE.

lc-0166sa23.docx : 639409a3-bfba-43ad-9ac9-0d26a8931619

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

S. 421 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-1-55, SO AS TO REQUIRE THAT THE GOVERNING DOCUMENTS, RULES, AND REGULATIONS OF A HOMEOWNERS' ASSOCIATION MUST NOT PROHIBIT A HOMEOWNER OR A HOMEOWNER'S TENANT FROM PEACEFULLY ASSEMBLING DURING REASONABLE HOURS, ORGANIZING AND PARTICIPATING IN EVENTS WITH SPEAKERS, CANVASSING AND PETITIONING HOMEOWNERS, THEIR TENANTS, AND THEIR GUESTS, AND DISTRIBUTING AND CIRCULATING MATERIALS, AND TO PROVIDE FOR A CIVIL PENALTY IF A SUMMARY COURT FINDS SUCH A PROHIBITION EXISTS.

sj-0003pb23.docx : cf7b9131-e148-40be-aad5-95a593fa4667

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

S. 422 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-1-65, SO AS TO PROVIDE THAT A DEED RESTRICTION, COVENANT, OR A HOMEOWNERS' ASSOCIATION DOCUMENT MUST NOT PROHIBIT THE INSTALLATION OF A SOLAR ENERGY SYSTEM THAT CANNOT BE SEEN FROM THE STREET OR COMMON AREA SURROUNDING A RESIDENCE.

sj-0010pb23.docx : fb188182-a6bb-42a0-8b0b-99a033961352

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

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S. 423 -- Senators Davis and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

sr-0219km23.docx : 3f9fdeef-9764-40af-b61d-ec9207f9a2da

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

S. 424 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-29-12 SO AS TO PROVIDE STUDENTS IN STATE-FUNDED PLACES OF LEARNING WITH AN EDUCATION FOCUSED ON EXCELLENCE AND INTEGRITY, EQUIP THEM TO THINK INDEPENDENTLY AND CRITICALLY, SUPPORT EDUCATORS BY MAINTAINING A LEARNING AND WORK ENVIRONMENT UNENCUMBERED BY SOCIAL OR POLITICAL ACTIVISM, TREAT STUDENTS AND EMPLOYEES OF SCHOOLS WITH DIGNITY AS UNIQUE INDIVIDUALS WITHOUT STEREOTYPING OR SCAPEGOATING, PROVIDE INSTRUCTION FREE FROM IDEOLOGICAL INDOCTRINATION OR COERCION, FOSTER AND DEFEND INTELLECTUAL INQUIRY AND FREEDOM OF SPEECH AS WELL AS FREEDOM FROM COMPELLED SPEECH, REQUIRE CLEAR DISTINCTIONS BETWEEN THE TEACHING OF THEORY AND FACT, REQUIRE FULL TRANSPARENCY OF CURRICULA, PROTECT THE PRIVACY AND INNOCENCE OF CHILDREN AND GUARD THEM AGAINST OBSCENE AND MATURE MATERIALS, RESPECT THE RIGHTS OF PARENTS AS THEIR CHILD'S DECISION-MAKERS FOR HEALTH AND WELL-BEING INCLUDING EMOTIONAL AND SEXUAL DEVELOPMENT, DEFER TO PARENTS AS THEIR CHILD'S PRIMARY SOURCE OF

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MORAL AND SOCIAL VALUES, ALLOW PARENTS TO OPT OUT OF ACTIVITIES THAT VIOLATE THIS ACT, ESTABLISH A CLEAR PROTOCOL FOR REPORTING VIOLATIONS AND ALLOWING LOCAL ENTITIES TO ADDRESS AND CORRECT ISSUES, AND REQUIRE PRIVACY AND NONDISCLOSURE DURING THE INVESTIGATION PROCESS.

sr-0217km23.docx : 41727e34-2a05-4ba5-9489-f967041e27fc

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

S. 425 -- Senators Talley, Turner, Adams, Bennett, Climer, Davis, Hembree, Hutto, M. Johnson, Kimbrell, McElveen, Scott, Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURBSIDE SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 61-4-45 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; BY ADDING SECTION 61-4-280 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN BEER AND WINE AND TO PROVIDE FOR REQUIREMENTS; BY ADDING SECTION 61-6-1570 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; AND BY ADDING SECTION 61-6-1580 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN ALCOHOLIC LIQUORS AND TO PROVIDE FOR REQUIREMENTS.

lc-0143sa23.docx : c19c6b82-5137-477c-9ab6-a63ece3c29aa

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

S. 426 -- Senators Shealy, Matthews, Gustafson, Senn and McLeod: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTH CAROLINA SECTION OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS FOR ITS NEARLY SEVENTY YEARS OF SERVING AS A TRUSTED RESOURCE FOR MEDICAL INFORMATION RELATING TO WOMEN'S HEALTH

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AND TO DECLARE TUESDAY, FEBRUARY 21, 2023, AS ACOG DAY IN SOUTH CAROLINA.

lc-0136ph-jn23.docx : 06308786-bbbd-4de5-a3f8-54769a79a41e

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

S. 427 -- Senators Climer, Fanning, M. Johnson, Peeler, Adams, Alexander, Allen, Bennett, Campsen, Cash, Corbin, Cromer, Davis, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DEPUTY KOREY WEDOW AND DEPUTY LUCAS FRAME OF THE YORK COUNTY SHERIFF'S OFFICE AND TO CONGRATULATE THEM ON BEING AWARDED THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

lc-0051ha-rm23.docx : 8113d8d9-9c31-49a1-af56-6d0d4c91cb84

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEE

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 361 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO

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PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 375 -- Senators Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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HOUSE CONCURRENCE

S. 402 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE DR. OSCAR F. LOVELACE FOR RECEIVING THE SOUTH CAROLINA OFFICE OF RURAL HEALTH PIONEER AWARD.

Returned with concurrence.

Received as information.

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

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

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

READ THE SECOND TIME

S. 381 -- Senators Peeler, Verdin, Alexander and Martin: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR

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REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND;
AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF
ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO
AS TO INCREASE FROM TWO TO THREE PERCENT THE
AMOUNT OF STATE GENERAL FUND REVENUE IN THE
LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD
IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE
FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO
OFFSET MIDYEAR BUDGET REDUCTIONS.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then was second reading of the Bill.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

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

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ADOPTED

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF U.S. HIGHWAY 76 FROM THE LITTLE MOUNTAIN TOWN LIMIT TO THE NEWBERRY/LEXINGTON COUNTY LINE "THE HONORABLE WALTON J. MCLEOD III HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

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

MOTION ADOPTED

At 11:26 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDMENT PROPOSED

DEBATE INTERRUPTED

S. 39 -- Senator GROOMS: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS

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TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Motion Adopted

Senator HUTTO asked unanimous consent to proceed to Amendment No. 14.

There was no objection.

Amendment No. 14

Senators SHEALY, HUTTO and SETZLER proposed the following amendment (SMIN-39.MW0204S), which was carried over:

Amend the bill, as and if amended, SECTION 1, Section 59-8-140, by adding a subitem to read:

(I)(1) For scholarship students utilizing a scholarship to attend an online Education Service Provider, the department must track data on scholarship student wellness through mandatory quarterly in-person days of attendance at their resident public school. During the quarterly in-person attendance, a school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, school nurse, on-site mental health, or allied health professional, or other appropriately designated mandated reporter at the local public school as defined in Section 63-7-310 must complete a comprehensive wellness check to screen for abuse and neglect as defined in Section 63-7-20.

(2) All employees at an online Education Service Provider who are employed in same or similar roles as defined in Section 63-7-310 shall be considered persons required to report and must complete the training programs required pursuant to Section 63-7-310(A) and holds all the same rights, responsibilities, and potential penalties as defined in Sections 63-7-315, 63-7-320, 63-7-350, 63-7-360, 63-7-370, 63-7-380, 63-7-390, 63-7-400, 63-7-430, 63-7-440, and 63-7-450.

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Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

Amendment No. 9

Senators FANNING, MARTIN and CORBIN proposed the following amendment (LC-39.DG0003S), which was tabled:

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

SECTION 1. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3791. (A) As used in this section:

(1) "Eligible School" means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state's diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(2) "Exceptional needs child" means a child:

(a)(i) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs. 43 243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

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(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs; and

(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(3) "Disadvantaged child" means a child who is eligible for the federal free or reduced lunch program and whose family meets the qualifications for federal Medicaid benefits.

(4) "PACE Scholarship child" means a child who is a South Carolina resident who, immediately before receiving a scholarship or tuition grant under this section and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first; and provided, further, that the enrollment requirement must be waived in the case of a student who, based on the school attendance zone of his primary residence, is or would be assigned to a public school that the South Carolina Department of Education determines to be a low performing priority school, or who is the subject of an officially documented case of school based physical or psychological violence or student related verbal abuse threatening physical harm immediately before receiving a scholarship or tuition grant under this section.

(5) "Nonprofit scholarship funding organization" means a charitable organization that:

(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code;

(b) allocates at least ninety-five percent of its annual contributions received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of

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this section and grants for home school curriculum fees, and incurs administrative expenses annually of not more than five percent of its annual contributions for a particular year to cover operational costs;

(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs, disadvantaged, PACE Scholarship children, or for home school curriculum fees;

(d) does not provide grants only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

(e) does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;

(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain; and

(h) does not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations.

(6) "Parent" means the natural or adoptive parent or legal guardian of a child.

(7) "Person" means an individual, partnership, corporation, or other similar entity.

(8) "Qualifying student" means a student who is either (i) an exceptional needs child, (ii) a disadvantaged child, or (iii) a PACE Scholarship child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the prekindergarten or later year level for the applicable school year.

(9) "Resident public school district" means the public school district in which a student resides.

(10) "Transportation" means transportation to and from school only.

(11) "Tuition" means the total amount of money charged for the cost of a qualifying student to attend an eligible school including, but not

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limited to, fees for attending the school, textbook fees, and school related transportation.

(12) "School year" means July first through June thirtieth each year.

(13) "Home school" means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, 59-65-45, or 59-65-47.

(14) "Home school child" means any child attending an eligible home school.

(15) "Treasurer" means the Office of the State Treasurer.

(16) "Home school curriculum fees" means the total amount of money charged for instruction-related expenditures of a home school child to attend an eligible home school including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(B)(1) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or school as the beneficiary of the contribution.

(2) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to disadvantaged children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(3) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to PACE Scholarship children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

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(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(4) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for home school curriculum fees to home school children attending a home school who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or home school as the beneficiary of the contribution.

(C)(1) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding eleven thousand dollars or the total cost of tuition, whichever is less, for qualifying students who are either (i) exceptional needs or (ii) disadvantaged at an eligible school. Before awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs or disadvantaged child. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(2) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding the average state expenditures for each student in fall enrollment in public elementary and secondary education for this State or the total cost of tuition, whichever is less, for qualifying students who are PACE Scholarship children at an eligible school. The Treasurer shall determine and publish such amount annually, no later than January first. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the

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number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(3) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding one thousand dollars or the total cost of home school curriculum fees, whichever is less, for a qualifying home school child attending a home school. Before awarding any grant, a scholarship funding organization shall receive written documentation from the parent documenting that the student is a home school child. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees, or pay vendors directly for home school curriculum fees on behalf of the home school child.

(D)(1)(a) The tax credits authorized by subsection (B)(1) may not exceed cumulatively a total of twenty-five million dollars each calendar year for contributions made on behalf of exceptional needs students.

(b) The tax credits authorized pursuant to subsection (B)(2) may not exceed cumulatively a total of twenty-five million dollars each calendar year for contributions on behalf of disadvantaged children.

(c) The tax credits authorized pursuant to subsection (B)(3) may not exceed cumulatively a total of forty million dollars each calendar year for contributions on behalf of PACE Scholarship children.

(d) The tax credits authorized pursuant to subsection (B)(4) may not exceed cumulatively a total of ten million dollars each calendar year for contributions on behalf of home school children.

(e) If the department determines that the total of the credits claimed in this subsection by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

(f) The tax credits authorized pursuant to subsection (B)(1), (2), (3), or (4) are automatically and permanently increased by twenty-five percent in the succeeding calendar year whenever the total of the specific individual credit claimed meets the limit amount.

(g) The department, in coordination with the Treasurer, shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. The credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by subsection (B). This credit is not refundable. If the

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credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against income or bank taxes in the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(4) The department shall prescribe the form and manner of proof required to obtain the credits authorized by subsection (B). Also, the department, in coordination with the Treasurer, shall develop a method of informing taxpayers if the credit limit is met at any time during the year.

(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(F) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of an eligible school that accepts students receiving scholarship grants pursuant to this section.

(G)(1) The Treasurer shall approve and oversee the scholarship funding organizations and address any citizen concerns about the programs' administration at eligible schools or with the scholarship funding organizations.

(2) By August first of each year, each nonprofit scholarship funding organization shall apply with the Treasurer to be considered an eligible organization for the succeeding calendar year for which its contributors are allowed the tax credit provided by this section. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization must not be allowed for purposes of the credit allowed by this section. A nonprofit scholarship funding organization's application must contain:

(a) the number and total amount of grants issued to eligible schools in the preceding school year;

(b) for each grant issued to an eligible school in the preceding school year, the identity of the school and the amount of the grant;

(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;

(d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue

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Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(f) the criteria and eligibility requirements for scholarship awards; and

(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(5) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(3) The Treasurer shall disclose on its website the names of qualifying nonprofit scholarship funding organizations and eligible schools. The Treasurer also may disclose the names of nonprofit scholarship funding organizations that applied but were not qualified by the Treasurer and those organizations whose eligibility has been revoked in accordance with subsection (H)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.

(4) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses. Also, the results of the audit required by item (2)(e) must be published with the list.

(5) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools by each scholarship funding organization in the prior school year;

(b) the identity of the school and the amount of each grant issued to an eligible school in the prior school year by each scholarship funding organization;

(c) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school by any scholarship funding organization;

(d) a copy of each scholarship funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

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(e) a copy of a compilation, review, or audit of each scholarship funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship funding organization in their application to participate in the program; and

(f) the criteria and eligibility requirements for scholarship awards of each scholarship funding organization as provided to the Treasurer by each scholarship funding organization in their application to participate in the program.

(6) The Treasurer may request an audit of a scholarship funding organization by the department if the Treasurer believes an organization is in violation of the provisions of this section.

(H)(1) The department has authority to examine and audit the nonprofit scholarship funding organizations when requested by the Treasurer, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If during a requested audit the department acquires evidence that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the department immediately may revoke the organization's participation in the program and shall notify the organization and the Treasurer in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is "reasonable" if the department has substantial credible evidence that the organization is not being operated

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in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this section. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the contested case hearing on the department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12-60-450(E)(2).

(iv) If at any time during the process, the department believes the organization is in compliance, the department may reinstate the organization and notify the Treasurer.

(v) Following the permanent revocation of a nonprofit scholarship funding organization, the department has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.

(l) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially if the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. The funds that are transferred by one nonprofit scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses.

SECTION 2. Section 12-6-3790 of the S.C. Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor and applies to income tax years beginning after 2022. All tax credits earned as a result of a contribution made to a scholarship funding organization in 2023 apply to the cumulative total of twenty-five million dollars for exceptional needs children, twenty-five million dollars for disadvantaged children, forty million dollars to PACE Scholarship children, and ten million dollars for home school children, regardless of

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when in 2023 the contribution is made. All necessary reports and forms must be submitted as soon as practicable upon the enactment of this act.

Renumber sections to conform.

Amend title to conform.

Point of Order

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

Senator FANNING spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator HEMBREE spoke on the Point of Order.

Senator FANNING spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator FANNING explained the amendment.

Senator DAVIS spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

Ayes 24; Nays 14

AYES

Adams	Alexander	Bennett
Campsen	Cash	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Massey	Peeler
Reichenbach	Rice	Senn
Shealy	Talley	Verdin

Total--24

NAYS

Allen	Climer	Corbin
Fanning	Hutto	<i>Johnson, Kevin</i>
Malloy	Martin	Matthews

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McLeod
Stephens

Scott
Williams

Setzler

Total--14

The amendment was laid on the table.

Amendment No. 10A

Senators DAVIS, KIMBRELL, CAMPSEN, BENNETT, RICE, CASH and GROOMS proposed the following amendment (SR-39.JG0203S):

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3791. (A) As used in this section:

(1) "Eligible School" means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state's diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(2) "Exceptional needs child" means a child:

(a)(i) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

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(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs; and

(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(3) "Disadvantaged child" means a child who is eligible for the federal free or reduced lunch program and whose family meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of two hundred percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) "PACE Scholarship child" means a child who is a South Carolina resident who, immediately before receiving a scholarship or tuition grant under this section and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first; and provided, further, that the enrollment requirement must be waived in the case of a student who, based on the school attendance zone of his primary residence, is or would be assigned to a public school that the South Carolina Department of Education determines to be a low performing priority school, or who is the subject of an officially documented case of school based physical or psychological violence or student related verbal abuse threatening physical harm immediately before receiving a scholarship or tuition grant under this section.

(5) "Nonprofit scholarship funding organization" means a charitable organization that:

(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code;

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(b) allocates at least ninety-five percent of its annual contributions received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this section and grants for home school curriculum fees, and incurs administrative expenses annually of not more than five percent of its annual contributions for a particular year to cover operational costs;

(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs, disadvantaged, PACE Scholarship children, or for home school curriculum fees;

(d) does not provide grants only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

(e) does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;

(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain;

(h) does not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations; and

(i) does not incur administrative fees for annual contributions raised in excess of ten percent of the cumulative total of the tax credits authorized under Subsection (D).

(6) "Parent" means the natural or adoptive parent or legal guardian of a child.

(7) "Person" means an individual, partnership, corporation, or other similar entity.

(8) "Qualifying student" means a student who is either (i) an exceptional needs child, (ii) a disadvantaged child, or (iii) a PACE Scholarship child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the prekindergarten or later year level for the applicable school year. A

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qualifying student does not include students participating in the Education Scholarship Trust Fund Program, as provided in Section 59-8-110 et. seq.

(9) “Resident public school district” means the public school district in which a student resides.

(10) “Transportation” means transportation to and from school only.

(11) “Tuition” means the total amount of money charged for the cost of a qualifying student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, and school related transportation.

(12) “School year” means July first through June thirtieth each year.

(13) “Home school” means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, 59-65-45, or 59-65-47.

(14) “Home school child” means any child attending an eligible home school.

(15) “Treasurer” means the Office of the State Treasurer.

(16) “Home school curriculum fees” means the total amount of money charged for instruction related expenditures of a home school child to attend an eligible home school including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(B)(1) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or school as the beneficiary of the contribution.

(2) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to disadvantaged children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

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(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(3) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to PACE Scholarship children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(4) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for home school curriculum fees to home school children attending a home school who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or home school as the beneficiary of the contribution.

(C)(1) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding eleven thousand dollars or the total cost of tuition, whichever is less, for qualifying students who are either (i) exceptional needs or (ii) disadvantaged at an eligible school. Before awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs or disadvantaged child. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(2) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding the average state expenditures for each student in fall enrollment in public elementary and

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secondary education for this State or the total cost of tuition, whichever is less, for qualifying students who are PACE Scholarship children at an eligible school. The Treasurer shall determine and publish such amount annually, no later than January first. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(3) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding one thousand dollars or the total cost of home school curriculum fees, whichever is less, for a qualifying home school child attending a home school. Before awarding any grant, a scholarship funding organization shall receive written documentation from the parent documenting that the student is a home school child. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees, or pay vendors directly for home school curriculum fees on behalf of the home school child.

(D)(1)(a) The tax credits authorized by subsection (B)(1) may not exceed cumulatively a total of twenty-five million dollars each calendar year for contributions made on behalf of exceptional needs students.

(b) The tax credits authorized pursuant to subsection (B)(2) may not exceed cumulatively a total of twenty five million dollars each calendar year for contributions on behalf of disadvantaged children.

(c) The tax credits authorized pursuant to subsection (B)(3) may not exceed cumulatively a total of forty million dollars each calendar year for contributions on behalf of PACE Scholarship children.

(d) The tax credits authorized pursuant to subsection (B)(4) may not exceed cumulatively a total of ten million dollars each calendar year for contributions on behalf of home school children.

(e) If the department determines that the total of the credits claimed in this subsection by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

(f) The tax credits authorized pursuant to subsection (B)(1), (2), (3), or (4) are automatically and permanently increased by twenty-five

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percent in the succeeding calendar year whenever the total of the specific individual credit claimed meets the limit amount.

(g) The department, in coordination with the Treasurer, shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. The credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by subsection (B). This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against income or bank taxes in the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(4) The department shall prescribe the form and manner of proof required to obtain the credits authorized by subsection (B). Also, the department, in coordination with the Treasurer, shall develop a method of informing taxpayers if the credit limit is met at any time during the year.

(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(F) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of an eligible school that accepts students receiving scholarship grants pursuant to this section.

(G)(1) The Treasurer shall approve and oversee the scholarship funding organizations and address any citizen concerns about the programs' administration at eligible schools or with the scholarship funding organizations. The Treasurer shall consider a scholarship funding organization's organizational structure, financial condition, ability to fulfill the requirements of the program, and other factors he determines to be relevant when making a decision concerning whether to approve an applicant. The Treasurer shall hold at least one public hearing concerning an application if citizen concerns are raised about an applicant.

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(2) By August first of each year, each nonprofit scholarship funding organization shall apply with the Treasurer to be considered an eligible organization for the succeeding calendar year for which its contributors are allowed the tax credit provided by this section. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization must not be allowed for purposes of the credit allowed by this section. A nonprofit scholarship funding organization's application must contain:

(a) the number and total amount of grants issued to eligible schools in the preceding school year;

(b) for each grant issued to an eligible school in the preceding school year, the identity of the school and the amount of the grant;

(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;

(d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(f) the criteria and eligibility requirements for scholarship awards; and

(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(5) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(3) The Treasurer shall disclose on its website the names of qualifying nonprofit scholarship funding organizations and eligible schools. The Treasurer also may disclose the names of nonprofit scholarship funding organizations that applied but were not qualified by the Treasurer and those organizations whose eligibility has been revoked in accordance with subsection (H)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.

(4) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses. Also, the results of the audit required by item (2)(e) must be published with the list.

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(5) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools by each scholarship funding organization in the prior school year;

(b) the identity of the school and the amount of each grant issued to an eligible school in the prior school year by each scholarship funding organization;

(c) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school by any scholarship funding organization;

(d) a copy of each scholarship funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of each scholarship funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship funding organization in their application to participate in the program;

(f) the criteria and eligibility requirements for scholarship awards of each scholarship funding organization as provided to the Treasurer by each scholarship funding organization in their application to participate in the program; and

(g) any report required by this section shall specifically not include the name, amount, or any other personally identifiable information of scholarship recipients.

(6) The Treasurer may request an audit of a scholarship funding organization by the department if the Treasurer believes an organization is in violation of the provisions of this section.

(H)(1) The department has authority to examine and audit the nonprofit scholarship funding organizations when requested by the Treasurer, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If during a requested audit the department acquires evidence that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the department immediately may

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revoke the organization's participation in the program and shall notify the organization and the Treasurer in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is "reasonable" if the department has substantial credible evidence that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this section. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the contested case hearing on the department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12-60-450(E)(2).

(iv) If at any time during the process, the department believes the organization is in compliance, the department may reinstate the organization and notify the Treasurer.

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(v) Following the permanent revocation of a nonprofit scholarship funding organization, the department has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.

(I) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially if the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. The funds that are transferred by one nonprofit scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses.

B. This SECTION takes effect upon approval by the Governor and applies to income tax years beginning after 2022. All tax credits earned as a result of a contribution made to a scholarship funding organization in 2022 apply to the cumulative total of twenty-five million dollars for exceptional needs children, twenty-five million dollars for disadvantaged children, forty million dollars to PACE Scholarship children, and ten million dollars for home school children, regardless of when in 2022 the contribution is made. All necessary reports and forms must be submitted as soon as practicable upon the enactment of this act.

C. Section 12-6-3790 of the S.C. Code is repealed.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator MASSEY spoke on the amendment.

RECESS

At 3:16 P.M., on motion of Senator DAVIS, the Senate recessed from business until 3:21 P.M.

At 3:40 P.M., the Senate resumed.

Senator MASSEY resumed speaking on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Lee Felder of Santee, S.C. Mary was active in her community and was the official Mother of Chapel Hill Baptist Church. She was a loving mother who will be dearly missed.

And

MOTION ADOPTED

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Leroy Sneed of Ridgeland, S.C. Leroy owned and operated a barbershop in Mitchellville. He served as a councilman for twelve years in Jasper County and was chairman of the Citizens Organization for Public Services. Leroy was a member of the Jasper County Rotary and the Low Country Council of Governments. He enjoyed basketball, football, baseball and his favorite hobby was playing checkers. Leroy was an entrepreneur and civil rights activist. Leroy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:44 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, January 20, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

MOTION ADOPTED

On motion of Senator GUSTAFSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Vivian Bracey Metze of Camden, S.C. Vivian was an educator and community activist for over forty years. She became the first African American and the first female to be elected as chair of the Kershaw County School Board where she served for six years. Vivian served as board member for the Junior Achievement of Greater Kershaw County, the Association Commissioner for the Kershaw County Soil and Water Conservation and was a member of Phi Delta Kappa education fraternity and Zeta Phi Beta Sorority. Vivian was a loving mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator JACKSON, the Senate adjourned to meet next Tuesday, January 24, 2023, at 12:00 P.M.

* * *

Tuesday, January 24, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 136:1

The Psalmist declares: "O give thanks to the Lord, for he is good, for his steadfast love endures forever."

Let us pray: It is an easy trap to fall into, O God: feeling overwhelmed by all the issues that loom before this Body, the challenges that have to be resolved, the struggles which clearly need to be faced. So in recognition of all of those things, how reassuring it is that Your love, dear Lord, is a steadying, comforting power. And by Your grace may each Senator and every staff member who trusts in You come to feel genuinely positive about the future for our State, ever thankful for the blessings which are all around us, and more determined than ever to do his or her very best for the good people they serve. And as always, dear God, we ask that You will continue to bless our women and men in uniform. In Your loving name we pray, Lord. Amen.

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

Point of Quorum

At 12:06 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Fanning
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell

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Loftis	Malloy	Martin
Massey	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Privilege of the Chamber

On motion of Senators JACKSON and SHEALY, on behalf of Senator SETZLER, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to the family of Senator NIKKI SETZLER in honor and recognition of being the longest serving state Senator in the Nation.

S. 428 -- Senators Jackson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SENATOR NIKKI GILES SETZLER FOR HIS EXEMPLARY RECORD OF SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA AND FOR BECOMING THE LONGEST-SERVING STATE SENATOR CURRENTLY HOLDING OFFICE IN THE NATION.

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The Senate Resolution was adopted.

Senator JACKSON spoke on the Resolution.

Remarks by Senator JACKSON

Mr. PRESIDENT, members of the Senate, this is a very special Resolution for a very special person that we want to recognize today. The Clerk will read the Resolution and you will see that after he reads--we hope we could put the roll of the Senate on this Resolution. I would like if Senator SETZLER would join us here at the well.

First of all, I think this award should be given to Ada Jane! But let me say that I have certainly enjoyed and do enjoy serving with Senator

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SETZLER. I learned something early on. In fact, the former Senator from Clarendon, Senator John Land, once told me something. When I was a young Senator, I had to work on a project with Senator SETZLER. I said, "I hope that I don't forget the details. I want to remember to be there." John Land looked at me and said, "Who are you working with?" I said, "SETZLER." He said, "Son, you will never forget because SETZLER will aggravate you -- he will call you 20 times and text you. He will make sure that you are there; you would never forget." John Land was right!

If you have ever worked with NIKKI SETZLER, you will know that NIKKI will never let you drop the ball. Senator SETZLER is a friend. There are two things I learned from Senator SETZLER. The first is the heavy lifting is done behind closed doors and secondly, you don't brag about what you've done. I will never forget that. I will always remember that from my good friend and my wonderful colleague, Senator SETZLER.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

Senator SHEALY spoke on the Resolution.

Remarks by Senator SHEALY

I haven't served with Senator SETZLER that long. I've been here ten years and it has been a joy to serve with him and I will tell you we have the distinct honor of being the only resident Senators in Lexington County. So, we get to fight over -- not really -- who is going to be the chairman of the delegation every two years. This year we're fighting over who's not going to be the chairman of the delegation and he keeps saying he's not and I keep saying I'm not; because, we all know what's going on over there so nobody really wants to be the chairman.

I have a story about Senator SETZLER and the telephone because yours is about the telephone -- mine is too. When I see my phone ringing, Senator SETZLER's face pops up on my phone. It's kind of scary sometimes, but it will pop up and I answer it and he says, "Senator SHEALY, I've got something to tell you and don't you tell anybody else. This is just between us, nobody else knows," and you listen intently. You get off the phone and about five minutes later, the phone will ring. It will be Senator CROMER, he'll say, "Now I'm not supposed to tell anybody because Senator SETZLER just called me, but I'm going to tell you, okay". Well, he tells me and then about 20 minutes later the phone will

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ring, it will be Senator MASSEY and he'll say, "Now don't tell anybody because Senator CROMER just called me and he said Senator SETZLER said..." but anyway, we love you, and I have enjoyed working with you, and I hope you are here a lot longer. I'll never make it as long as you have because I started too late. Thank you for everything. Thank you for being a great Senator, great role model, and for everything you do for Lexington County. Thank you.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

Senator SENN spoke on the Resolution.

Remarks by Senator SENN

Thank you. I had the good fortune of being one of Senator SETZLER's first pages. I was 18 years old and had no lines on my face. He sent me around -- we got to go knock on doors. Of course, I didn't get paid for that, even though I think we were getting paid \$2 an hour or something and it's not much better now for the pages. But I agreed and we'd go around to all of these neighborhoods and since I was still in high school, I knew half of the people answering the door. So, we're chit chatting and he's at the end of the street saying, "Hurry up, hurry up, we got to go." I said, "I'm promising them you're going to fix these potholes." And he's like -- what? Anyway, it's been a pleasure, Senator, not only when I was your page but also thank you so much for helping guide me even from here in this office.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator SENN were ordered printed in the Journal.

Senator PEELER spoke on the Resolution.

Remarks by Senator PEELER

I'm not going to let him off this easy. Thank you, Mr. PRESIDENT, members of the Senate, it is an honor for me to be here to recognize my good friend NIKKI SETZLER. I told this story the other night -- it is a true story. As I was getting out of my truck in the garage, Senator MASSEY was leaving his car. He said, "Senator PEELER, I was up late last night and didn't get much sleep." I replied, "Really?" "Yes," he said, "Somebody told me how to access YouTube and I got to see all the inaugurals back from 1970 and on. I got to sit and watch you age

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overnight.” Senator SETZLER, you sat here and watched me age in real time!

I have to thank Senator SETZLER, he was a semi-freshman when I was a sure enough freshman. He took me under his wing and gave me some advice. He said, “Let me give you some advice.” The other award, Senator SETZLER, we can give you is he is the best dressed Senator in the Nation. He gets that award, but I’ll take credit for it. I asked, “Senator SETZLER, you ever thought about getting contacts?” He replied, “Ada Jane said I ought to get contacts.” I added, “While you’re at it, a silk tie doesn’t cost much more than those polyester ties.” He took my advice. He is the best dressed Senator I think in the Nation.

On a serious note, I was the Majority Leader for a period of time when Senator SETZLER was the Minority Leader. It was an absolute joy working with him. Everything that you’ve heard is absolutely true! He is easy to work with. When he wants to do something, it’s for the betterment of this State. I am honored and privileged to know Senator SETZLER, Ada Jane and his family. My favorite one is attending Clemson today. Thank you.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator PEELER were ordered printed in the Journal.

Senator SETZLER spoke on the Resolution.

Remarks by Senator SETZLER

Mr. PRESIDENT, ladies, and gentlemen of the Senate, I will probably get emotional about this which you’ve known me to do before at this podium. But each one of us are who we are by the grace of God. And by the grace of God, I have been able to serve in this Senate.

You know, the two most important words in the English language that are not used often enough are the words “thank you.” First, I want to say thank you to God for giving me the ability and the energy and the health to be able to serve in this Body -- doing this job we call public service. Public service is a great calling and a noble calling. Do not let anybody ever convince you otherwise.

I will be short, but I want to say thank you to the people of Senate District 26 who, regardless of their political party or their views on issues, have entrusted me with the responsibility of representing them.

I want to say thank you to the members of this Body, Current members and past members of this Body -- to the staff, all of the staff, from the

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Clerk to the custodians. And particularly to Alisa Painter and Jane Fallaw who are incredible.

And I want to say thank you to this institution of the South Carolina Senate. This is, as you have heard me say from this podium, the greatest deliberative Body in the United States. And as Senator PEELER reminded us one day, we are privileged to be one of forty-six people who populate the State of South Carolina -- that have the privilege and the opportunity to walk through those doors and to be here representing the rest of this State.

I want to thank the institution of the Senate for its traditions, its customs, its precedence -- the way we conduct our business. It is important that we do it in the way that this Senate has always done, on behalf of the people of South Carolina.

I want to thank all the people who have supported me throughout, my law partners, who work while I am allowed to be here, all the people who work for me and help me. Two of them are sitting here, Randy and Huck, and have been here since day one.

And last but not least, I want to thank my family. They have grown up in a public servant's house. To my deceased parents who worked twelve to fourteen hours a day in our hamburger/hotdog business and put me through college and law school -- to my wife of fifty-three plus years, Ada Jane, who has been a rock. She walked the streets, election after election, on one side of the street with me on the other. She made telephone calls and put up with the pressure and the things that you, as a candidate and public servant, have to do. To our four incredible daughters who are the joy of our lives -- and who were raised very independent women. I will tell you they are not bashful about what they think, what they believe, and their politics are not always the same as each other's. And to our nine grandchildren who are the joy of our lives, and to the four sons-in-law who have supported me throughout.

We have, in this Body, worked together to make great changes for South Carolina. I pledge to you that I will in good faith continue to do that. Because I believe in bipartisanship, and I believe in people working together. And I will continue to work with each one of you -- continue to work with each one of you regardless of our views on issues to see that we address the needs of the people of this State.

There is something to be said for that in today's political world where people are encouraged not to work together.

My dear friend, Senator JACKSON, who has sat beside me and drove me crazy to do this -- I keep telling him no, but I say thank you, you are a true friend. And a friend is defined as someone who advocates for you,

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when you are not there, and defends you every day. Senator JACKSON, you are my true friend. I am honored and humbled by this Resolution and by your support.

I say to you, do not read anything into this. This is not a farewell comment, okay? It is not an indication of anything in the future. It is simply an acknowledgment that what I have accomplished has not been by myself, but it has been by the help of a world of people who help each one of us accomplish what we accomplish in public service. We do it with those who are around us and support us.

And now, let's get to the business that we were sent here to do, and do the state's work. Thank you.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator SETZLER were ordered printed in the Journal.

RECESS

At 12:33 P.M., on motion of Senator SABB, the Senate recessed from business until 12:43 P.M.

At 12:41 P.M., the Senate resumed.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 5167

Agency: State Election Commission

Chapter: 45

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

SUBJECT: Voting Systems

Received by President of the Senate January 24, 2023

Referred to Committee on Judiciary

Doctor of the Day

Senator SCOTT introduced Drs. Patricia Witherspoon and Dickerson of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator FANNING, at 12:59 P.M., Senator KIMPSON was granted a leave of absence for today.

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Leave of Absence

On motion of Senator SENN, at 1:00 P.M., Senators MATTHEWS and HARPOOTLIAN were granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 2:59 P.M., Senators SCOTT and ALLEN were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MASSEY, at 2:59 P.M., Senator MARTIN was granted a leave of absence for today.

CO-SPONSORS ADDED

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

S. 3 Sen. K. Johnson
S. 99 Sen. Kimbrell
S. 109 Sen. Rice
S. 130 Sen. Kimbrell
S. 171 Sen. Kimbrell
S. 178 Sen. Kimbrell
S. 248 Sen. Kimbrell
S. 249 Sen. Kimbrell
S. 285 Sen. Grooms
S. 367 Sen. Senn
S. 375 Sen. Senn
S. 380 Sens. Hutto and Jackson
S. 381 Sen. Malloy
S. 418 Sen. Turner
S. 424 Sen. Rice

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 429 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ELEANOR ANNE THOMPSON WIDEMAN OF GREENWOOD COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.
lc-0184wab-wab23.docx : 3500b668-e407-4dc9-a523-711ff987569b

The Senate Resolution was adopted.

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S. 430 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE COUNCIL OF STATE GOVERNMENTS SOUTHERN OFFICE UPON THE OCCASION OF ITS SEVENTY-SEVENTH SOUTHERN LEGISLATIVE CONFERENCE AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0218km-vc23.docx : 9901a955-45fe-4b9a-95f1-179e13cf3f02

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

S. 431 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO HONOR PAMELA METTS OF GREENWOOD UPON THE OCCASION OF HER RETIREMENT FROM THE SOUTH CAROLINA JUDICIAL DEPARTMENT AND TO WISH HER SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0183wab-wab23.docx : 1eec8c35-8f63-4f43-bb56-2da894b41209

The Senate Resolution was adopted.

S. 432 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-600, RELATING TO ASSAULT AND BATTERY, SO AS TO PROVIDE THAT A PERSON WHO UNLAWFULLY INJURES A HEALTH CARE PROFESSIONAL DURING THE COURSE OF HIS DUTIES OR INJURES A PERSON IN A HEALTH CARE FACILITY COMMITS THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE, AND TO PROVIDE PENALTIES.

sr-0203km23.docx : 7c97642e-3216-4cd0-9c28-1305b9ccdb67

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

S. 433 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-250(A)(1), RELATING TO THE HOMESTEAD EXEMPTION FOR TAXPAYERS SIXTY-FIVE AND OVER OR THOSE TOTALLY AND PERMANENTLY DISABLED OR LEGALLY BLIND, SO AS

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TO PROVIDE THE HOMESTEAD EXEMPTION FOR TAXPAYERS WHO ARE DEAF.

sr-0204km23.docx : 01e8d32e-0761-4027-82fe-fafb24de6cd0

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

S. 434 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-78-55, SO AS TO PROVIDE THAT NO CLAUSE OF A SERVICE CONTRACT WHICH STATES THAT THE TERM OF THE CONTRACT SHALL BE DEEMED RENEWED FOR A SPECIFIED ADDITIONAL PERIOD, UNLESS THE SERVICE CONTRACT HOLDER GIVES NOTICE TO THE PROVIDER OF HIS INTENTION TO TERMINATE THE CONTRACT AT THE EXPIRATION OF THE TERM, SHALL BE ENFORCEABLE AGAINST THE SERVICE CONTRACT HOLDER.

sr-0206km23.docx : 19d1ec0c-80d7-4663-be1a-c013614e20ec

Read the first time and referred to the Committee on Banking and Insurance.

S. 435 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 15, RELATING TO CIVIL REMEDIES AND PROCEDURES, BY ADDING CHAPTER 76, SO AS TO LIMIT THE LIABILITY OF A CERTAIN INDIVIDUAL WHO PROVIDES VOLUNTEER TRANSPORTATION TO A SENIOR CITIZEN FOR INJURIES OR LOSSES TO THE SENIOR CITIZEN AND TO THE SENIOR CITIZEN'S SPOUSE, FAMILY MEMBERS, OR HEIRS AND ASSIGNS; TO PROVIDE EXCEPTIONS TO LIABILITY LIMITS IF THE INJURIES OR LOSSES ARE THE RESULT OF THE VOLUNTEER'S GROSS NEGLIGENCE OR OTHER MISCONDUCT; AND FOR OTHER PURPOSES.

sr-0205km23.docx : d0dbd666-d3bd-462c-94d5-955d68c314d6

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

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF

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THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

sr-0223km23.docx : 365db9e1-37b5-4099-9c09-130c5b5f02d6

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

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

sr-0215km-vc23.docx : a2069dd1-6c64-4c1f-9f19-488df0cfb5bd

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 438 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SKILLSUSA FOR ITS EFFORTS TO ENSURE THAT AMERICA HAS A SKILLED WORKFORCE AND TO DECLARE FEBRUARY 6-10, 2023, AS "SKILLSUSA WEEK" IN SOUTH CAROLINA.

lc-0197cm-gm23.docx : 903d955e-ca1e-4ce3-9be2-2aacedc1ec98

The Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 439 -- Senators Kimbrell, Martin, Climer, Loftis, Corbin, Rice, Grooms and Alexander: A SENATE RESOLUTION TO REQUEST THAT THE ATTORNEY GENERAL INITIATE OR JOIN EXISTING LITIGATION CHALLENGING THE CONSTITUTIONALITY OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS' NEW REGULATION RELATED TO STABILIZING BRACES IN ORDER TO PROTECT THE SECOND AMENDMENT RIGHTS OF ALL SOUTH CAROLINIANS.

sr-0233km-vc23.docx : 340d2634-f739-401f-bef0-7e0b78f7ffd4

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

Senator KIMBRELL spoke on the Resolution.

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Remarks by Senator KIMBRELL

Thank you, Mr. PRESIDENT and colleagues. I'm sure you all are aware that ATF -- alcohol, tobacco, and firearms -- just last week finalized an agency regulation with no congressional authorization, and frankly without even presidential executive order, that would essentially make about ten to forty million -- that's a large range according to the Congressional Research Service, but ten to forty million weapons in this country would be made illegal within one hundred twenty days. Now, a lot of people in South Carolina -- we're one of the larger states in terms of per capita firearm ownership -- and according to ATF and the Biden administration, they said this would only affect three million gun owners. Then it was revised to ten million, now we're saying ten to forty million -- no one knows how many would be affected. What it essentially does is ban stabilizing braces. Now, this is a nonlethal addition to the gun. It has nothing to do with magazine capacity, has nothing to do with size of rounds, or calibers of ammunition. It is simply a stabilizing brace that uses pistols against the forearm that can stabilize a gun for firing purposes. The ATF has taken the position under the National Firearms Act, that because of a stabilizing brace being added to a pistol, it now qualifies as a short rifle that needs to be registered under the National Firearms Act. You have one hundred twenty days to register. If they don't register the gun within one hundred twenty days, they can surrender the weapon to ATF or have the weapon modified. The problem is, in most cases, a stabilizing brace is built into the weapons you buy, so having it modified isn't really an option. You're talking about two choices: within one hundred twenty days you can register your gun, or you can surrender it to the federal government. If not, ATF is prescribing that these individuals be charged under the National Firearms Act and be faced with up to ten years in a federal prison for a change of a law from the 1980's that hasn't been updated or debated in congress and hasn't even been addressed by the President.

So, I'm calling the Attorney General of this State to join other states in suing the Biden administration and ATF for a significant overreach on the Second Amendment that would turn potentially millions of Americans into would-be felons in three to four months' time. I think that's a violation of not only the Second Amendment, but the Fourth Amendment, and your protection against unreasonable search and seizure. So, Mr. PRESIDENT that is the purpose of the Resolution.

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On motion of Senator CLIMER, with unanimous consent, the remarks of Senator KIMBRELL were ordered printed in the Journal.

S. 440 -- Senators Corbin, Shealy, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

sr-0227km23.docx : bac736db-a970-4a21-b679-3b1187359bcd

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

S. 441 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE LEISA HOTCHKISS, MAGISTRATE IN THE GREENWOOD COUNTY MAGISTRATE'S OFFICE, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0193sa-jn23.docx : 363a19df-db82-430e-83da-af161f1f06c9

The Senate Resolution was adopted.

S. 442 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE NINETY SIX HIGH SCHOOL MARCHING BAND, BAND DIRECTOR, AND SCHOOL OFFICIALS FOR ANOTHER REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

lc-0145ph-jn23.docx : b603b2ec-3a84-475f-b917-79c85c092616

The Senate Resolution was adopted.

S. 443 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ED CARTER, BATTALION CHIEF OF THE CITY OF GREENWOOD FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-FOUR YEARS OF DEDICATED SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0192sa-jn23.docx : 509a989f-6920-4ab8-8d32-246d6c4e28de

The Senate Resolution was adopted.

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H. 3604 -- Reps. Bannister, G. M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

lc-0149sa23.docx : e42509ca-bf69-42e8-b4ce-d4ad327248b4

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

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

lc-0078ahb23.docx : 3dcb324c-fbca-46c2-9323-a9e8f2fbd657

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

H. 3768 -- Reps. M. M. Smith, Davis, Pace, B. L. Cox, Leber, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, Crawford, Cromer, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIAM JOSEPH "BILL" HEALY, BAILIFF OF HANAHAN CITY HALL, AND TO CONGRATULATE HIM UPON RECEIVING THE CITIZEN OF THE YEAR AWARD FROM THE CITY OF HANAHAN.

lc-0185sa-gm23.docx : 042dec9b-26c6-43c6-a0e1-5819ec369828

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

H. 3791 -- Rep. Howard: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND HENRY LEON "HANK" EDMONDS, JR, PASTOR AT UNION BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY YEARS OF FAITHFUL MINISTRY AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0182sa-jn23.docx : 514de8f0-9db2-402c-be07-90a59b806bdd

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

REPORTS OF STANDING COMMITTEE

Senator ALEXANDER from the Committee on Operations and Management polled out S. 374 favorable:

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE

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UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

TOTAL--9

NAYS

TOTAL--0

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operation and Management polled out H. 3703 favorable:

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE

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SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

TOTAL--9

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NAYS

TOTAL--0

Ordered for consideration tomorrow.

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

SECOND READING BILL

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY explained the Bill.

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

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

S. 381 -- Senators Peeler, Verdin, Alexander, Martin and Malloy: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

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The Senate proceeded to the consideration of the Bill.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE

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THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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

POINT OF ORDER

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 361 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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ADOPTED

S. 319 -- Senators Williams and Reichenbach: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

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

MOTION ADOPTED

At 1:05 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDMENT PROPOSED

DEBATE INTERRUPTED

S. 39 -- Senator GROOMS: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS

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TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Amendment No. 10A

Senators DAVIS, KIMBRELL, CAMPSSEN, BENNETT, RICE, CASH and GROOMS proposed the following amendment (SR-39.JG0203S), which was withdrawn:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3791. (A) As used in this section:

(1) "Eligible School" means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state's diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools or alternatively accredited by Cognia or the National Council for Private School Accreditation.

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(2) “Exceptional needs child” means a child:

(a)(i) who has been evaluated in accordance with this state’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child’s unique needs; and

(b) the child’s parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(3) “Disadvantaged child” means a child who is eligible for the federal free or reduced lunch program and whose family meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of two hundred percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) “PACE Scholarship child” means a child who is a South Carolina resident who, immediately before receiving a scholarship or tuition grant under this section and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first; and provided, further, that the enrollment requirement must be waived in the case of a student who, based on the school attendance zone of his primary residence, is or would be assigned to a public school that the South Carolina Department of Education determines to be a low performing priority school, or who is the subject of an officially documented case of school based physical or psychological violence or student related verbal

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abuse threatening physical harm immediately before receiving a scholarship or tuition grant under this section.

(5) “Nonprofit scholarship funding organization” means a charitable organization that:

(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code;

(b) allocates at least ninety-five percent of its annual contributions received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this section and grants for home school curriculum fees, and incurs administrative expenses annually of not more than five percent of its annual contributions for a particular year to cover operational costs;

(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs, disadvantaged, PACE Scholarship children, or for home school curriculum fees;

(d) does not provide grants only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

(e) does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;

(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain;

(h) does not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations; and

(i) does not incur administrative fees for annual contributions raised in excess of ten percent of the cumulative total of the tax credits authorized under subsection (D).

(6) “Parent” means the natural or adoptive parent or legal guardian of a child.

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(7) “Person” means an individual, partnership, corporation, or other similar entity.

(8) “Qualifying student” means a student who is either (i) an exceptional needs child, (ii) a disadvantaged child, or (iii) a PACE Scholarship child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the prekindergarten or later year level for the applicable school year. A qualifying student does not include students participating in the Education Scholarship Trust Fund Program, as provided in Section 59-8-110 et. seq.

(9) “Resident public school district” means the public school district in which a student resides.

(10) “Transportation” means transportation to and from school only.

(11) “Tuition” means the total amount of money charged for the cost of a qualifying student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, and school related transportation.

(12) “School year” means July first through June thirtieth each year.

(13) “Home school” means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, 59-65-45, or 59-65-47.

(14) “Home school child” means any child attending an eligible home school.

(15) “Treasurer” means the Office of the State Treasurer.

(16) “Home school curriculum fees” means the total amount of money charged for instruction related expenditures of a home school child to attend an eligible home school including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(B)(1) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or school as the beneficiary of the contribution.

(2) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11

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of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to disadvantaged children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(3) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to PACE Scholarship children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(4) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for home school curriculum fees to home school children attending a home school who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or home school as the beneficiary of the contribution.

(C)(1) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding eleven thousand dollars or the total cost of tuition, whichever is less, for qualifying students who are either (i) exceptional needs or (ii) disadvantaged at an eligible school. Before awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs or disadvantaged child. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the

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scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(2) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding the average state expenditures for each student in fall enrollment in public elementary and secondary education for this State or the total cost of tuition, whichever is less, for qualifying students who are PACE Scholarship children at an eligible school. The Treasurer shall determine and publish such amount annually, no later than January first. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(3) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding one thousand dollars or the total cost of home school curriculum fees, whichever is less, for a qualifying home school child attending a home school. Before awarding any grant, a scholarship funding organization shall receive written documentation from the parent documenting that the student is a home school child. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees, or pay vendors directly for home school curriculum fees on behalf of the home school child.

(D)(1)(a) The tax credits authorized by subsection (B)(1) may not exceed cumulatively a total of twenty-five million dollars each calendar year for contributions made on behalf of exceptional needs students.

(b) The tax credits authorized pursuant to subsection (B)(2) may not exceed cumulatively a total of twenty-five million dollars each calendar year for contributions on behalf of disadvantaged children.

(c) The tax credits authorized pursuant to subsection (B)(3) may not exceed cumulatively a total of forty million dollars each calendar year for contributions on behalf of PACE Scholarship children.

(d) The tax credits authorized pursuant to subsection (B)(4) may not exceed cumulatively a total of ten million dollars each calendar year for contributions on behalf of home school children.

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(e) If the department determines that the total of the credits claimed in this subsection by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

(f) The tax credits authorized pursuant to subsection (B)(1), (2), (3), or (4) are automatically and permanently increased by twenty-five percent in the succeeding calendar year whenever the total of the specific individual credit claimed meets the limit amount.

(g) The department, in coordination with the Treasurer, shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. The credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by subsection (B). This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against income or bank taxes in the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(4) The department shall prescribe the form and manner of proof required to obtain the credits authorized by subsection (B). Also, the department, in coordination with the Treasurer, shall develop a method of informing taxpayers if the credit limit is met at any time during the year.

(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(F) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of an eligible school that accepts students receiving scholarship grants pursuant to this section.

(G)(1) The Treasurer shall approve and oversee the scholarship funding organizations and address any citizen concerns about the programs' administration at eligible schools or with the scholarship funding organizations. The Treasurer shall consider a scholarship funding organization's organizational structure, financial condition,

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ability to fulfill the requirements of the program, and other factors he determines to be relevant when making a decision concerning whether to approve an applicant. The Treasurer shall hold at least one public hearing concerning an application if citizen concerns are raised about an applicant.

(2) By August first of each year, each nonprofit scholarship funding organization shall apply with the Treasurer to be considered an eligible organization for the succeeding calendar year for which its contributors are allowed the tax credit provided by this section. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization must not be allowed for purposes of the credit allowed by this section. A nonprofit scholarship funding organization's application must contain:

(a) the number and total amount of grants issued to eligible schools in the preceding school year;

(b) for each grant issued to an eligible school in the preceding school year, the identity of the school and the amount of the grant;

(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;

(d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(f) the criteria and eligibility requirements for scholarship awards; and

(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(5) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(3) The Treasurer shall disclose on its website the names of qualifying nonprofit scholarship funding organizations and eligible schools. The Treasurer also may disclose the names of nonprofit scholarship funding organizations that applied but were not qualified by the Treasurer and those organizations whose eligibility has been revoked in accordance with subsection (H)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.

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(4) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses. Also, the results of the audit required by item (2)(e) must be published with the list.

(5) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools by each scholarship funding organization in the prior school year;

(b) the identity of the school and the amount of each grant issued to an eligible school in the prior school year by each scholarship funding organization;

(c) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school by any scholarship funding organization;

(d) a copy of each scholarship funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of each scholarship funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship funding organization in their application to participate in the program;

(f) the criteria and eligibility requirements for scholarship awards of each scholarship funding organization as provided to the Treasurer by each scholarship funding organization in their application to participate in the program; and

(g) any report required by this section shall specifically not include the name, amount, or any other personally identifiable information of scholarship recipients.

(6) The Treasurer may request an audit of a scholarship funding organization by the department if the Treasurer believes an organization is in violation of the provisions of this section.

(H)(1) The department has authority to examine and audit the nonprofit scholarship funding organizations when requested by the Treasurer, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the

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requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If during a requested audit the department acquires evidence that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the department immediately may revoke the organization's participation in the program and shall notify the organization and the Treasurer in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is "reasonable" if the department has substantial credible evidence that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this section. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the contested case hearing on the department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

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(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12-60-450(E)(2).

(iv) If at any time during the process, the department believes the organization is in compliance, the department may reinstate the organization and notify the Treasurer.

(v) Following the permanent revocation of a nonprofit scholarship funding organization, the department has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.

(I) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially if the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. The funds that are transferred by one nonprofit scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses.

B. This SECTION takes effect upon approval by the Governor and applies to income tax years beginning after 2022. All tax credits earned as a result of a contribution made to a scholarship funding organization in 2022 apply to the cumulative total of twenty-five million dollars for exceptional needs children, twenty-five million dollars for disadvantaged children, forty million dollars to PACE Scholarship children, and ten million dollars for home school children, regardless of when in 2022 the contribution is made. All necessary reports and forms must be submitted as soon as practicable upon the enactment of this act.

C. Section 12-6-3790 of the S.C. Code is repealed.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment No. 10A was withdrawn.

Amendment No. 11

Senator FANNING proposed the following amendment (LC-39.PH0156S), which was tabled:

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Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not unlawfully discriminate on the basis of race, color, religion, creed, sex gender identity, ethnicity, sexual orientation, mental or physical disability, athletic performance, proficiency in the English language, past academic disciplinary history, or national origin; and

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 12

AYES

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

Total--29

NAYS

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

Total--12

The amendment was laid on the table.

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Amendment No. 12

Senators HUTTO and FANNING proposed the following amendment (LC-39.DG0187S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not discriminate on the basis of race, color, religion, national origin, or disability; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was carried over.

Amendment No. 15

Senator FANNING proposed the following amendment (LC-39.PH0164S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(12) and inserting:

“Qualifying expense” means:

(a) tuition and fees of an education service provider;

(b) textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech language therapies; or

(d) fees for transportation paid to a fee for service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred fifty dollars for each school year.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 29; Nays 9

AYES

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

Total--29

NAYS

Fanning	Jackson	<i>Johnson, Kevin</i>
Malloy	McElveen	McLeod
Sabb	Stephens	Williams

Total--9

The amendment was laid on the table.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Senators SABB, ADAMS, GARRETT, GUSTAFSON and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Amendment No. 16

Senator CLIMER proposed the following amendment (LC-39.DG0215S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and inserting:

(c)(i) has a household income that does not exceed four hundred percent of the federal poverty guidelines; or

Renumber sections to conform.

Amend title to conform.

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Senator CLIMER explained the amendment.

Senator FANNING spoke on the amendment.

Point of Quorum

At 4:07 P.M., Senator FANNING made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator FANNING resumed speaking on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, with Senator FANNING retaining the floor on Amendment No. 16, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 11:00 A.M.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Gaylord J. Perry of Gaffney, S.C. Gaylord worked in major league baseball for over twenty-two years and was inducted into the Major League Baseball Hall of Fame in 1991. He coached four seasons at Limestone College. Gaylord was a proud veteran of the United States Army and attended Sardis United Methodist Church. Gaylord was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William “Billy” Heard Love of Gaffney, S.C. Billy was a graduate of Gaffney High School where he was a member of the 1961 State Championship Team and was an all-state linebacker at Presbyterian College. Billy was the former owner of Harold Tindall’s Restaurant and a former football coach for Blacksburg High School. He served on city council for more than 20 years, was a member of the Gaffney Elks Lodge and Sertoma Club and volunteered with Meals on Wheels. Billy was a loving father, devoted brother and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Tommy Ed Martin of Gaffney, S.C. Tommy was a graduate of Gaffney High School and Limestone College. He worked in the newspaper business for several decades and founded The Cherokee Chronicle in 1991. Tommy received numerous state and national awards throughout his career. He was also a co-owner of WFGN radio station in Gaffney. Tommy served in many capacities at Limestone College after graduation and was honored by the South Carolina General Assembly with the Palmetto Patriot award in 2008. He served on the YMCA Board, Gaffney Rotary Club and Gaffney Elks Lodge 1305 to mention a few. Tommy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:32 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Wednesday, January 25, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

I Kings 19:11-12

We read in I Kings that after a great wind and an earthquake came “a fire, but the Lord was not in the fire, and after the fire, a sound of sheer silence.” And then it was that Elijah heard the voice of the Lord.

Let us pray: Most Holy God, we call upon You this day to speak to us directly, as You once spoke to Elijah. Indeed, help each of us to hear clearly as to how this Body is indeed to lead the people of South Carolina here in this troubled, divisive period we find ourselves living through. So by Your grace may these Senators grasp Your intent, O Lord, for the people these leaders serve. And may even Governor McMaster in his address this evening share a message of genuine hope and promise. Together may the boldness and clarity of all that we hear open the way to a bright future for all, with the final result being rich and promising blessings for every woman, man, and child. So we pray in Your hopeful and loving name, dear Lord. Amen.

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

Point of Quorum

At 11:07 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Garrett	Goldfinch
Grooms	Gustafson	Hembree

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Hutto	<i>Johnson, Michael</i>	Kimbrell
Loftis	Massey	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointment

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

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194 *VICE* Ellen S. Steinberg

Doctor of the Day

Senator McELVEEN introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 11:07 A.M., Senator JACKSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator HEMBREE , at 11:07 A.M., Senator TURNER was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator SETZLER, at 11:10 A.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the week.

CO-SPONSORS ADDED

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

S. 96	Sen. McElveen
S. 154	Sen. Cromer
S. 181	Sen. Sabb

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S. 182 Sen. Sabb
S. 280 Sens. McElveen and Senn
S. 281 Sens. McElveen and Senn
S. 285 Sen. Goldfinch
S. 353 Sen. Alexander
S. 361 Sen. Scott
S. 367 Sen. Cromer
S. 368 Sen. Cromer
S. 414 Sen. Alexander
S. 424 Sen. Grooms

RECALLED AND COMMITTED

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDE SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 444 -- Senators Massey, Climer, Rice, Loftis, Gustafson, Davis, Cash, Corbin, Kimbrell, Verdin, Peeler, Shealy and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-80(A), RELATING TO THE NOMINATION OF QUALIFIED JUDICIAL CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT THE JUDICIAL MERIT SCREENING COMMISSION MUST SUBMIT THE NAMES OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY.

sr-0236km23.docx : b29cfd96-e322-4406-bed3-ea38725b10d4

Senator MASSEY spoke on the Bill.

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

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S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

lc-0161vr23.docx : b164dfa7-9a05-435a-9bb3-57e50756816d

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

S. 446 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-23-11, RELATING TO WATERCRAFT DEALER DEMONSTRATION NUMBERS, SO AS TO DELETE PROVISIONS REGARDING AN APPLICATION FEE, THE EXPIRATION OF DEMONSTRATION NUMBERS, AND THE USE OF FEE REVENUE; BY AMENDING SECTION 50-23-70, RELATING TO WATERCRAFT CERTIFICATE OF NUMBER FEES AND DECALS, SO AS TO DELETE THE PROVISION THAT PROHIBITS THE ISSUANCE OF DUPLICATE DECALS WHEN AD VALOREM TAXES ARE OUTSTANDING; BY AMENDING SECTION 50-23-340, RELATING TO THE APPLICATION FEE FOR WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO INCREASE THE FEE; BY AMENDING SECTION 50-23-345, RELATING TO TEMPORARY WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO DELETE THE PROVISION PROHIBITING THE ISSUANCE OF A TEMPORARY CERTIFICATE NUMBER UNTIL AD VALOREM TAXES ARE PAID FOR THE YEAR; BY AMENDING SECTION 50-23-370, RELATING TO EXPIRATION AND RENEWAL OF WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO PROVIDE THAT A CERTIFICATE OF NUMBER CONTINUES IN EFFECT FOR THREE YEARS INSTEAD OF ONE YEAR, AND TO DELETE PROVISIONS REGARDING THE ISSUANCE OF RENEWAL NOTICES AND PROCESSING OF RENEWALS BY COUNTY AUDITORS; BY REPEALING SECTIONS 50-23-12 AND

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50-23-35 RELATING TO THE COMPLETION OF CERTAIN CHANGE IN STATUS FORMS FOR WATERCRAFT AND OUTBOARD MOTOR TRADE-INS AND TO THE ISSUANCE OF WATERCRAFT TITLES UPON RECEIPT OF EVIDENCE OF AD VALOREM TAX PAYMENT, RESPECTIVELY; BY REPEALING ARTICLE 26 OF CHAPTER 37, TITLE 12 RELATING TO PROCEDURES CONCERNING ASSESSMENTS AND PAYMENTS FOR PROPERTY TAXATION OF BOATS AND WATERCRAFT AND THE ISSUANCE OF CERTIFICATES OF NUMBER FOR BOATS AND WATERCRAFT.

lc-0068hdb23.docx : 344085c0-989e-4d55-a18d-d46b00ce1d73

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

S. 447 -- Senator Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-640, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY ONLY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY ONLY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER.

sfgf-0011bc23.docx : 5a3091f9-55da-4549-b869-27268f69b280

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

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

sj-0008af23.docx : a14d5ac4-c89f-4307-a506-471cefb14b63

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

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S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

sr-0241km23.docx : 0ab0d055-d1ba-4ae1-aebe-172c8bf1771c

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

S. 450 -- Senators Corbin, Garrett, Kimbrell, Climer, Peeler, Shealy, M. Johnson, Cash, Rice, Loftis, Bennett, Davis, Grooms, Gambrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERM OF OFFICE, SO AS TO PROVIDE THAT TWO MEMBERS MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND ONE MEMBER MUST BE APPOINTED BY THE GOVERNOR, WHO SHALL SERVE AS CHAIRMAN; TO PROVIDE THAT MEMBERS ARE APPOINTED BY CONGRESSIONAL DISTRICT LEGISLATIVE DELEGATIONS; TO LIMIT COMMISSION MEMBERSHIP TO TWO TERMS; TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL ELECT OFFICERS; TO PROVIDE THAT FORMER MEMBERS OF THE GENERAL ASSEMBLY MUST BE OUT OF OFFICE FOR FIVE YEARS BEFORE SERVING ON THE COMMISSION; AND TO PROVIDE THAT CURRENT JUDGES AND FORMER JUDGES MAY NOT SERVE ON THE COMMISSION; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES MUST BE SUBMITTED TO THE GENERAL ASSEMBLY.

sr-0226km23.docx : fcb9873c-fb22-4d49-9070-068f583c5913

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

S. 451 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE

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OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023.

sr-0239km-km23.docx : 6e4e70c5-3bd3-4b84-a6a7-9b9a94c8d41d

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

S. 452 -- Senator Cromer: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF PROSPERITY AND TO CONGRATULATE AND COMMEND MAYOR DEREK UNDERWOOD AND THE CITIZENS OF PROSPERITY FOR ONE AND A HALF CENTURIES OF SHOWCASING BOTH THE BEAUTY AND PROGRESS OF THIS GREAT SOUTH CAROLINA TOWN.

lc-0128dg-dg23.docx : c313c7fb-41a2-4d6f-bf8f-1b60d3ad1a4c

The Senate Resolution was adopted.

S. 453 -- Senator Kimpson: A SENATE RESOLUTION TO CONGRATULATE AMELIA MOORE-TAYLOR ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0243km-hw23.docx : 7e85be9c-af8d-45ff-b7b5-27a249a83a94

The Senate Resolution was adopted.

S. 454 -- Senator Stephens: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED BY ACT 254 OF 2022, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICT 4.

smin-0077aa23.docx : 6faf5ac0-bce0-4eea-9961-ada05ef8b0c5

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

H. 3767 -- Reps. King, B. J. Cox and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND THE OUTSTANDING STUDENTS AND LEADERS OF THE UNITED STATES ARMY JUNIOR RESERVE OFFICERS' TRAINING CORPS IN SOUTH CAROLINA SCHOOLS, AND DECLARE APRIL 27,

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2023, AS JROTC DAY AT THE SOUTH CAROLINA STATE HOUSE.

lc-0151sa-gm23.docx : cfa4ca10-5285-4e3a-90d7-6e94e326c9b2

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

HOUSE CONCURRENCE

S. 430 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE COUNCIL OF STATE GOVERNMENTS SOUTHERN OFFICE UPON THE OCCASION OF ITS SEVENTY-SEVENTH SOUTHERN LEGISLATIVE CONFERENCE AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

THIRD READING BILL

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

On motion of Senator TALLEY.

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY

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LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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

CARRIED OVER

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

Senator K. JOHNSON spoke on the Bill.

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

CARRIED OVER

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

The Senate proceeded to the consideration of the Bill.

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Senator BENNETT explained the Bill.

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

CARRIED OVER

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

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

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ADOPTED

S. 438 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SKILLSUSA FOR ITS EFFORTS TO ENSURE THAT AMERICA HAS A SKILLED WORKFORCE AND TO DECLARE FEBRUARY 6-10, 2023, AS "SKILLSUSA WEEK" IN SOUTH CAROLINA.

The Resolution was adopted.

AMENDMENT PROPOSED, OBJECTION

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT,

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SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

The Senate proceeded to the consideration of the Resolution.

Senator CASH proposed the following amendment (SR-374.JG0001S):

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 1, 2023, at noon, to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At-Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term, which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At-Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson-Smith, Judge of the Family Court, At-Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-

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90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

Remarks by Senator CASH

Thank you, Mr. PRESIDENT. The gist of this amendment is to remove the Supreme Court election from the elections that will be scheduled for next Wednesday, February 1st. By delaying this election, it would give us time to pass Senator MASSEY's Bill, which many of us just co-sponsored when it was read across the desk. If you weren't in the Chamber or weren't listening when Senator MASSEY introduced his Bill -- his Bill would remove the limitation that we currently have of only having three candidates available on a ballot. Once Senator MASSEY's Bill passes, the JMSC could provide a slate of candidates that included all qualified candidates according to that Bill and I believe hopefully this could allow us to have a Supreme Court election within a few months at the most. I understand that delaying a Supreme Court election would be an unusual step, but we are dealing with what many people have said to me in private conversations -- what many of us believe to be a constitutional crisis -- judicial activism, legislating from the bench. There's quite a bit of background to those phrases.

This past Sunday, January 22nd was the 50th anniversary of Roe v. Wade. Probably the most egregious example of legislating from the bench of the Supreme Court creating the policy for the Nation out of thin air that I know of. As a result of that decision, over 64 million unborn children have been killed by abortion. Thankfully, Roe v. Wade was overturned this past summer, but what I'm talking about happened in Roe v. Wade recently happened in South Carolina. The Heartbeat Law in South Carolina was struck down. I have talked with numerous people who say this is no different than what happened in Roe v. Wade including attorneys who have assured me that the state decision is just as bad if not worse than what the Supreme Court gave us in Roe v. Wade. If the state decision was just as bad if not worse, in my book that qualifies as a constitutional crisis in South Carolina. The same era of Roe v. Wade has been repeated in South Carolina.

How do we respond though? What is a proper response to that? Our judicial elections have come under a bright spotlight. We all realize that. Judicial philosophy of a candidate has become, if it wasn't already the

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number one criteria for many legislators. Not geography, not race, not gender -- judicial philosophy has rightfully become the number one criteria for many legislators. I'm not saying that those other criteria aren't of some secondary importance. I believe that we would all agree that they are. The heightened scrutiny I'm talking about has been most noticeable in the Supreme Court election. I recently sat in on a screening of the three candidates that lasted almost four hours. I took ten pages of notes of what these candidates had to say to us as they answered various questions. They all assured us they understood separation of powers and believed in judicial restraint. In essence and quite frankly even verbatim they said to us, if legislation says the sky is green, well, then the sky is green. If you can believe it, not just in this race but in every race, all of a sudden every candidate is a strict constructionist. Not only have the candidates themselves been scrutinized but the process of selecting the candidates has received a lot of attention.

Judicial reform is in vogue. I believe there's going to be a lot of talk about various aspects of judicial reform, both in the House and in the Senate I've heard enough of the ideas, and I'm sure I've not heard all of them, just enough to know there's going to be a wide variance of opinion on what judicial reform should include, and whether we can agree on these different things. I'm not sure just because there's so many various ways that you could change the process if that's what we're trying to do. But I will say this. Of the legislators I've talked with, I haven't talked with any who didn't think that removing the limitation of three candidates for a race -- I haven't talked with any who didn't think that was a good idea. Give us all the qualified candidates on the slate and let us choose from all. Whether it be one or two or three or five or seven. I don't think that's too difficult for us to then decide which candidate we want to support and to vote accordingly. But the current process whereby a select committee prescreens and only gives us at most three candidates is broken.

I was not here whenever that rule or law was made. I'm just saying I don't think it's a good one and think Senator MASSEY's Bill should be passed. We should have a slate of candidates of all qualified before we vote on the next Supreme Court Justice. Supreme Court Justices in South Carolina serve for ten years -- just had a three-two decision I believe was legislating from the bench. Who we put on the bench is going to be occupying a pretty important spot. I'm not saying we do have a candidate. I'm not saying we don't. Do we have the best candidate if you agree with what I believe which is -- do we have the best candidate. I have no way of knowing that because all the candidates who applied are not on the

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ballot. And if it was known more than three could be qualified, you might have some additional candidates out there who would run for the seat. I have been through three elections -- third election I was elected to the Senate. Every election I was in up to then had between six and eight candidates in it. In which case it was not unusual to be involved in a runoff.

If I had to go through a prescreening process in my races or you had to go through a prescreening process in your races I would not be here and some of y'all may not be here. Some committee was going to say, we're only going to let three people in this race and here they are, that's not right. Anyone qualified to run can be signed up on the ballot, right? I believe this needs to change and I believe it needs to change before we elect someone who is going to serve for ten years. I don't know about you, but I really don't think I'm going to be sitting in this Chamber ten years from now. If we put someone on the bench and they're not what you think they are, you might not be around in ten years to vote against them when they're up for re-election.

I believe it's important we have confidence to try to choose the best candidate we have, and I don't know that we can do that. By the law itself we can only have three candidates. So, I'm suggesting a delay in this election, and I will think there's a couple of advantages to this. One advantage is this -- I believe that having any kind of judicial reform is going to be contentious and difficult to achieve because we have different ideas, for instance, about who should be on the right. There's going to be various competing ideas as to how that committee is comprised. I believe if we can take the most fundamental things in Senator MASSEY's Bill and limit it to that and bring it before this Body quickly, I believe it could be passed. I will tell you this -- if we can't pass a Bill to remove that limitation of three, if we can't pass that Bill in the Senate, then I definitely don't want to go forward with an election, because that will show that things are really broken, if we can't pass Senator MASSEY's Bill.

However, this Body and the Chamber across the aisle can do about anything they want to in short order if they want to do it, right? So, we all know that Senator MASSEY's Bill could probably be passed in both Chambers in a matter of weeks if that's what the leadership wants to do. We could then proceed on that basis to have a slate of candidates that was open to additional people and as I said in my introductory comments, I believe the whole process of election could take place within a few months. If we just go ahead, forge ahead with this election of this Supreme Court Justice, well, now, that takes the heat off passing that

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Bill, doesn't it? There's no real pressure to pass that Bill. You know, I've been in the Chamber long enough to know that a lot of good ideas around here just never get done, because once you can find a way to delay them and stall them, they just don't get what they need to get across the finish line. If we delay this election that Bill will be in the spotlight, and I believe the Bill can and should be moved and passed quickly -- very, very simple idea.

So, the first thing is, I believe delaying this election will allow us to get that Bill passed and I'm determined if that's going to be the minimum of judicial reform in this State that all qualified candidates be on the ballot. Everything else, who gets to be on the committee, all these other ideas there we're going to fight over endlessly are not so important to me as that one. Because whether that committee is controlled by conservatives, liberals, or moderates, if we can get all the qualified candidates on the ballot, then that means who is on that committee and how it's selected doesn't become quite so important as it is right now. So, number one, I think it would help us to pass Senator MASSEY's Bill and as soon as we pass that Bill, I believe we could then have an election and maybe we would end up with the same person we have here. I'm not saying we won. But we would have a choice. Those who might want to run for the Supreme Court would have a choice to go before the Screening Committee and find out if they're qualified or not, and then we could do our job from there. Say, well, you know, that would be leaving an empty spot for a couple of months. Well, I've been told, because I've talked with the Majority Leader, that when we have this election next year for -- for replacing the Chief Justice, that the way that all works we're likely to have an opening on the Supreme Court there that's not filled for several months. Maybe even as long as a year because you have to elect -- you have to choose the person who is going to be the next Chief Justice and then once that happens then you have to have the judicial screening for who is going to fill that seat that's become empty. So, the fact that we could have a seat empty for a few months, I'm not going to consider to be a great distraction or reason not to -- not to do what I'm asking this Body to do. So that's it. I'm not going to try to hold up this election. I'm not going to talk unnecessarily. This is what I believe is a judicious thing to do given the fact that we are in a constitutional crisis and it's very important as to who goes on to our Supreme Court.

On motion of Senator RICE with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

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Senator CORBIN spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator GARRETT spoke on the amendment.

Remarks by Senator GARRETT

I wish I could hear some wa wa wa, a little baby crying. The United States Supreme Court came down and told us that we needed to balance the rights of an unborn child, and his or her right to life as against a woman's right of choice. Of course, the United States Supreme Court found that there was no such right, and then sent it back to the states to determine whether or not there was this right of privacy. What did it mean in the State of South Carolina? All this question of judicial activism -- one must read to know that we have rampant judicial activism in this State. It's only one opinion in this matter. So much so, that there were questions of what can the Legislator do, what can our Legislature do, when a Supreme Court Justice goes rogue? What do I mean by going rogue? By saying the Legislature didn't know what it was doing, the Legislature passed an act that was arbitrary. Many usually use the word capricious, they didn't. They just said it was arbitrary. The passage of law that we worked on for many years. We passed Fetal Heartbeat way before the Dobbs decision. So, we didn't know what the United States Supreme Court was going to do with Dobbs; we had no idea. The United States Supreme Court passes upon laws in the sense of upholds and then sends them down to the states or they reject laws and tell the states that you no longer have to follow that. South Carolina in reliance upon those passed laws consistent with the federal law which has now been declared improper. The United States Supreme Court in Dobbs said there is no constitutional right to an abortion. It went through many pages of analysis and then we got this decision. There are some opinions based on Roe v. Wade that thought we had no absolute right to abortion. They automatically said well, obviously that decision is going to be unconstitutional. But guess what? That law was passed prior to the Dobbs decision, so what do we do? We go ahead and go forward. We allow that case to be heard because it already enjoined us. Many people knew that they were going to enjoin us just like they did in Dobbs. The Supreme Court enforced it because the United States Supreme Court said there is no right to kill babies. When you do the balance, there is no right to kill babies. When we are faced with this, this creates the necessary discussion. I'm sorry we are even having this discussion. I love the South Carolina Supreme Court. I love this institution they call the Senate. I love the institution called the House of Representatives. I even like our

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Governor. We passed the Fetal Heartbeat Bill after many years. There were twenty plus years Senator GROOMS worked on that. The Legislature has the plenary power to make decisions in this case. I want you all to go through that one hundred fifty pages and show me where there was some analysis of the balance of the rights of a woman to have a choice and the balance of rights of the unborn child. You won't find it. So, we did exactly what the United States Supreme Court told us not to do. We allowed jurists in this case, one jurist in particular, to make what I call a super Legislator. One of the Justices, Kitteridge called him out for this. If you have somebody that is a super Legislator who is dividing the separation of power and crossing the lane, one Senator referred to it as crabs in a pot. Those crabs are trying to crawl out and others are pulling them back in. Well, I hate to tell you all this, but we had a Justice that got completely out of the pot and went on down the road. Until we reel him in, we have problems.

I want to talk a little bit about judicial reform. What right do we have as Legislators to control somebody that gets out of the pot, so to speak, or gets out of their lane? I looked at the Constitution, and I couldn't find anything of any substance, so the only thing we really can do, is in our appointment process. That process must be done in such a way that we are comfortable. There are many ways to do that, but I was more interested in not necessarily the appointive side of it but what happens if one goes rogue, what do you do? We need to be able to determine the ideology of a Judge before they come on the bench. I believe that the best Judge is a moderate, in the middle, not one way or the other, but could be swayed one way or the other without any preconceived notions. South Carolina Constitution Judicial Department Article V, Section 16 provides disqualification of Judges, Justices and temporary appointments. It says that the General Assembly shall specify the grounds for disqualification, of Justices and Judges to sit on certain cases. It also says the General Assembly shall also provide for the temporary appointment of men who are learned in the law. This is a set of special Justices and Judges when the necessity for an appointment shall arise. Should we not reflect when our own Justice of the Supreme Court calls out a fellow Justice for going off the reservation, should we not have some method that the General Assembly can call them into question? Or at least bring them before to have some discussion about getting outside the lanes? The United States Supreme Court advises there is no federal right to an abortion. Article III, Section 1 of the United States Constitution establishes that the Supreme Court is the Supreme Court. All Legislators, and all State Supreme Courts must follow their

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rules as they find them. Article I, Section 8 of the South Carolina Constitution is the separation of powers. It provides the government of this State, the legislative, executive, and judicial powers of the government shall forever be separate and distinct from each other. No person or persons exercising the functions of one of the said departments shall assume or discharge the duties of the other. We have a case where the United States Supreme Court sent it back to the State Legislature, but before the State Legislature had a chance to rule on it, or even debate it, then our Supreme Court looked at our law and decided what our rights of privacy were. If you go and look at this analysis it is frightening. It is absolutely frightening what a Justice alone, one person, can do in an opinion -- for instance privacy. The word privacy in this opinion got morphed into meaning many more things than just privacy. What do I mean? It goes to the point of saying that the right of privacy is not just the right of privacy; it is a clear right of privacy. Show me in the Constitution where it says it was a clear right of privacy or what that means, and did the Legislature discuss it? It then, took the right of privacy further, and went to the point of saying that privacy right and privacy interest are processes of deliberation. I don't see that in the Constitution. Although I think it is a good thing, I don't think there's anything in our Constitution saying that before a woman can exercise a right of privacy, she has to have a right of prayer, a discussion with her husband, a discussion with her boyfriend, a discussion with her minister, a discussion with a professional counselor, a discussion with her doctor, other loved ones or friends, she might turn to guidance and advice in making informed consent about whether to continue the pregnancy, and whether to end the life of the child. I would rather they ask whether to allow the child to live. Again, I saw no balancing in that analysis of the child whatsoever. If you are a strict constructionist and you read the Constitution you're supposed to stay within the bounds of the Constitution. At the end of this thing, it was said that the privacy right includes informed consent along with a private choice, and I looked in the Constitution and I still can't find those words. I've been looking at it, I've read it three times, I am trying to find it and it's not there. When he gets through with that, this Justice goes on, and then said if we the Legislature found certain facts, that we would have had to enforce them. We didn't even consider what facts he had in his head that he thought that the Legislature should have thought about, and then responded to. Senator McELVEEN got up and made the point maybe a woman doesn't have enough time between learning of her pregnancy and the decision to make an informed choice.

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Senator McELVEEN said it, then Senator MATTHEWS said it. If we had a discussion about it, I hate to tell you, but we've already ruled on that subject. That topic was discussed by this Body. If we made the decision after discussion of that topic, then the plenary power of this Legislature is superior to anything or any interpretation that our State Supreme Court may try to do. It was said that our actions were arbitrary. Maybe you're okay with that, maybe some of you are okay with our Supreme Court telling us that our actions are arbitrary. I'm not, our actions were thought out and thought through. They may disagree with our position, but our position was stated. It was in the Heartbeat Bill, and in the Heartbeat Bill there are certain responsibilities. From the time you're pregnant, until the time you are expecting, until the time we hear the fetal heartbeat a woman has the right to have an abortion. That's what the law allows for. If she decides to have unprotected sex, there is the morning after pill. Whose responsibility is it -- in a balancing? Why wouldn't the Court have looked at that and said well there's four weeks potential, six weeks potential that they could have known that they were pregnant and then made the decision before the fetal heartbeat. That was a decision this Legislature made. We said six weeks, and the Supreme Court interpreted it to mean four weeks. It doesn't matter, we've set a time that we as the Legislature felt was proper. Now, many of you know I disagree with that. Personally, I think it goes back to conception. This Body, unrelated to my opinion, made that decision after many years of hard work. So, for it to be said that our work was arbitrary concerns me. I go back to Justice Kitteridge; he is talking about the United States Supreme Court but he's talking about the Supreme Courts as a whole. The Supreme Court cautioned restraint in the recognition of unexpressed rights being fundamental in a constitutional sense. Now, we are using the word privacy. Once a claimed right is deemed a constitutional right, society, through its citizens, loses the ability to debate the issue and effect change to the democratic legislative process. Every one of the Justices said that there's no constitutional right to an abortion in South Carolina. This was a consequence of the Roe decision as for half a century. Only the opinion of the Judges mattered in defining the scope to the right of an abortion. Sixty-three million children died. Ladies and gentlemen, maybe there wasn't much crime, but there were sixty-three million children killed. So, the people here in South Carolina have a right to discuss this issue after Dobbs. It said excluding the people and leaving important policy issues in the hands of only Judges is anathema to the design of our constitutional republic and the democratic process. It is for this reason cases have cautioned that courts are to exercise the utmost

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care whenever we are asked to break new ground in this field. How many times in the Dobbs decision did it say, in every case, abortion is different? Why is abortion different? Because it also involves the balancing of an unborn child which I did not see in this analysis. The liberty protected by the due process clause can be subtly transformed into the policy preference from a member of the judiciary. It is important that our Supreme Court told us we had to be careful about this, and if we weren't careful about this, we could have a problem. I thank my colleague through his years of experience, and I thank you all for listening for my ramblings. As a practicing lawyer for forty years and an advocate for children I make no apologies for making these statements here today. It is imperative that we choose Justices that understand the constitutional right to life as a fundamental right. It is imperative that we have Justices who know what the opinion is and are capable of doing a balancing test. None of them did a balancing test, and a strict constructionist Mr. Kitteridge as well as Justice James did not. It was necessary because the claim on its face was unconstitutional. Again, if the General Assembly decides to give people nineteen weeks or two trimesters, if this Body decides that then that's the law of the case. The Supreme Court does not need to do a whole lot of background work once that decision is made but, that is not what we did here. The offending Justice of the Court must defer to the legislative judgement unless a legislative judgment is unlawful per se. He found the reasoning was unreasonable. Having said that, somehow the right of privacy in our State Supreme Court got morphed into a lot more than was set forth in our Constitution. We need strict constructionists; we don't need people making law especially Justices of the Supreme Court. Any questions?

On motion of Senator RICE with unanimous consent, the remarks of Senator GARRETT were ordered printed in the Journal.

Senator SENN spoke on the amendment.

Remarks by Senator SENN

So gentleman, one of the things I'm not sure that a lot of you may realize and that is that women make up 51.4% of South Carolina's population, so we really are not in the minority. Women make up 37.4% of the South Carolina Bar. At the two law schools in our State, women make up 52% of the student body at USC School of Law and 62% at the Charleston School of Law. What you may not know is that South Carolina is about to become the only State in the entire Nation to not

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have a female Supreme Court judge and that is embarrassing. It is more embarrassing to me than us being at the bottom of the State with education or having lawyers that don't even understand the separation of powers. That's ridiculous.

Right now, the five members of the Supreme Court are four male and one female. As we know that's going to change -- four white and one black. The black is going to come up next. And let me guess, I know what this Legislature is going to want to do. Let's get a black female -- check, check -- two boxes -- and then we'll be nice and balanced. The Court of Appeals -- nine members, one vacancy, five males, three females. A little more balanced there, right? Seven white and one black -- not quite balanced. Then we look at the Circuit Court -- 49 seats; one vacancy and that one is getting ready to go to a male. So, it's going to be 36 males and 13 females. Why is that when we are 37.4% of the Bar? It's because we are not anywhere near balanced in this Legislature. And I may not get to see a change. I'm one of five. Half the time I feel invisible to y'all. I had a colleague yesterday say right in front of my face, that he felt like that Supreme Court race went how it was supposed to go. Was I not standing right there? I had another colleague when we were in the elevator the other day surrounded by a bunch of Democratic males -- I'm the only female in the elevator -- and what does he say, "Let's circle the wagons boys, we're out numbered." Was I there? I want to know, was I there? Then let's look at Family Court. Family Court -- 60 seats; there are three vacancies, 27 males and 30 females. Thank y'all. Thank y'all. Y'all think we're capable only of dealing with Family Court bull crap? Really? That's just embarrassing. It really is.

And then let's look at the makeup of this Body. We have one chairwoman, one chairwoman and what is she over? Family and Veterans' Services. Now, that's by virtue of our rules, so I'm not going to complain about that. Part of the problem is you don't get women that are going to run for the Senate until after they have done their maternal responsibility usually and stayed home and raised all their babies. But we're not so dumb that babies are all that we know. Look across the hall. There is one -- one female chairwoman. Guess what she's over? Education. She runs a preschool, so actually she's probably suited for it, but the only chairwoman ever in the House has been -- there have been two -- two females both over Education. Why is that? I just don't get it. And like I said, I'm probably never going to see a change in how this Body is made up, but my daughter is around, and our daughters are coming, including yours. And I know for a fact that a lot of your wives and your daughters do not agree with you on this issue of abortion. And

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here we are on the issue of abortion and we're going to disguise it as rogue justices -- rogue justices -- that makes no sense to me whatsoever.

But I can tell you last Wednesday, the smartest candidate in the whole race dropped out 15 minutes before 12:00, before she could even gather votes. And she, in my opinion, would have been neck and neck right now had she stayed in that race. Because the optics of this, it just -- it is not good. Y'all would be getting heat from all groups around the State had the two women in the race stayed in the race. Because there is nothing, nothing embarrassing about losing. But now what about quitting? And y'all know, I never did lobby a single one of y'all -- not one. But y'all know that the smartest candidate, I believe, would have been a judge who left my partnership 12 years ago. Y'all know this. I never lobbied it. I never mentioned it. I never asked any one of y'all to vote for her because she was my partner. But I fear that her loss is partly my fault because she got painted with a brush that I guess I set forth; because, y'all know my opinion on at least giving a woman through first trimester to make up her mind and to hopefully get her life in order so that she can raise these babies.

But what you didn't look at is that we are defense lawyers. We represent police and first responders. We're conservative. But oh no, y'all did not think her capable of making the decision on her own whether it comported with mine or not. She's her own person, but I fear I caused her to lose. Why? Because I did my job. I told y'all in September what I felt about the issues, and I did my job and now she's prevented from doing hers. But is she prevented? I can't even fuss at this Body for that. She and I have been at each other's throats since she quit last week. Why? Because when she did, 51.4% of the population was let down -- let down. But why did she do it? She's smart and she's tough. She did it because a man told her to -- a man across the street -- he knows who he is. And why she listened to him I will never know because I honestly believe that she could have won this race. And if she didn't, even if she didn't, there would have been no shame in her numbers. But what can I do now? Now we're looking at years with no female justice. And I do appreciate the fact that y'all are turning this into an abortion discussion because at least now we know it really isn't about the smartest judge or the best candidate. It is about who you think it is going to demand forced birth. That's what this is.

I just -- I really -- I don't even know what to say beyond the fact that you should all be embarrassed. We should be embarrassed, me too, that we have allowed this to happen. We have allowed it to happen and why? What's the real reason we allowed it to happen? Because somebody over

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in the House is scared of seventeen clowns that are basically yanking his chain. Seventeen clowns are what this is about. And it ends up impacting one of the most serious judicial races -- the most serious that I've been a part of. And everybody keeps talking to me about down ballots and stuff. I don't even care about the down ballots at this point. I just really don't, but for y'all to sit here and say we need to change up the elections and you want to have every qualified person come out and be a candidate. If we're going to do that can we please make some type of rule that they don't have to slink about in the lobby and suck up to us at the ropes and beg for appointments with us? Because we're going to have so many more candidates. My gosh, I run up these back stairs whenever the judicial races are going on because it is just too much. And also, while I'm ranting, please don't give judicial candidates my cell phone number. I mean why? That infuriates me. If they know me, they're going to have my number. If they don't, I don't want anybody giving it to them.

There is nothing wrong with the way our system is. I know that this is a good point for everybody to say JMSC is bad, but the reality is lawyers know the other lawyers who are running, and lawyers know the best lawyers for the job. We usually know their temperament. We usually know what they're thinking or what their thought process might be. But for this Legislature, supermajority Republican Party, super-supermajority men to sit here and say, oh, we had a judge who was the swing judge and therefore he is rogue, and we need to implement some type of procedure to rope him in and while we're at it, hey, the right thing happened -- when it happened that our two female candidates backed out. I'm ashamed of that and I'm ashamed about a lot. But one of the things I'm most ashamed about is the next two years with no women and we remain invisible.

On motion of Senator RICE with unanimous consent, the remarks of Senator SENN were ordered printed in the Journal.

Senator RANKIN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator HUTTO objected to further consideration of the Resolution.

OBJECTION

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE

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AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Senator MASSEY objected to consideration of the Resolution.

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RECESS

At 1:51 P.M., on motion of Senator MASSEY, the Senate recessed from business until 2:30 P.M.

At 2:51 P.M., the Senate resumed.

Call of the Senate

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

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

A quorum being present, the Senate resumed.

Expression of Personal Interest

Senator GOLDFINCH rose for an Expression of Personal Interest.

MOTION TO VARY THE ORDER OF THE DAY FAILED

On motion of Senator MASSEY, under Rule 32A, the Senate moved to vary the order of the day and proceed to the Call of the Contested Statewide Calendar.

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

Ayes 27; Nays 16

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch

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Grooms	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Talley	Verdin	Young

Total--27

NAYS

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

Total--16

The motion to Vary the Order of the Day failed.

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

MOTION ADOPTED

At 3:06 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

CARRIED OVER

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF

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ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Senator MASSEY moved to carry over the Bill.

Senator MALLOY moved to lay the motion to carry over on the table.

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

Ayes 14; Nays 29

AYES

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

Total--14

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NAYS

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

Total--29

The motion to table the motion to carry over the Bill failed.

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

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

AMENDED, ADOPTED

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE

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OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY proposed the following amendment (SR-374.KM0003S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second and third undesignated paragraphs and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 8, 2023, at 12:00 noon, to elect a successor to the Honorable Kaye G. Hearn, Justice of the Supreme Court, Seat 4, and the successor will serve the remainder of the unexpired term, which will expire July 31, 2032; to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At-Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term,

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which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At-Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson-Smith, Judge of the Family Court, At-Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

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

Ayes 8; Nays 35

AYES

Allen	Fanning	Kimpson
Matthews	McLeod	Sabb
Scott	Stephens	

Total--8

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Talley	Verdin
Williams	Young	

Total--35

The Senate refused to lay the amendment on the table.

The question then was the adoption of the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Senator CASH proposed the following amendment (SR-374.JG0001S), which was not adopted:

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 1, 2023, at noon, to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At-Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term, which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will

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expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At-Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson-Smith, Judge of the Family Court, At-Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

The question was the adoption of the amendment.

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

Ayes 2; Nays 41

AYES

Cash

Fanning

Total--2

NAYS

Adams

Alexander

Allen

Bennett

Campsen

Climer

Corbin

Cromer

Davis

Gambrell

Garrett

Goldfinch

Grooms

Gustafson

Hembree

Hutto

Johnson, Kevin

Johnson, Michael

Kimbrell

Kimpson

Loftis

Malloy

Martin

Massey

Matthews

McElveen

McLeod

Peeler

Rankin

Reichenbach

Rice

Sabb

Scott

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Senn	Setzler	Shealy
Stephens	Talley	Verdin
Williams	Young	

Total--41

The amendment failed.

The question then being the adoption of the Resolution.

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

AMENDED, ADOPTED

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER

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FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

The Senate proceeded to a consideration of the Resolution.

Senators MASSEY and ALEXANDER proposed the following amendment (SR-3703.JG0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives immediately following the elections of members of the judiciary for the purpose of electing one at-large member to the Board of Visitors for The Citadel for a term to expire June 30, 2028; for the purpose of electing three at-large members to the Board of Trustees for Clemson University for terms to expire June 30, 2026; for the purpose of electing members to the Board of Trustees of Lander University to fill the term of the member for the At-Large Seat 8, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 9, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 10, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 11, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 12, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 13, whose term will expire June 30, 2026, the term of the member for the At-Large Seat 14, whose term will expire June 30, 2026, and the term of the member for the At-Large Seat 15, whose term will expire June 30, 2026; for the purpose of electing members to the Board of Trustees for the University of South Carolina to fill the term of the member for the First Judicial Circuit, for a term to expire June 30,

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2026, the member for the Third Judicial Circuit, for a term to expire June 30, 2026, the member for the Fifth Judicial Circuit, for a term to expire June 30, 2026, the member for the Seventh Judicial Circuit, for a term to expire June 30, 2026, the member for the Ninth Judicial Circuit, for a term to expire June 30, 2026, the member for the Eleventh Judicial Circuit, for a term to expire June 30, 2026, the member for the Twelfth Judicial Circuit, for a term to expire June 30, 2026, and the member for the Thirteenth Judicial Circuit, for a term to expire June 30, 2026; and for the purpose of electing two at-large members to the Board of Trustees for the Wil Lou Gray Opportunity School whose terms will expire June 30, 2026.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator VERDIN spoke on the Resolution.

Senator SCOTT spoke on the Resolution.

The question then being the adoption of the Resolution, as amended.

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

Ayes 43; Nays 0

AYES

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

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Talley
Young

Verdin

Williams

Total--43

NAYS

Total—0

The Resolution as amended was adopted, ordered returned to the House.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to Interrupted Debate on S. 39.

There was no objection.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, DEBATE INTERRUPTED

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING

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SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Amendment No. 16

Senators CLIMER, KIMBRELL and M. JOHNSON proposed the following amendment (LC-39.DG0215S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and inserting:

(c)(i) has a household income that does not exceed four hundred percent of the federal poverty guidelines; or

Re-number sections to conform.

Amend title to conform.

Senator CLIMER asked unanimous consent to carry over Amendment No. 16.

The amendment was carried over.

Amendment No. 17

Senators CLIMER, KIMBRELL and M. JOHNSON proposed the following amendment (LC-39.DG0214S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135(A)(1), (2), and (3) and inserting:

(1) in School Year 2024-2025, the program is limited to ten thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to twenty thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to thirty thousand scholarship students.

Re-number sections to conform.

Amend title to conform.

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Senator CLIMER moved to carry over Amendment No. 17.

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

Ayes 39; Nays 3

AYES

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

Total--39

NAYS

Fanning	Matthews	Stephens
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Total--3

The amendment was carried over.

Amendment No. 18

Senators SETZLER, HUTTO and HEMBREE proposed the following amendment (LC-39.DG0194S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(G) A person paid by, contracted with, employed by, or having a financial interest in an education service provider shall not be allowed to serve on the board of an organization contracting for services with the department as defined in Section 59-8-115(J), serve on the board of a vendor or private management firm contracted to manage accounts as defined in Section 59-8-125(C), on the board of any other provider of contracted-for services under Section 59-8-110(12) or under Section 59-

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8-120(H), or on the ESTF Review Panel. Any education service provider violating this subsection shall be barred from participating in the program for two years and shall return any funds received under the program to the ESTF.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 19

Senator FANNING proposed the following amendment (LC-39.VR0142S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(12)(e) and inserting:

(e) tuition and fees for an approved nonpublic online education service provider or course that requires at least fifteen days of in-person instruction;

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice

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Senn	Shealy	Talley
Verdin	Young	

Total--29

NAYS

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

Total--13

The amendment was laid on the table.

Amendment No. 20

Senator McLEOD proposed the following amendment (LC-39.DG0185S), which was ruled out of order:

Amend the bill, as and if amended, SECTION 1, by adding a section to read:

Section 59-8-190. (A) Upon the effectiveness of subsection (B), notwithstanding any other provisions of Section 59-8-110(3), for purposes of determining a student's eligibility to receive a scholarship, the expanded Medicaid also extends to a student's statement of Medicaid eligibility.

(B) The plan prepared by the department and submitted for federal approval in accordance with the requirements of Section 44-6-40 and pursuant to Section 1396a of Subchapter XIX, Chapter 7, Title 42 of the United States Code, for health insurance plans offered beginning January 1, 2024, must make medical assistance available to individuals under sixty-five years of age whose income does not exceed one hundred thirty-three percent of the federal poverty level, with a five percent income disregard, who are not already eligible for such medical assistance.

Re-number sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

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Point of Order

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

Senator FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 21

Senator FANNING proposed the following amendment (LC-39.AHB0036S), which was ruled out of order:

Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(K) The department shall conduct a review of all existing state assessments administered under the state's consolidated accountability system under the Education Accountability Act and the federal Every Student Succeeds Act in order to evaluate the quality, validity, and alignment of these assessments to the learning goals articulated in the South Carolina College and Career Readiness Standards and the Profile of the South Carolina Graduate. The EOC must submit the findings of this review to the Speaker of the House and the President of the Senate by no later than May 31, 2024.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE spoke on the amendment.

Point of Order

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

Senator FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

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Amendment No. 24

Senator FANNING proposed the following amendment (LC-39.DG0160S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-125, by adding a subsection to read:

(J) Payments made quarterly by the department to Education Service Providers for the purpose of tuition and fees shall constitute full payment of tuition and fees for each scholarship student and no remaining balance for tuition and fees may be charged to parents in any quarter of the academic year. A parent will be allowed to make payments for the cost of any other qualifying expenses not covered by the funds in their student's ESTF; however, personal deposits into a ESTF are prohibited.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Debate was interrupted.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194 *VICE* Ellen S. Steinberg

MOTION ADOPTED

On motion of Senator MASSEY, the Senate agreed that, when the Senate completed its business today, the Senate would stand in recess until 6:45 P.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate would stand adjourned to meet at 11:00 A.M. tomorrow.

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RECESS

At 5:41 P.M., on motion of Senator MASSEY, the Senate recessed from business until 6:45 P.M.

NIGHT SESSION

The Senate reassembled at 6:45 P.M. and was called to order by the PRESIDENT.

Committee to Escort

The PRESIDENT appointed Senators PEELER, SETZLER, BENNETT, MALLOY and SHEALY to escort the Honorable Henry D. McMaster, Governor of South Carolina, and members of his party to the House Chamber for the Joint Assembly.

At 6:50 P.M., the Senate recessed for the purpose of attending the Joint Assembly.

JOINT ASSEMBLY

Address by the Governor

At 7:00 o'clock P.M., the Senate appeared in the Hall of the House.

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

H. 3603 -- Rep. G.M. Smith: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 25, 2023, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

The Honorable Henry Dargan McMaster, and members of his party, were escorted to the rostrum by Senators PEELER, SETZLER, BENNETT, MALLOY and SHEALY and Representatives Brittain, Erickson, Hiott, Jones, Leber and Thigpen.

The PRESIDENT of the Senate introduced the Honorable Henry Dargan McMaster, Governor of the State of South Carolina.

The Governor addressed the Joint Assembly as follows:

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State of the State Address

Mr. Speaker, Mr. PRESIDENT, ladies and gentlemen of the General Assembly, my fellow South Carolinians. We are here tonight to address challenges and opportunities.

But first, as in prior years, I'd like to recognize those in uniform whom we lost in the line of duty in 2022. Officer Roy Andrew Barr of the Cayce Police Department; Deputy Austin Derek Aldridge of the Spartanburg County Sheriff's Office; Corporal Sara K. Weaver of Florence County Emergency Medical Services, and Master Police Officer Tyrell Owens-Riley of the Columbia Police Department. To the families and loved ones of these brave South Carolinians, with all our hearts, we offer our condolences. We are eternally grateful for their service.

I am delighted to have with us once again tonight our First Lady, my bride Peggy, our son Henry, Jr., whose wife Virginia is home with their three-month-old daughter, Margot Gray. Also, our daughter Mary Rogers, whose husband Sam is home with their six-month-old son, James Dargan. Please stand and be recognized.

Also, our Lieutenant Governor Pamela Evette, and her husband David are here tonight. Please stand and be recognized. Our state constitutional officeholders are here with us tonight, including our new Superintendent of Education Ellen Weaver. Please stand and be recognized.

Finally, will the members of the best cabinet in the Nation please stand and be recognized. Thank you.

The people of the great State of South Carolina have given me the honor and privilege of serving as your Governor for another four years. My family and I thank you.

My pledge to all is that we will not squander this opportunity; we will continue to act boldly, think big and continue building on our successes. South Carolina is richly blessed with a hardworking and talented people. Our quality of life and cultural heritage, abundant natural resources and prosperous economy make us unique and attractive to all. In fact, South Carolina is the third fastest growing state in the Nation according to the U.S. Census Bureau. People want to be here.

Our booming economy has once again created a record budget surplus, this year totaling over \$3.5 billion in unexpected revenue. State government is in superior fiscal shape. Today, we have the largest rainy day reserve fund balance and lowest amount of debt than at any other time in recent memory. So, it should come as no surprise that 2022 was the most successful year for economic growth in our state's history, with

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the record for the largest capital investment project broken twice in the same year.

In 2022, we announced 120 projects which will create over 14,000 new jobs with \$10.27 billion in new capital investment. This is almost two and a half times as much as 2021.

As another sign of our economic strength, last year we almost quadrupled our foreign direct investment from the previous year. Every day, employers are creating new jobs, entrepreneurs are opening new businesses, and companies are deciding to locate in South Carolina.

The Palmetto State has one of the nation's fastest-growing container ports, two innovative inland ports, thirty-three airports, 2,300 miles of rail lines and more than 41,000 miles of state-maintained highways. The Port of Charleston has the deepest harbor -- 52 feet -- on the East Coast and its volume will grow exponentially this year.

There are 208 million people -- two-thirds of the U.S. population -- within two days' drive of South Carolina. Our thriving tourism industry continues to break records. Compared to pre-pandemic levels in 2019, in the 2021-22 fiscal year, accommodations tax collections were up almost 50 percent, our state park system revenues were up 46 percent, and admissions tax collections were up 28 percent. Not only did we drive our way through a debilitating pandemic, with our decisions based on common sense and the Constitution, we thrived.

Tonight, we will recognize several of the businesses which announced new capital investment in South Carolina during the record-breaking year of 2022. As you will notice, the automotive industry continues moving towards electric vehicles, and South Carolina is moving along with it. Last year, I issued an executive order prioritizing the recruitment of these manufacturers to ensure that our State will continue to be seen as the ideal place for manufacturers and suppliers to do business. South Carolina will continue to adapt as the industry innovates and grows.

In Berkeley County, Redwood Materials will invest \$3.5 billion -- the single largest announcement in the history of South Carolina -- and create 1,500 jobs for a new battery materials recycling facility.

In the Upstate, BMW will invest \$1.7 billion -- the second largest investment in state history: \$1 billion of which will prepare Plant Spartanburg to produce electric vehicles and \$700 million to build a new, high-voltage battery assembly facility in Woodruff, which will create 300 new jobs.

Envision AESC will invest \$810 million in Florence to build a new, state-of-the-art battery cell gigafactory and employ over 1,000 residents

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to supply technology-leading battery cells to power the next generation of electric vehicles.

In Colleton County, Kontrolmatik Pomega will build a 3 gigawatt-hour capacity lithium-ion battery factory that will produce grid-scale energy storage. The company's \$279 million investment will create approximately 575 new jobs.

Bosch made two announcements in 2022 that continue to develop the company's nearly 50-year history in the State of South Carolina.

In Anderson County, Bosch plans to invest \$200 million and create up to 350 new jobs to expand operations to become the company's first production operation of fuel cell technology in the United States.

And in Dorchester County, Bosch launched the production of electric motors to support the U.S. market demand for electrified vehicles, with plans for future growth. Bosch plans to invest \$260 million and create 350 jobs at its site in North Charleston.

With a combined investment of \$625 million and 50 new jobs, Nucor Steel is expanding in Berkeley County to include a new galvanizing line to meet the increased demand for steel, and an air separation unit to modernize the mill.

E.A. Sween, a leading supplier in the "ready-to-eat" sandwich industry, will invest \$38 million and create 300 new jobs in Greenwood County.

In Greenville County, Health Supply U.S. is investing \$150 million and creating 600 new jobs for a new manufacturing facility that will produce American-made personal protective equipment.

KION North America will invest \$40 million and create 450 jobs to reshore the manufacturing of core components for industrial lift trucks from China to Summerville.

Will the leaders from these companies here with us tonight please stand and be recognized when I call your name? We will hold our applause until all are standing. Mr. Jason Thompson, the Chief Financial Officer of Redwood Materials; Ms. Sherry McCraw, the Vice President of Human Resources of BMW; Mr. Jeff Deaton, the Managing Director for North America of Envision AESC; Mr. Bahadir Yetki, the Chief Executive Officer of Kontrolmatik Pomega; Mr. Mike Mansuetti, the President of Bosch North America; Mr. Nathan Pranger, the Vice President and General Manager of Nucor Steel; Ms. Kristi Broadwater, the Senior Vice President of Human Resources for E.A. Sween; Mr. Chris Garcia, the Chief Executive Officer of Health Supply U.S.; Mr. Jonathan Dawley, the President and Chief Executive Officer of KION North America.

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And finally, our Secretary of Commerce, Harry Lightsey, and his remarkable team which worked around the clock to produce these successes, are here tonight. Ladies and gentlemen, thank you all for making 2022 a record-breaking year in South Carolina. And this year, let's do it again.

Last year presented numerous challenges for the people of South Carolina, including those resulting from the misguided and unconstitutional policies of the Biden Administration, such as dramatic inflation and sharp interest rate hikes. Left unchecked, run-away federal spending has created the specter of a recession on the horizon.

Yet, I remain confident about the future of our State because I have faith in our people and in those, they elected to represent them in the General Assembly. And I am excited to renew our successful partnership -- one based on working together through collaboration, communication, and cooperation.

Today, we are presented with an opportunity to take bold, transformative actions that will build prosperity for generations to come. The foundations of our successes rest on three pillars: economic strength, education, and our natural environment.

This past November, South Carolinians overwhelmingly approved a constitutional amendment increasing the minimum required balance in the rainy-day reserve fund. It was increased from 5 percent to 7 percent of the total amount of General Appropriations Act funds available to be appropriated in any year. I now ask the General Assembly to set aside an additional \$500 million to voluntarily increase the rainy-day reserve fund minimum balance from 7 percent to 10 percent. By saving this money instead of spending it, we will once again be prepared for any future economic uncertainties, should they arise.

Until recently, South Carolina had the highest personal income tax rate in the southeast and the 12th highest in the Nation. No more. Last year, we worked together to pass the largest income tax cut in state history. This made South Carolina even more competitive with other states for new jobs and capital investment. A tax cut has the impact of a pay raise, letting people keep and spend more of their hard-earned money, which itself is a catalyst for even more economic growth and prosperity.

In February, the state Board of Economic Advisors is scheduled to issue an updated revenue forecast. Should an increase in future revenues allow, I ask the General Assembly to use additional funds to speed up the income tax cut schedule, so taxpayers can keep even more of their hard-earned money.

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In addition, I recommend setting aside a significant amount of funds to re-invest in our state's record-breaking economic development efforts, rather than borrowing it through the issuance of bonds, which increases our state's debt. A one-time appropriation of \$500 million will allow the Department of Commerce to satisfy all outstanding obligations and incentives without borrowing money. The House recently approved this appropriation, and it is my hope that the Senate will follow suit.

An additional one-time appropriation of \$200 million will allow the department to identify and secure properties for future mega-site development.

Rural South Carolina has everything it needs for beauty and tranquility. But what it needs for good public and economic health is water and sewer. The right water and sewer systems in a county can transform a tax base. That means jobs, good schools, strong families, and a safe and vibrant community. In 2022, the state Rural Infrastructure Authority received \$800 million in American Rescue Plan Act funds. Their purpose: to replace, repair, and consolidate our state's aging and outdated rural water, sewer, and stormwater infrastructure, through competitive grants. The demand exceeded the supply, and RIA received grant applications in 2022 for almost \$2 billion. This year, I am recommending that a minimum of \$380 million in remaining ARPA funds be used to continue making these transformative water and sewer grants in our rural communities.

There is no infrastructure more in need of big, bold, and continued investment than our state's roads, bridges, highways, and interstates. Our successes are outrunning our infrastructure.

Last year, the Department of Transportation got almost \$1 billion to accelerate and jump start construction, expansion, and improvements to our state-owned roads, bridges, highways, and to widen interstates. However, in the immortal words of Jerry Reed, "we've got a long way to go and a short time to get there." So we must invest more.

This year, my Executive Budget provides an additional \$850 million to continue speeding up the completion of projects which will relieve traffic congestion on interstates and highways, repair or repave local roads and fix over 400 bridges across the State.

Working together, we have taken bold steps to improve the education our children receive in the classroom. Until last year, South Carolina's system for funding K-12 education was archaic and confusing, a piecemeal system consisting of 29 separate line-item appropriations. Now, a consolidated formula makes sure that funding follows the child.

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It keeps pace with student enrollments and provides financial resources to support a state average student-teacher ratio of 11.2 students per teacher, with an average teacher salary, including fringe benefits, of \$72,991. My Executive Budget also increases State Aid to Classrooms by \$254 million.

To increase the percentage of children who enter our public schools ready to learn, we unleashed the free market and expanded full-day, four-year-old kindergarten to all at-risk children in the State. Parents may now choose the public, private, or for-profit childcare provider that best suits their child's educational needs.

Today, we are serving 16,103 "at-risk" children in the program, which is an all-time high. Last year, there were 18 children eligible to participate in the state-funded, full-day 4K program at St. Martin de Porres Catholic School, located in Columbia. St. Martin is a private school participating in the full day 4K program. This year, parents of nine of those children wanted to enroll their children in five-year-old kindergarten at the school but could not afford to pay the tuition. Thanks to the generosity of the Catholic Church, they were able to continue their education at St. Martin at no cost to the families.

Jonathan McMillan is one of those children. He participated in the full-day 4K program last year and is now enrolled in five-year-old kindergarten at St. Martin. According to his mother and teachers, Jonathan has been saved from further struggle and challenge by staying at St. Martin. "He had challenges upon his arrival. He had different social skills that required the intentionality of our educational team. Jonathan is not shy; he is brilliant and a determined leader." His teacher, Ms. Hare, says that her goal is to help him find his light so he can brightly shine to the world around him. Jonathan is here tonight accompanied by his mother Ms. Djenabou along with the principal of St. Martin, Ms. Delores Gilliard. Ms. Gilliard has served as principal for five years. She completed a 40-year career in the public schools in Richland One school district, spending 22 years as a principal. Jonathan and ladies, please stand and be recognized.

My Executive Budget also provides \$25 million in lottery dollars for the creation of education scholarship accounts, or ESAs, pending a change in the law by the General Assembly. These funds will allow lower-income parents to choose the type of education environment and instruction that best suits their child's unique needs.

My Executive Budget also proposes to continue the remarkable progress we have made in raising teacher pay. And we must do

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more. New teaching positions are being created every year at new schools constructed to keep up with our growing population.

Six years ago, the minimum starting salary of a teacher in South Carolina was \$30,113 and the average teacher salary was below the southeastern average. Today, the minimum starting salary of a teacher in South Carolina is \$40,000 and the average teacher salary now exceeds the southeastern average. My Executive Budget proposes increasing teacher salaries by \$2,500 at every step of the state salary schedule, making the new minimum starting teacher salary \$42,500. My goal by 2026 is a minimum starting salary of at least -- at least -- \$50,000. In addition, my Executive Budget provides every eligible public-school teacher for the upcoming school year, with a one-time \$2,500 retention supplement, half in December and the other half in May.

Miss MyKenna Blankenship is a first-year teacher at Bay Road Elementary School in the Darlington County School District. She teaches first grade. Miss Blankenship was a Teaching Fellow at Francis Marion University where she completed her bachelor's degree. She is the daughter of Ms. Jennifer Blankenship, also a teacher in the Darlington County School District. She teaches English and the Teacher Cadet Program at the Mayo High School for Math, Science and Technology. The Teacher Cadet Program is a high school course which encourages academically talented high school students to consider teaching as a career. MyKenna always wanted to be a teacher. As she said, "my mom was a lot of inspiration for my journey. . . I enjoy seeing students make connections with their life and what they are learning in school, but also the 'Ah-Ha' moment when they truly understand a concept. My first year is going awesome and I could not have been more blessed with the community I chose. These students are bright and always begin the day with a surprise. I learn more as a teacher and person every day. This career and opportunity with the students fulfill my life in more than one way." MyKenna and her mother are here with us tonight. Ladies, please stand and be recognized.

Placing an armed, certified school resource officer -- SRO -- in every school, in every county, all day, every day, has been one of my top priorities. At my request, the General Assembly began funding a grant program administered by the Department of Public Safety (DPS) to provide school districts with funds to hire more resource officers for our 1,283 public schools.

The grant program has been very successful and has more than doubled the number of officers assigned to a school, going from 406 to 982 in just four years. This year I am recommending an additional \$27.3

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million to provide an additional 188 schools with an SRO. With this appropriation, 90 percent of South Carolina's public schools will have an SRO assigned to their campus.

In July of 2021 Michael Tucker was named Program Manager for the School Resource Officer (SRO) Program at DPS. During Mr. Tucker's first year as the SRO Program Manager, working with school districts and local law enforcement agencies, the number of state-funded School Resource Officers increased by 74 percent. For his exemplary work to improve school safety in our State, Mr. Tucker was recognized in October as the DPS's Public Servant of the Year. Joining Michael tonight is the Director of the Department of Public Safety Rob Woods and Chief of Staff Michael Oliver. Gentlemen, please stand and be recognized.

To train our state's SROs, I recommend providing the State Law Enforcement Division with \$3.5 million to create the *Center for School Safety and Targeted Violence*. Located at the old Gilbert Elementary School, this partnership with Lexington School District One will provide a state-of-the-art training center in a real life setting for law enforcement and school personnel.

Last year, we expanded the investigative jurisdiction of the state Inspector General to reflect concerns that South Carolinians have regarding the management of our public schools, especially the management of taxpayer funds by school boards. It was a good first step toward restoring the public's confidence in the actions of school boards. We should expand this transparency.

To this end, the public should also know who is getting paid to influence decisions made by county, municipal, or school board officials. These "lobbyists" should be required to register with the State Ethics Commission, just like those who are paid to lobby the legislature. What's good for the State House -- is good for the Schoolhouse. Members of the General Assembly, send me this legislation and I will sign it into law.

We know that access to an affordable degree or skilled trade certificate is essential to ensure that our State has the trained and educated workforce to compete for jobs and investment in the future. Manufacturers in particular view the availability of skilled labor as critical to their decision to invest here.

To address the critical labor shortage affecting key sectors of our economy, I am asking the General Assembly to invest an additional \$78 million in lottery funds to expand Workforce Scholarships for the Future through the South Carolina Technical College System.

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In the last two years, this highly successful program has empowered over 10,000 South Carolinians to earn an industry credential in high-demand careers like manufacturing, healthcare, computer science, information technology, transportation, logistics, or construction.

Geena Rocanella, a graduate of Airport High School in Lexington School District Two, is pursuing an Associate Degree in Early Childhood and Elementary Education from Midlands Technical College. In the afternoons, she works in an after-school program, caring for preschool and elementary-age students. After-school programs provide activities for students and allow mothers and fathers to work. After completing her Associate Degree, Ms. Rocanella plans to transfer to a four-year college to complete her teacher certification requirements and become a teacher. She received a Workforce Scholarship to attend Midlands Technical College because all regions of our State face a critical shortage of child-care workers. According to the U.S. Bureau of Labor Statistics, there are 100,000 fewer child-care workers today in America than before the pandemic. They are in high demand. Ms. Rocanella is joining us tonight, and with her is Dr. Ron Rhames, President of Midlands Technical College. And this would not have been possible without the tremendous leadership of Dr. Tim Hardee, President of the State Technical College System, who is also here tonight. Will you all please stand and be recognized.

My Executive Budget marks the fourth consecutive year that I have asked the General Assembly to freeze college tuition for in-state students, with an appropriation to our institutions of higher education of \$43 million. This represents the 5.2 percent increase in the Higher Education Price Index for 2022 and is based on the number of in-state students enrolled at each public institution.

We are also providing a record amount of financial aid and scholarships for students in need. I propose providing \$80 million so that every South Carolinian who qualifies for federal need-based financial aid -- as measured by federal Pell Grants -- receives sufficient state financial assistance to attend any in-state public college, university, or technical college.

And students at private, independent, and historically black colleges and universities will receive an additional \$20 million for tuition grants and assistance.

In just two years, the University of South Carolina (USC) has almost doubled the number of in-state students receiving need-based grants from 2,000 students to more than 3,900 students from every county in the state.

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With us tonight is Jazmine Lara Guerrero, a junior at the University of South Carolina majoring in Political Science. Upon graduating, she plans to pursue a Ph.D. in Political Science. For the past three years, she has received a need-based grant. Miss Guerrero is a first-generation college student. She is an Opportunity Scholar, a Ronald E. McNair Scholar, and a Magellan Scholar. She is part of the Gamecock Guarantee Program, which provides financial and academic support to first-generation college students. And she will graduate having no student loan debt. Before entering USC, Miss Guerrero attended the Academy for the Arts, Science and Technology, a public magnet high school in Myrtle Beach. Jazmine, please stand and be recognized.

We must continue to address the repairs needed at the aging, state-owned buildings, and infrastructure on the campuses of our four-year colleges, technical colleges, and universities. I ask the General Assembly to join me in paying down the state's deferred maintenance liability with \$209 million in Capital Reserve funds to be distributed pro-rata based on each institution's in-state enrollment. Let's pay for this right now, rather than borrowing it and creating more debt.

In addition, I ask that the General Assembly complete the funding of the Battelle Alliance, a collaborative nuclear sciences research partnership between the University of South Carolina, Clemson University, South Carolina State University, and the Savannah River National Laboratory. With an appropriation of \$100 million in addition to the \$20 million appropriated last year, the alliance will develop workforce training programs designed to develop a pipeline of new talent to fill engineering, science, research, and management positions for private industry and nuclear facilities, including those operated by the Department of Energy. The impact on our research campuses will be far-reaching and dramatic.

It's clear that a mental health crisis exists in South Carolina following the COVID-19 pandemic, especially among our young people. Many are still struggling with the effects of disruptions, virtual instruction, isolation, and constant changes to normal routines. South Carolinians in crisis must have access to professional mental health counseling and services. To meet the growing demand for mental and behavioral health services, I am recommending an allocation of nearly \$45 million to the Department of Mental Health. These funds will support the agency's ability to recruit and retain mental health professionals, provide inpatient services, increase access to crisis services such as suicide prevention hotlines -- including one specifically for veterans -- and community-based treatment services.

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Last year, I directed Health and Human Services Director Robbie Kerr to initiate an immediate review of our state's behavioral health funding and delivery system. It became clear from Director Kerr's efforts that the time has come to modernize and restructure South Carolina's siloed healthcare delivery agencies: the Department of Mental Health, the Department of Health and Human Services, the Department of Health, and Environmental Control, among others.

My Executive Budget includes a \$5 million appropriation to the Department of Administration for the purpose of procuring the professional expertise necessary to analyze and provide the General Assembly, by June 30, 2024, with a comprehensive plan to restructure these agencies, consolidating and privatizing services where possible.

Our booming economy sometimes puts our state agencies at a disadvantage with the private sector in recruiting and retaining good employees. My Executive Budget provides \$78 million for recruitment and retention salary increases for state employees; \$2 million for a one-time \$2,500 "sign on bonus" for new, first-time state government hires; and \$2 million to the Department of Administration so they may assist smaller state agencies with marketing and advertising efforts to fill those "hard to hire" positions.

I am also recommending there be no increase in employee-paid premiums for State Health Plan participants and that we add -- at no cost to state employees -- an annual OBGYN exam for all females, similar to the existing no-cost adult wellness visit which was added two years ago.

Finally, the South Carolina Retirement System, often called the "state pension plan," has one of the largest unfunded liabilities in the Nation, at nearly \$24 billion. The system only has assets equal to 64 percent of what is required to pay beneficiaries, which places our pension system fifth worst in the Nation. Once again, I ask that the state plan be closed to new beneficiaries as of December 31, 2023, and that new state employees prospectively enrolled in the State Optional Retirement Program, which is a defined contribution 401(k) plan. Another year of inaction is another year in which the unfunded liability in the pension plan will increase. We cannot "kick this can down the road" any further.

To keep South Carolinians safe, we must maintain a robust law enforcement presence -- and properly "fund the police." Our state law enforcement agencies continue to lose valuable and experienced people because they are unable to remain competitive with pay and benefits.

Thanks to the compensation review conducted by Ms. Marcia Adams, Director of the Department of Administration, our state law enforcement, and criminal justice agencies have begun to stem the tide of personnel

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loss with \$40 million in recruitment and retention pay raises provided in last year's General Appropriations Act.

I am proposing that we continue to build on this momentum, by providing an additional \$21.5 million for recruitment and retention pay raises this year with the understanding that we will continue doing it. I am also proposing a \$2,000 state income tax credit for every active-duty law enforcement officer, firefighter, first responder, and emergency medical technician. This nonrefundable tax credit will provide a total of \$38.4 million in income tax relief for those who put their lives on the line each day to protect and serve our people.

Additionally, I recommend that we maintain a proviso suspending the \$10,000 retirement cap for anyone enrolled in the Police Officers Retirement System. This will allow retired officers to return to work and fill existing vacancies and make our State safer.

Our law enforcement officers know who the repeat criminals are. They commit over 80 percent of the crimes. Sixteenth Solicitor Kevin Brackett shared a shocking example of how bad this problem has become. On September 30, 2018, a repeat criminal, whose name I shall not repeat, who had a prior record of drugs, assault and battery, burglary, and illegal gun possession, was arrested and charged with possession of two stolen pistols, possession with intent to distribute crack and fentanyl -- and to distribute it near a park or school - resisting arrest and possession of a stolen M16A4 machine gun. He was released on a \$10,000 bond. Less than four months later, he was charged with domestic violence of a high and aggravated nature for violently assaulting his pregnant girlfriend. Once again, he was released on bond.

Then, a few weeks after that, this repeat criminal, out on bond, shot two people, killing one. The surviving gunshot victim was the same pregnant girlfriend he assaulted weeks earlier. He also held four people at gunpoint, assaulting three of them with a hammer. He fled and then shot a third victim later that same day. She survived. After all that, he was finally arrested, convicted, and was eventually sentenced to life in prison. Unfortunately, this is happening every day. How long are we going to let this happen?

Law enforcement needs our help. They need stronger laws to keep illegal guns out of the hands of criminals and juveniles, and new laws to "close the revolving door" and keep career criminals behind bars and not out on bond. That means no bond for repeat criminals. Those who commit a crime while out on bond will receive an automatic mandatory five-year felony sentence with no early release or parole -- on top of the sentence for their previous crimes.

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Currently, there are no graduated criminal penalties for illegal gun possession in state law. That means the penalty is the same no matter how many times the criminal gets caught, which provides no deterrent. Graduated felony penalties, with no bond, will help keep repeat criminals behind bars and not out on bail where they can commit more crimes.

We also need to stop on shady bail bond practices. Last October, I directed the Department of Insurance to crack down on these practices within its authority. Today I propose the establishment of minimum standards for court-ordered GPS or electronic monitoring, and the imposition of penalties on bondsmen who fail to maintain electronic monitoring or fail report to violations of bond conditions to court.

We have no means to carry out a death sentence in South Carolina -- and the murderers know it. The families and loved ones of these murderers' victims know it, too.

The Department of Corrections has been unable to carry out the death penalty by lethal injection since 2011 because the companies which make the drugs will not sell them unless their identities are shielded by state law from anti-death penalty activists. Fourteen states have enacted such a shield law. Director Bryan Stirling and I have asked the General Assembly to address this for over five years. In an effort to solve this problem, we amended the death penalty law to make the electric chair the default method if lethal injection was unavailable and added the firing squad as a new means of execution. It was immediately challenged in court, scheduled executions were halted, and we now -- once again -- await a decision by our state Supreme Court.

Ladies and gentlemen, we cannot keep waiting. I ask the General Assembly again: pass a shield law. We must give these grieving families and loved ones the justice and closure they are owed by law and tell the people of South Carolina that their government believes in the rule of law -- just like they do.

We must also re-examine those issues, practices, and laws that make our State less competitive and make it difficult for families, businesses, and entrepreneurs to invest, grow, and thrive. One issue in need of re-examination is in the area of civil litigation known as "joint and several liability." Nobody, including business owners should be penalized for the actions of others, simply because they have more money. Nor should anyone be absolved of responsibility for their own actions. I am confident that we can find a commonsense formula which will provide accountability and just compensation without damaging our economy.

In addition, I suggest that it's time for members of the General Assembly who are attorneys -- to stop suing the bodies in which they

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serve, stop suing state agencies in plaintiff actions, and stop suing elected officials. This is absurd. It diminishes the public's confidence not only in the lawyer legislators -- but the rest of state government as well.

We must also ensure that the public has confidence in whom and how all our state's judges are selected, by making the processes more transparent and accountable. South Carolina is one of two states in which the General Assembly selects the members of the judiciary. It appears that the public's confidence in this arrangement is waning. Too often, the people's business is unattended. "Justice delayed is justice denied." I suggest that our Founding Fathers prescribed a method for judicial selection that has served our federal government well and with which the public is quite familiar. Gubernatorial appointment of all judges, with the advice and consent of the state Senate, requires no "re-invention of the wheel," will inspire the confidence of our people, and will encourage more excellent attorneys to seek public service.

Last year, the U.S. Supreme Court's ruling in *Dobbs v. Jackson Women's Health Organization* gave us cause for confidence when it recognized that *Roe v. Wade* was "egregiously wrong" on "the day it was decided" and that the U.S. Constitution does not prohibit states from regulating or prohibiting abortion. Unfortunately, the South Carolina Supreme Court delivered a temporary setback earlier this month. In a 3-2 decision, the court struck down the Fetal Heartbeat and Protection from Abortion Act, concluding that it violated a constitutional provision that was proposed and adopted before *Roe v. Wade*, at a time when nearly all abortions were illegal in South Carolina. Respectfully, the court's decision is at odds with the law and the facts, and the lead opinion's results-oriented reasoning threatens to disrupt our constitutional separation of powers.

When I signed the Heartbeat Act into law, I was confident that it was constitutional. I still am. Therefore, I will be filing a petition for rehearing next week, along with other state officials, and I remain optimistic that we will prevail in our historic fight to protect and defend the right to, and the sanctity of life.

Finally, our shared cultural and natural heritage, abundant natural resources and prosperous economy make us the envy of others and attractive to all. Explorers for kings and queens marveled at our mountains, beaches, sea islands, and marshes. They reported back that the land was lush, fertile, and brimming with abundance. And I have no doubt that they would have the same reaction today. When the French, Spanish, and English settlers began arriving in South Carolina over 450

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years ago, there were around two dozen groups or “tribes” of indigenous peoples, or Native Americans, residing in the Lowcountry.

The Ashepoo, Bohicket, Combahee, Edisto, Kiawah, Sewee, St. Helena, Wando, among others lived and thrived here and their names live on today as majestic rivers, sea islands, towns, and entities. Currently, a number of tribes are officially recognized. The Catawba Indian Nation, the Beaver Creek Indians, the Edisto Natchez-Kusso Tribe of South Carolina, the Pee Dee Indian Nation of Upper South Carolina, the Pee Dee Indian Tribe, the Piedmont American Indian Association, the Santee Indian Organization, the Sumter Tribe of Cheraw Indians, the Waccamaw Indian People, and the Wassamasaw Tribe of Varnertown Indians. Many of the leaders of South Carolina’s tribes are here with us tonight. Please stand and be recognized.

By the time the English established the permanent settlement of Charles Towne on the banks of the Ashley River in 1670, a global network for trading and selling West Africans into slavery was well established by European nations, sending enslaved people to Brazil, the West Indies, and the American colonies. Between 1700 and 1775, forty percent of enslaved West Africans entering the colonies did so through Gadsden’s Warf in Charleston, which today is the location of the new International African American Museum.

They came from the Winward Coast, the Ivory Coast, and the Gold Coast areas of Western Africa, known today as Senegal, Sierra Leone, the Republic of Congo, and Ghana. The importation of enslaved persons was criminalized in the United States in 1808. Descendants of these people are proudly represented today by the Gullah Geechee Nation, some living on the sea island properties owned by their ancestors. The Penn Center, on St. Helena Island, with its national landmark designation, serves as the cultural “capitol” and historical repository for the preservation of our Gullah heritage. Queen Quet Marquette L. Goodwine, Chieftess of the Gullah Geechee Nation, is with us tonight. Please stand and be recognized.

It is believed that the first European Jewish settlers arrived in Charleston around 1700 to take advantage of the civil and religious liberty afforded in the colony of South Carolina. The congregation Kahal Kadosh Beth Elohim has the oldest synagogue in continuous use in North America and is known as the cornerstone of American Reform Judaism. By 1800, South Carolina had the largest Jewish population of any state in the United States.

More battles and skirmishes were fought during the Revolutionary War in South Carolina than in any other state. The victory at Cowpens

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over the British Army turned the tide of the American Revolution and secured life, liberty, and the pursuit of happiness for a new Nation. And the term “Sandlapper” was born as a colloquial nickname bestowed upon South Carolinians by retreating British troops. Efforts are underway now to preserve the stories and places of these historic events.

Clearly, South Carolina has an incomparable cultural and natural heritage which distinguishes our State and people from all others. We must honor, preserve and be good stewards of that which we have been given.

Economic growth and the preservation of our shared heritage are not opposing objectives which must be balanced as in a competition, one against the other. Instead, they are complementary, intertwined, and inseparable, each dependent on the other. To strengthen one is to strengthen the other.

The question today is: Will anyone recognize South Carolina in 100 years? Will we allow our state’s culturally and environmentally significant structures, monuments, lands, islands, and waters to be lost -- to over-development, mismanagement, flooding, erosion, or storm damage? Or will we preserve and protect our history, our culture and our environment, and the public’s access to them, before they are lost forever. This is our moment to act while we still can. To that end, I am recommending that a total of \$266 million be appropriated to the Conservation Land Bank, the Department of Natural Resources, and the Office of Resilience, for the purpose of identifying and preserving culturally or environmentally significant properties and tracts in which public access is in jeopardy of being lost forever.

In closing, to the members of the General Assembly, I say let us continue our successful partnership, one that has been based on communication, collaboration, and cooperation.

Let us embrace civility and comity through our thoughts, our actions, and our words -- and urge our people, especially the young people, to be proud of their State.

And let us set our State on a course that will provide the opportunity for prosperity, success, and happiness for generations of South Carolinians. The best is yet to come. May God continue to bless America, and our great State of South Carolina.

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MOTION ADOPTED

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ronald “Ron” Calhoun Fulmer, Sr. of Columbia, S.C. Ron served in the Army as first lieutenant in the Vietnam War. He was a Citadel graduate and loved his home church St. John’s Lutheran Church. Ron served in the House of Representatives in the late 1980s representing District 119 in Charleston County. He started Fulmer Public Relations, Inc. and later worked with State Capitol Group, LLC. Ron received many awards and accolades including the Order of the Palmetto. Ron was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 8:07 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, January 26, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Joshua 22:5b

Joshua gave this commandment to his people: “. . . to love the Lord your God, to walk in all his ways, to obey his commands, to hold fast to him and to serve him with all your heart and all your soul.”

Please join me as we bow in prayer: Holy God, today we pray more pointedly than ever for each and every person who works here in the South Carolina Senate. The duties, the pressures, the responsibilities upon our Senate President, on each of the other Senators, on each staff aide and every support person really are significant. So as these servants labor on behalf of the people of our State, Lord, may each individual trust in You with all their heart and soul, continually striving to do their absolute best. And may the end results not just reflect upon them or upon this Senate, but may they illustrate this Senate’s desire, O God, to honor You. So we humbly pray in Your loving name, dear Lord. Amen.

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

Doctor of the Day

Senator GARRETT introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CORBIN, at 11:05 A.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator SHEALY, at 12:44 P.M., Senator SENN was granted a leave of absence until 1:30 P.M.

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Leave of Absence

At 1:37 P.M., Senator KIMPSON requested a leave of absence until Tuesday, January 31, 2023, at 12:00 Noon.

Leave of Absence

On motion of Senator SABB, at 1:47 P.M., Senator STEPHENS was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

S. 165 Sen. Allen

S. 444 Sens. Reichenbach, Garrett, Gambrell and Grooms

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

sr-0229km23.docx : ec44b933-100e-4fd1-b20d-a9d43b8852ab

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

S. 456 -- Senators Rankin, Senn, Adams and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING SECTION 47-1-170, RELATING TO

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PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

sr-0044jg23.docx : ad3fadd0-d20f-4bf1-8729-d6a082296467

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

S. 457 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 28-2-35, SO AS TO PROVIDE THAT A PERSON OR ENTITY WITH THE POWER OF CONDEMNATION MUST HOLD A PUBLIC MEETING TO DISCLOSE THE LIKELIHOOD OF CONDEMNATION ON SURROUNDING PROPERTIES WHEN PURCHASING NEW REAL PROPERTY OR CHANGING THE USE OF REAL PROPERTY WHICH THE PERSON OR ENTITY ALREADY OWNS.

sr-0237km23.docx : 33ac3434-9fcc-4dbc-bd90-96d964a25ef5

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

S. 458 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MARCH 8, 2023, AS "SOUTH CAROLINA OSTEOPATHIC MEDICINE DAY" IN SOUTH CAROLINA IN HONOR OF THE IMPORTANT ROLE THAT DOCTORS OF OSTEOPATHIC MEDICINE PLAY IN MEETING THE HEALTH CARE NEEDS OF THE CITIZENS OF SOUTH CAROLINA, THE MILITARY OF THE UNITED STATES, AND OUR COUNTRY AS A WHOLE.

sr-0246km-aba23.docx : 510535c2-6e90-49ad-8f30-0cdac41bb9f9

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

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

sr-0045jg23.docx : 6878e944-99d5-4543-b346-7d95defe1985

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

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S. 460 -- Senator Sabb: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF EDWARD PRESSLEY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0251km-vc23.docx : cceaed8-b95d-46cc-b72a-aa90448e4648

The Senate Resolution was adopted.

H. 3136 -- Reps. Bailey, McCravy and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAYS 57 AND 111 IN HORRY COUNTY "LANCE CORPORAL MELTON LEVI 'FOX' GORE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0032cm-gt23.docx : 056f5d3e-71f2-4a20-8c65-b16ef9c335c6

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

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

lc-0066cm-gt23.docx : 94e58fe0-a4cf-4210-a195-9f227dd1f3d8

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

H. 3176 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT UNITED STATES HIGHWAY 521, HUBBARD DRIVE, AND CRAIG MANOR ROAD IN LANCASTER COUNTY "CHARLES ALAN BUNDY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0055hdb-gt23.docx : 9a1d9cd2-2b85-40fe-8393-9d1a682ef63c

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

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H. 3179 -- Reps. Pope, Ligon and West: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DEDICATE THE STATUE AND PLAZA OF THE SOUTH CAROLINA FALLEN FIREFIGHTER MEMORIAL GARDEN, LOCATED ON THE GROUNDS OF THE SOUTH CAROLINA FIRE ACADEMY IN RICHLAND COUNTY, "IN MEMORY OF CHIEF JERRY WILLIAMS".

lc-0050hdb-gt23.docx : ae6d3bf6-1b25-4527-9c7b-5404e1ee6222

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 3254 -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4 IN FISCAL YEARS 2023-2024 AND 2024-2025.

lc-0016ph23.docx : b0a2dcc8-8424-423c-b5f4-ccb109ce4d0d

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

H. 3357 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN LANCASTER COUNTY FROM THE LANCASTER BYPASS TO SOUTH CAROLINA HIGHWAY 522 "SHERIFF WILLIFORD LEE FAILE MEMORIAL HIGHWAY" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF THE HIGHWAY CONTAINING THESE WORDS.

lc-0001cm-cm23.docx : 9c9bd28c-85d8-49d3-b01d-2ca8ae4de1c6

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

H. 3396 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 34 AND MCGEE TOWN ROAD IN LEE COUNTY "LEWIS W. BOONE MEMORIAL INTERSECTION" AND

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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0035cm-cm23.docx : 8f435ecf-7d4a-4444-8fbf-878d22f0c752

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

H. 3397 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 154 IN LEE COUNTY FROM ITS INTERSECTION WITH LOWER LEE SCHOOL ROAD TO ITS INTERSECTION WITH MANVILLE - ST. CHARLES ROAD "TONEY AND THELMA SLATER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0011cm-cm23.docx : ca734b53-fac2-4097-b074-8ca45c065963

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

H. 3398 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION PLACE AN APPROPRIATE SIGN AT THE WESTBOUND ENTRANCE RAMP TO INTERSTATE HIGHWAY 20 IN LEE COUNTY AT EXIT 120 CONTAINING THE WORDS "IN MEMORY OF THE HONORABLE DAVID ADDISON".

lc-0012cm-gt23.docx : af8951b5-6deb-48a0-8e0f-5f23d30736dd

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

H. 3399 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 15 AND BROWNTOWN ROAD IN LEE COUNTY "W. A. BERRY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

lc-0013cm-gt23.docx : 9ab28ec0-e9b3-4c2e-aad3-72fd146f7663

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

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H. 3400 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT AN APPROPRIATE SIGN AT THE EASTBOUND EXIT RAMP ONTO SOUTH CAROLINA HIGHWAY 341 FROM INTERSTATE HIGHWAY 20 IN LEE COUNTY CONTAINING THE WORDS "IN MEMORY OF SERGEANT MIKKOS L. NEWMAN".

lc-0039cm-cm23.docx : ec22464a-1379-4e09-8721-466dd6ba7dc9

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

H. 3783 -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

lc-0149ph23.docx : e404a71d-c36f-42f9-9094-34db9e0a130f

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

REPORT OF STANDING COMMITTEE

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

S. 165 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77, SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING

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TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023,

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AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

Returned with concurrence.

Received as information.

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

OBJECTION

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44, THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Senator MASSEY objected to consideration of the Bill.

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OBJECTION

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Senator MASSEY objected to consideration of the Bill.

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

MOTION ADOPTED

At 11:22 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, DEBATE INTERRUPTED

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S

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ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Amendment No. 25

Senator FANNING proposed the following amendment (LC-39.HA0129S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(G) An education service providers may not raise tuition more than 2.5% annually.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the Bill.

Senator FANNING explained the amendment.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 26

Senator FANNING proposed the following amendment (LC-39.DG0153S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-120(C), (D), and (G) and inserting:

(C) In each fiscal year, the General Assembly shall appropriate funds sufficient to provide a five thousand dollar ESA to the maximum allowable number of students under Section 59-8-135. In the event that fewer eligible students apply for ESAs than the maximum allowable number under Section 59-8-135, the remaining appropriated ESA funds for the year shall be distributed to school districts according to the same distribution formula used for the state aid to classroom program.

(D) The department shall create an individual online ESA account for each ESA student and transfer five thousand dollars into the account. The amount deposited shall not include federal or local funds.

(1) The parent must be able to access the online account for the ESA student using a secure portal.

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(2) The ESA student account must be created within thirty days of the application approval.

(G) All ESA funds must be paid directly from the online portal to the approved education service provider or vendor for eligible expenses under Section 59-8-110(12). Education service providers may not refund, rebate, or share an ESA student's scholarship funds with a parent or the ESA student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 27

Senator FANNING proposed the following amendment (LC-39.DG0004S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(K) The State Treasurer shall not transfer funds into the Education Scholarship Trust Fund during any fiscal year in which the General Assembly fails to fully fund the base student cost as calculated by the Office of Revenue and Fiscal Affairs pursuant to the Education Finance Act of 1977.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

Ayes 27; Nays 15

AYES

Adams
Campsen

Alexander
Cash

Bennett
Climer

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Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Verdin	Young

Total--27

NAYS

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

Total--15

The amendment was laid on the table.

Amendment No. 28

Senator FANNING proposed the following amendment (LC-39.PH0151S), which was carried over:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150(A), by adding items to read:

(5) disqualify from a position of leadership anyone with a conviction for financial impropriety or bankruptcy, or who has been associated with another private school that went out of business or was removed from an education scholarship trust fund or school voucher program;

(6) subject all officers, directors, and employees to conflict of interest and fiduciary duty requirements; and

(7) require all staff involved in financial matters to participate in training regarding state procurement laws and how to account for the use of public funds.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

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Senator FANNING asked unanimous consent to carry over the amendment.

The amendment was carried over.

Amendment No. 29

Senator FANNING proposed the following amendment (LC-39.HDB0161S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135 and inserting:

Section 59-8-135. .(A) Beginning with the 2024-2025 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Years 2024-2025, 2025-2026, and 2026-2027, the program is limited to five thousand scholarship students; and

(2) in School Year 2027-2028, the program limit for scholarship students will be determined based on the following:

(a) should the program demonstrate that seventy-five percent or greater of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program is limited to ten thousand scholarship students; and

(b) should the program demonstrate less than seventy-five percent of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program is limited to five thousand scholarship students;

(3) in School Year 2027-2028, the program limit for scholarship students will be determined based on the following:

(a) should the program demonstrate that seventy-five percent or greater of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program limit of scholarship students may be increased by five thousand, not to exceed fifteen thousand scholarship students; and

(b) should the program demonstrate that less than seventy-five percent of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program limit shall remain at the limit established in 2026-2027; and

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(4) in school year 2028-2029 and for all subsequent school years, the program is limited to the number of scholarship students established in 2027-2028.

(B) In 2029, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 25; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Young		

Total--25

NAYS

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

Total--13

The amendment was laid on the table.

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Amendment No. 30A

Senators SETZLER, HEMBREE and FANNING proposed the following amendment (LC-39.WAB0234S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-145(E) and inserting:

(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of education service providers and scholarship accounts on an annual basis.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 31B

Senators HUTTO, HEMBREE and FANNING proposed the following amendment (LC-39.WAB0230S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not unlawfully discriminate on the basis of race, color, religion, national origin, or disability. This item shall not be applied in contradiction to any exemptions provided to independent or religious educational providers under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE asked unanimous consent to carry over the amendment.

The amendment was carried over.

Amendment No. 32

Senator FANNING proposed the following amendment (LC-39.DG0186S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(12)(k) and (l) and inserting:

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(k) fees for ESTF account management by private financial management firms approved by the department.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 33

Senator FANNING proposed the following amendment (LC-39.HDB0154S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-140(A), by adding an item to read:

(7) The department must track data on scholarship students who leave the program prior to graduation. Data tracked must state whether the student's education service provider or the student initiated leaving the program and the reason why the student left. The compiled data annually must be reported to the General Assembly before September first. This data must be compiled and disaggregated by the education service provider showing the:

(a) number of students leaving;

(b) number of students leaving initiated by the education service provider as compared to the number leaving initiated by the student;

(c) reasons cited for leaving the program;

(d) demographic data for SCHOLARSHIP students leaving;

(e) demographic data for SCHOLARSHIP students remaining;

(f) achievement data for SCHOLARSHIP students leaving; and

(g) achievement data for SCHOLARSHIP students remaining.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

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Amendment No. 34

Senator FANNING proposed the following amendment (LC-39.CM0175S:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A) and inserting:

(A) To ensure equitable treatment and personal safety of all scholarship students, all education service providers shall:

(1) comply with all applicable health and safety laws or codes;
(2) hold a valid occupancy permit if required by the municipality in which the education service provider is located, if applicable;

(3) not unlawfully discriminate on the basis of race, color, religion, or national origin;

(4) conduct criminal background checks on employees and exclude from employment anyone who:

(a) is not permitted by state law to work in a school;
(b) reasonably might pose a threat to the safety of students; or
(c) is listed on federal, state, or other central child abuse registries; and

(5) track and report to the department the number of scholarship students denied admission with the reason each scholarship student was not admitted.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Motion Adopted

Senator MASSEY moved under the provisions of Rule 15A that no further amendments be allowed on the desk other than eight amendments each by the Chair of the Education Committee and the Minority Leader, and further that proponents and opponents be allowed up to five minutes debate on each amendment; and, that upon consideration of all amendments, the Senate would proceed to a vote on second reading of the Bill.

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

Ayes 25; Nays 15

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AYES

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

Total--25

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Martin	Matthews
McElveen	McLeod	Sabb
Scott	Setzler	Williams

Total—15

The motion was adopted.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators PEELER, CLIMER, M. JOHNSON, FANNING and MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David R. Campbell of Rock Hill, S.C. David was a firefighter and paramedic with the Rock Hill Fire Department. He also worked as a firefighter with Lockhart Fire Department and worked part time with Union and Chester County EMS. David enjoyed hunting, fishing and spending time with his family. David was a loving husband and devoted father who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Cecil Sandifer of Westminster, S.C. Cecil was a graduate of Eckels College. He had a 80 year career as a funeral director at Mackey Mortuary and later founded Sandifer Funeral Home. He was a WWII veteran, former Mayor of Westminster, former member of the House of Representatives and a former Employment Security Commission Commissioner. He was a member of Westminster Baptist Church, Westminster Masonic Lodge 200, S.C. Hejaz Shrine Temple, Westminster American Legion Post 107 and Rotary Club. Cecil was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 1:49 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, January 27, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

ADJOURNMENT

At 11:04 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, January 31, 2023, at 12:00 P.M.

Tuesday, January 31, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

I Chronicles 29:17a

Before passing along the mantle of leadership to his son, David said:

“ ‘I know, my God, that you test the heart and are pleased with integrity.’ ”

Good friends, join me as we bow in prayer: It’s not at all unusual, O Lord, for us to find that we are being personally tested, over and over. Indeed, the pressures of daily life so often seem to work against each one of us in unrelenting fashion. Consequently, this reality brings us today to ask, dear God, that You grant to everyone serving here in the Senate of South Carolina the wisdom, patience and courage to meet the many challenges before them, and to do so with unfailing integrity. And consequently might each of these leaders unflinchingly tackle and resolve every issue before them, ultimately bringing about good for all of the people of our State. We so pray in Your loving name, dear Lord. Amen.

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

Doctor of the Day

Senator GOLDFINCH introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CASH, at 12:49 P.M., Senator RICE was granted a leave of absence for today.

Leave of Absence

On motion of Senator SENN, at 12:49 P.M., Senator HARPOOTLIAN was granted leave of absence for the week.

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Leave of Absence

On motion of Senator K. JOHNSON, at 1:06 P.M., Senator McELVEEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator TURNER, at 1:08 P.M., Senator TALLEY was granted until 1:52 P.M.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Remarks by Senator MALLOY

Thank you PRESIDENT ALEXANDER and members of the Senate. I rise today to speak briefly before we have the next call in this Body. The next call is on S. 39, which is the Education Scholarship Trust Fund, and it is a very critical call. This is a matter that has been before us, Senator GROOMS, for the better part of twenty years. This Bill is very much desired by many members of our Body and some people in our State. Before we move forward, let us recognize that this Bill was discussed last year and ended up in conference committee -- we had a product that we were almost there on, and we did not come to a resolution. This year we've been on this Bill for the better part of two weeks, and I realize that the Senate needed to move forward.

The reason that I stand before you though, is that I thought about it after Thursday, and I have to pay respect and tribute to Senator MASSEY, the Majority leader. Senator MASSEY and I have been working on these rules for a period of time, and he has done a magnificent job shepherding the Senate and in giving voice to the Minority party. I think that it is important to understand that we have forty-six members, thirty in the Majority, sixteen in the Minority, and attempting to balance that is challenging. But in our attempt to try to balance what was going to happen in this Body last week, during the cloture motion, I think that there are some things that we probably need to pay attention to. As I understand it, there are eight amendments from each side that you can get five minutes for and five minutes against that are being shepherded by the Education committee chair, Senator HEMBREE on the Majority side. It is being shepherded by Senator HUTTO from the Minority side, and generally for those that were in on that position, it seems as though that it's going to work out. There is not much conflict in exactly what is going to go on the desk. But I want to caution us as we move forward, and to tell the Senate, we're not just

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voting in teams over here. We're voting to protect the Senate and the institution. Suppose that someone on this side is in total opposition with the Minority position and they have to get it approved from the Minority leader and vice versa. I realize that we appeal to the conscience of the people, and we say, "Guess what, we're going to let most of these things in." While this issue may work out, I think that we must be careful not to disenfranchise any member of the Body with opposing views.

I know that it has been a long-standing push from my friend, Senator MASSEY, that he doesn't want this Body to become another Washington, D.C., and I applaud him for that. As I observe this Body, we are sometimes quick on the trigger, so I applaud the folks that want to make certain that the voices are heard. And I also get it when folks say, "You know we're two weeks in, we got to move on." But I know this: the rules are the rules. Rule 15A is rarely used over here, in fact, I just confirmed it was used only one time last year. We don't want to have to end up overusing the privilege.

I remember a time when we would not put a member of the Body into this situation. My next point is: are there Bills on the desk? And if Bills are not on the desk, should we not wait to see what else is done to put up one of your eight to be able to end up making the change if you will.

I know that people are watching, wanting to get all the amendments on the desk beforehand because we want to make certain that it's fair. I think there's been an attempt to try and do that. In fact I'm told that from one perspective, that all the amendments may not be used for the eight amendments that we voted on. Now I do recognize this: we do a lot of things by unanimous consent, but this issue that I'm talking about and cautioning us on as we go forward was voted on by the entire Senate. That means that it is the way that we're going to operate. We also do it by unanimous consent. I'm just cautioning that if we have this happen in the future, there could be unforeseen difficulties. So we learn from what we are having now to go forward, to make certain that even though we have to move the process along, the rules are the rules. This particular motion could be, except for the goodwill of the people that have been working on it, a disaster for the lack of specificity in it. There are rules in the Minority party to allow them to do a cleanup piece and a piece from the Majority to have a cleanup piece, and of course you could also fix it on third reading.

I would hope as we go forward that obviously we get up here and when it is time for the Senate to act, the Senate needs to act. And Rule 15 would be the rule that we would end up using. My last point is that I think we're fortunate to have Rule 15. So many general assemblies don't have it. It's

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easy to end up not having it now until you think that you're going to need it. But keep in mind, the Majority makes the policy, the Minority makes the comments, so if we don't get the comments, not party-wise, not just the Minority view, that is the Federalist Papers issue, Senator CAMPSSEN. I would ask that as we move forward we remain cautious as to how we end up invoking cloture and putting the approval of a Bill or amendment by another member of the Senate by another member of the Senate; that part is not acceptable.

I think it would be a difficult situation because the person representing the Minority may object to the amendment, and if you went to the Majority and they said, "I don't want you to put up the amendment in support", then in my view it disenfranchises the member by not being able to put up their amendment. Conversely, your amendment could already be deserving and still taken back. This is not a total criticism. I think this is just a matter to consider as we go forward, as to how cloture should be invoked. I know it could be even harsher if we just invoke Rule 15A. There is an attempt to have every side heard, that was what I was trying to applaud.

On motion of Senator WILLIAMS, with unanimous consent, the remarks of Senator MALLOY were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 1 Sen. Rankin
S. 153 Sen. Rankin
S. 164 Sen. Turner
S. 397 Sens. Setzler and Kimbrell
S. 444 Sen. Hembree

RECALLED

H. 3179 -- Reps. Pope, Ligon and West: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DEDICATE THE STATUE AND PLAZA OF THE SOUTH CAROLINA FALLEN FIREFIGHTER MEMORIAL GARDEN, LOCATED ON THE GROUNDS OF THE SOUTH CAROLINA FIRE ACADEMY IN RICHLAND COUNTY, "IN MEMORY OF CHIEF JERRY WILLIAMS".

Senator DAVIS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Labor, Commerce and Industry.

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The Concurrent Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 398 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 461 -- Senators Loftis, Gambrell, Garrett, Rice, Grooms, Climer and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-415 SO AS TO PROVIDE THE COMMISSION ON HIGHER EDUCATION AND STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ANNUALLY SHALL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY CERTAIN INFORMATION DOCUMENTING THE PERFORMANCE OF THE INSTITUTIONS UNDER THEIR RESPECTIVE OVERSIGHT IN PREPARING STUDENTS FOR THE WORKFORCE, AND TO PROVIDE RELATED OBLIGATIONS OF THESE INSTITUTIONS.

lc-0192wab23.docx : 7ddb30a1-d115-4c87-aa0a-1d19f9c31e6e

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

S. 462 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-10, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM DEFINITIONS, SO AS TO ADD THE CATAWBA INDIAN NATION TO THE DEFINITION OF "EMPLOYER"; AND BY AMENDING

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SECTION 9-11-40, RELATING TO APPLICATION TO BECOME AN EMPLOYER UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE THAT THE CATAWBA INDIAN NATION CAN APPLY TO BECOME AN EMPLOYER UNDER THE SYSTEM.

lc-0153sa23.docx : 8c0b8bb9-00b8-475d-91c2-6a117b6eefab

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

S. 463 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JARED EVANS FOR HIS YEARS OF DISTINGUISHED SERVICE WITH THE UNITED STATES MARINE CORPS AND TO COMMEND HIM FOR HIS WORK WITH VETERANS AT THE UNIVERSITY OF SOUTH CAROLINA.

sr-0247km-vc23.docx : c3e11a26-7656-4677-95c4-687d5934c704

The Senate Resolution was adopted.

S. 464 -- Senators Alexander, Peeler and Shealy: A SENATE RESOLUTION TO COMMEND AND THANK LISA MANINI WIDENER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE SENATE OF SOUTH CAROLINA AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0252km-hw23.docx : 9ef9a3f6-2dda-4a70-ac41-f66fb455193d

The Senate Resolution was adopted.

S. 465 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S GOLF TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR FINISHING THE SEASON RANKED NUMBER FOUR IN THE FINAL GOLFSTAT TEAM RANKINGS.

sr-0245km-vc23.docx : 93a525ce-9fcb-4658-83b4-2a3a5914b5dd

The Senate Resolution was adopted.

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO BENEFIT RATIO FOR ZERO TAXABLE WAGES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5146,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0198wab-dbs23.docx : 8ee73f26-48f3-49ed-a7df-e631509bc5de

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

S. 467 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO CONTRIBUTIONS: INTEREST, DESIGNATED AS REGULATION DOCUMENT NUMBER 5147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0199wab-dbs23.docx : f36781b6-70ba-4255-945e-f7e76ff47bd7

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

S. 468 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO FILING CLAIMS FOR BENEFITS AND REGISTRATION FOR WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0200wab-dbs23.docx : 003bc947-b6c6-4e17-97b1-eeb08b8e23d6

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

S. 469 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO OFFERS OF WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5163, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0193wab-rt23.docx : e23be1ce-a5a7-46ab-bd0d-49c55422ef4f

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

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S. 470 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0196wab-rt23.docx : 0387123a-9f7f-4870-82c3-e0a23f90e40a

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

S. 471 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 1-7, 2023, AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

sr-0253km-vc23.docx : 8110a643-19d4-4fee-a5ca-4c9a5308923d

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

S. 472 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SISTERS OF THE IOTA CHI CHAPTER OF DELTA SIGMA THETA SORORITY, INC., AT THE UNIVERSITY OF SOUTH CAROLINA, TO CONGRATULATE THEM UPON THE CHAPTER'S GOLDEN ANNIVERSARY OF PUBLIC SERVICE, AND TO DECLARE FEBRUARY 17, 2023, IOTA CHI DAY IN SOUTH CAROLINA.

lc-0131dg-gm23.docx : df38873a-46f4-4252-a846-9e468f787445

The Senate Resolution was adopted.

S. 473 -- Senator Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-5-235 SO AS TO PROVIDE THAT LAWYERS LICENSED FOR MORE THAN FORTY YEARS WHO ARE FOUND TO HAVE NO WORKING KNOWLEDGE OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA MUST TAKE AND PASS THE UNIFORM BAR EXAMINATION.

sr-0047jg23.docx : a5171fd2-dfe2-4dfd-9177-a985d59e6515

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

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INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, January 31, 2023 - 5:00pm - 7:00pm

Members Only, Reception, Capital City Club, by the **South Carolina Economic Developer's Association**

Tuesday, January 31, 2023 - 5:30pm - 8:00pm

Members and Staff, Reception, Capitol Center Lobby, 1201 Main Street, by the **City of Columbia**

Wednesday, February 1, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by **MedTrust Medical Transport**

Wednesday, February 1, 2023 - 11:30am - 2:00pm

Members Only, Luncheon, Blatt 112, by the **South Carolina Association for Community Economic Development**

Wednesday, February 1, 2023 - 6:00pm - 8:00pm

Members and Staff, Reception, National Guard Armory, Bluff Road, by the **South Carolina Department of Natural Resources**

Wednesday, February 1, 2023 - 5:30pm - 7:30pm

Members and Staff, Reception, 1208 Washington Place, by the **South Carolina Telecommunications and Broadband Association**

Tuesday, February 7, 2023 - 5:00pm - 7:00pm

Members and Staff, Reception, Columbia Metropolitan Convention Center, by **The Electric Cooperatives of South Carolina**

Tuesday, February 7, 2023 - 5:30pm - 7:00pm

Members Only, Reception, Columbia Marriott Hotel, by the **Municipal Association of South Carolina**

Wednesday, February 8, 2023 - 8:00am - 10:00am

Members Only, Breakfast, Blatt 112, by the **South Carolina Association of School Administrators**

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Wednesday, February 8, 2023 - 11:30am - 2:00pm

Members Only, Luncheon, State House Grounds, by the **South Carolina Baptist Convention**

Wednesday, February 8, 2023 - 5:00pm - 7:00pm

Members Only, Reception, Halls Chophouse, by the **South Carolina Poultry Federation**

Thursday, February 9, 2023 - 8:00am - 10:00am

Members Only, Breakfast, Blatt 112, by the **South Carolina Governor's School of Science and Math Foundation**

Tuesday, February 14, 2023 - 5:30pm - 7:00pm

Members and Staff, Reception, USC Alumni Center, by the **University of South Carolina / USC Alumni Association**

Wednesday, February 15, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **American Cancer Society Cancer Action Network**

Wednesday, February 15, 2023 - 11:30am - 2:00pm

Members and Staff, Luncheon, Blatt 112, by the **United Way Association of South Carolina**

Wednesday, February 15, 2023 - 6:00pm - 9:00pm

Members and Staff, Reception, Columbia Convention Center, by the **Myrtle Beach Area Chamber of Commerce**

Thursday, February 16, 2023 - 8:00am - 10:00am

Members Only, Breakfast, Blatt 112, by the **South Carolina Arts Alliance**

Tuesday, February 21, 2023 - 5:00pm - 7:00pm

Members Only, Reception, Halls Chophouse, by the **National Association of Insurance and Financial Advisors**

Tuesday, February 21, 2023 - 5:30pm - 7:30pm

Members Only, Reception, Palmetto Club, by the **South Carolina Optometric Physicians Association**

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Wednesday, February 22, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **Piedmont Municipal Power Agency/South Carolina Association of Municipal Power Systems**

Wednesday, February 22, 2023 - 11:30am - 2:00pm

Members Only, Luncheon, Blatt 112, by the **Independent Banks of SC**

Wednesday, February 22, 2023 - 5:00pm - 7:30pm

Members and Staff, Reception, 1208 Washington Place, by the **Association of ABC Stores of South Carolina**

Wednesday, February 22, 2023 - 5:30pm - 7:30pm

Members and Staff, Reception, Columbia Museum of Art, by the **Florence County Economic Development Partnership**

Thursday, February 23, 2023 - 8:00am - 10:00am

Members and Staff, Breakfast, Blatt 112, by the **National Federation of the Blind of South Carolina**

Tuesday, February 28, 2023 - 5:00pm - 7:00pm

Members and Staff, Reception, Columbia Convention Center, by the **South Carolina Brewers Guild**

Tuesday, February 28, 2023 - 5:30pm - 7:30pm

Members and Staff, Reception, Palmetto Club, by the **Association of ABC Stores of South Carolina**

RECESS

At 12:17 P.M., on motion of Senator MASSEY, the Senate recessed from business not to exceed 10 minutes.

At 12:38 P.M., the Senate resumed.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION

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59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170, SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Amendment No. 47

Senator SETZLER proposed the following amendment (SMIN-39.MW0257S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-125(B) and inserting:

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the ESTF to cover the costs of overseeing the accounts and administering the program up to a limit of two percent. Annually, on or before December thirty-first, the department shall notify the respective chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount

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deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke in favor of the amendment.

The amendment was adopted.

Amendment No. 48

Senators HEMBREE and KIMBRELL proposed the following amendment (LC-39.HA0282S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not unlawfully discriminate on the basis of race, color, or national origin. This item shall not be interpreted to preclude any independent or religious educational provider from exercising an exemption allowed under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

Senator FANNING spoke against the amendment.

The question then was the adoption of the amendment.

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

Ayes 28; Nays 14

AYES

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

Total--28

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NAYS

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

Total--14

The amendment was adopted.

Amendment No. 49

Senators SETZLER and PEELER proposed the following amendment (SMIN-39.MW0281S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-120(C) and inserting:

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly, unless an increased or decreased limit is authorized in the annual general appropriations act.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke in favor of the amendment.

The amendment was adopted.

Amendment No. 50

Senators CLIMER, CORBIN and KIMBRELL proposed the following amendment (LC-39.DG0251S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and inserting:

(c)(i) has a household income that does not exceed four hundred percent of the federal poverty guidelines; or

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke in favor of the amendment.

Senator SABB spoke against the amendment.

Senator FANNING spoke against the amendment.

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The question then was the adoption of the amendment.

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

Ayes 24; Nays 18

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Peeler
Reichenbach	Senn	Shealy
Turner	Verdin	Young

Total--24

NAYS

Allen	Davis	Fanning
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	Kimpson	Malloy
Massey	Matthews	McLeod
Rankin	Sabb	Scott
Setzler	Stephens	Williams

Total--18

The amendment was adopted.

Amendment No. 51

Senator FANNING proposed the following amendment (LC-39.PH0266S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150(A), by adding items to read:

(5) disqualify from a position of leadership anyone with a conviction for financial impropriety or bankruptcy, or who has been associated with another private school that went out of business or was removed from an education scholarship trust fund or school voucher program;

(6) subject all officers, directors, and employees to conflict of interest and fiduciary duty requirements; and

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(7) require all staff involved in financial matters to participate in training regarding state procurement laws and how to account for the use of public funds.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

Amendment No. 52

Senators CLIMER and KIMBRELL proposed the following amendment (LC-39.DG0250S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135(A)(1), (2), and (3) and inserting:

(1) in School Year 2024-2025, the program is limited to ten thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to twenty thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to thirty thousand scholarship students.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke in favor of the amendment.

Senator DAVIS spoke against the amendment.

The question then was the adoption of the amendment.

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

Ayes 16; Nays 27

AYES

Adams	Alexander	Cash
Climer	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Peeler	Reichenbach	Verdin
Young		

Total--16

NAYS

Allen	Bennett	Campsen
Corbin	Cromer	Davis
Fanning	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Martin	Massey
Matthews	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams

Total--27

The amendment failed and was not adopted.

Amendment No. 53

Senator FANNING proposed the following amendment (LC-39.HA0265S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(H) All education service providers shall provide each scholarship student with transportation to and from the education service provider on each school day.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

Amendment No. 54

Senator HEMBREE proposed the following amendment (LC-39.DG0252S), which was adopted:

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Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(I) The trust fund does not constitute a debt of the State or any political subdivision thereof, including school districts. The trust fund must be held and applies solely toward carrying out the purposes of this chapter.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

Senator FANNING spoke against the amendment.

The question then was the adoption of the amendment.

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

Ayes 28; Nays 15

AYES

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

Total--28

NAYS

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

Total--15

The amendment was adopted.

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Amendment No. 55

Senator FANNING proposed the following amendment (LC-39.HA0263S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(H) All education service providers shall provide breakfast, lunch, and an afternoon snack daily to each scholarship student on each school day.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

Amendment No. 56

Senator HEMBREE proposed the following amendment (LC-39.HA0280S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(H) A person serving as a board member or director of an education service provider shall have a fiduciary duty to the provider and shall avoid any conflicts of interest with the provider.

(I) No member of the General Assembly or their immediate family, as defined by Section 8-13-100(18), may have a financial interest in an education service provider. This does not prevent a member or their immediate family from qualifying under the provisions of this chapter to participate in the ESTF program.

(J) A person shall not serve in a position of leadership with an education service provider who has been convicted of a financial crime.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 57

Senator FANNING proposed the following amendment (LC-39.VR0155S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-115(B) and inserting:

(B)(1) Pursuant to the timeline established pursuant to subsection (A), the department shall: (a) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

(b) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(2) If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

Amendment No. 58

Senator HEMBREE proposed the following amendment (LC-39.HA0285S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and (ii) and inserting:

(c)(i) in school year 2024-2025, has a household income that does not exceed two hundred percent of the federal poverty guidelines;

(ii) in school year 2025-2026, has a household income that does not exceed three hundred percent of the federal poverty guidelines; and

(iii) in school year 2026-2027 and all subsequent years, has a household income that does not exceed four hundred percent of the federal poverty guidelines.

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE spoke in favor of the amendment.

Senator KIMPSON spoke against the amendment.

The question then was the adoption of the amendment.

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

Ayes 21; Nays 20

AYES

Alexander	Bennett	Campsen
Cash	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Hembree	Loftis
Massey	Peeler	Rankin
Senn	Shealy	Talley
Turner	Verdin	Williams

Total--21

NAYS

Adams	Allen	Climer
Corbin	Fanning	Gustafson
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Malloy
Martin	Matthews	McLeod
Reichenbach	Sabb	Scott
Stephens	Young	

Total--20

The amendment was adopted.

Amendment No. 59

Senators HUTTO, SETZLER, SHEALY, MALLOY and SCOTT proposed the following amendment (SMIN-39.AA0274S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-140, by adding a subsection to read:

(I) (1) For scholarship students utilizing a scholarship to attend an online Education Service Provider, the department must track data on scholarship student wellness through mandatory in-person days of attendance at least once per semester at their resident public school. For

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first semester the in-person date shall be no later than November fifteenth. For the second semester the in-person date shall be no later than March fifteenth. During the in-person attendance, a school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, school nurse, on-site mental health, or allied health professional, or other appropriately designated mandated reporter at the local public school as defined in Section 63-7-310 must complete a comprehensive wellness check to screen for abuse and neglect as defined in Section 63-7-20.

(2) All employees at an online Education Service Provider who are employed in same or similar roles as defined in Section 63-7-310 shall be considered persons required to report and must complete the training programs required pursuant to Section 63-7-310(A) and holds all the same rights, responsibilities, and potential penalties as defined in Sections 63-7-315, 63-7-320, 63-7-350, 63-7-360, 63-7-370, 63-7-380, 63-7-390, 63-7-400, 63-7-430, 63-7-440, and receive information pursuant to Section 63-7-450.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Recorded Vote

Senators GROOMS and CORBIN desired to be recorded as voting against the adoption of the amendment.

Motion Adopted

Senator HUTTO asked unanimous consent to withdraw Amendment No. 60 and substitute it with Amendment No. 61.

Amendment No. 61

Senators HUTTO and FANNING proposed the following amendment (SMIN-39.AA0286S), which was not adopted:

Amend the bill, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not unlawfully discriminate on the basis of race, color, national origin, or disability. This item shall not be interpreted to preclude any

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independent or religious educational provider from exercising an exemption under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

The question then was the adoption of the amendment.

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

Ayes 18; Nays 25

AYES

Allen	Fanning	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Martin
Matthews	McLeod	Rankin
Sabb	Scott	Setzler
Shealy	Stephens	Williams

Total--18

NAYS

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

Total--25

The amendment failed and was not adopted.

The question then was second reading of the Bill.

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

Ayes 28; Nays 15

AYES

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

Total--28

NAYS

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

Total--15

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

Statement by Senator SETZLER

I believe that S. 39 violates the State Constitution's prohibition against public money going to private and religious schools. Section 4, Article XI of the South Carolina Constitution prohibits public funds from being used for the direct benefit of any religious or other private schools. S. 39 diverts money from the State Treasury -- public funds -- to pay for tuition at religious and private schools. For that reason I voted against the Bill.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jerry Stoots of Goose Creek, S.C. Jerry was a graduate of Appalachian State University where he played baseball. He was a beloved coach in the Lowcountry for 50 years and taught P.E. and driver's education while serving as athletic director. Jerry was inducted into the S.C. Athletic Coaches Association Hall of Fame in 2008, S. C. Baseball Coaches Association Hall of Fame in 2017 and also the Charleston Baseball Hall of Fame. Jerry loved country music, fishing, watching the Dodgers play and spending time with family. He was a member of Summerville Baptist Church. Jerry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lee Barry Watkins of Charleston, S.C. Barry graduated from Baptist College and earned his masters degree from The Citadel. He worked at Stall High School for 21 years coaching golf, football and baseball while teaching biology and other sciences. He later taught at Summerville High and Northwood Academy until retiring in 2008. Barry was an avid hunter and fisherman who enjoyed gardening and the outdoors. Barry was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:11 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, February 1, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Deuteronomy 26:5b

In Deuteronomy the people are urged to declare before God that: “ ‘A wandering Aramean was my ancestor; he went down into Egypt and lived there as an alien, few in number, and there he became a great nation.’ ”

Let us pray: O Gracious God, You have bestowed such wondrous blessings upon South Carolina. For in addition to the manifold natural resources we celebrate here in our State, we also give heartfelt thanksgiving for the rich diversity of our citizenry, for the incredible promise they offer for the decades ahead. From those earliest humans who roamed throughout this region to the most recent residents who have moved here from Ohio and New York and so many other places, we have grown to be a populous and relatively prosperous people. So with thankful hearts, O God, we ask that You be with our Senators as they continue to wrestle wisely with ways to meet the needs of all of our citizens. In Your loving name we pray, Lord. Amen.

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

Point of Quorum

At 1:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett

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Gustafson	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Leave of Absence

On motion of Senator MASSEY, at 1:07 P.M., Senator GROOMS was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 1:13 P.M., Senator JACKSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 5:19 P.M., Senator McELVEEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator TALLEY, at 5:19 P.M., Senator RANKIN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator KIMBRELL rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 1	Sen. Adams
S. 109	Sen. Kimbrell
S. 153	Sen. Adams
S. 234	Sen. Kimbrell
S. 444	Sen. M. Johnson

WEDNESDAY, FEBRUARY 1, 2023

RECALLED

H. 3176 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT UNITED STATES HIGHWAY 521, HUBBARD DRIVE, AND CRAIG MANOR ROAD IN LANCASTER COUNTY "CHARLES ALAN BUNDY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

RECALLED

H. 3357 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN LANCASTER COUNTY FROM THE LANCASTER BYPASS TO SOUTH CAROLINA HIGHWAY 522 "SHERIFF WILLIFORD LEE FAILE MEMORIAL HIGHWAY" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF THE HIGHWAY CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 474 -- Senators Grooms and Massey: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT

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IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

sr-0235km23.docx : 8e9d5b81-52cc-43f1-950d-1ed32ca3d820

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

S. 475 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-7-1340, RELATING TO DUTIES AND SERVICE OF ALTERNATE JURORS, SO AS TO PROVIDE THAT IT IS WITHIN THE DISCRETION OF THE TRIAL JUDGE TO RETAIN ALTERNATE JURORS AFTER THE JURY RETIRES TO DELIBERATE.

sr-0050jg23.docx : e17b62de-2874-4bc4-8778-e1a405170222

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

S. 476 -- Senators Corbin, Loftis, Kimbrell, M. Johnson, Turner and Bennett: A JOINT RESOLUTION TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, SO AS TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE RATHER THAN BEING ELECTED BY THE GENERAL ASSEMBLY, AND TO REPEAL PROVISIONS REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH A JUDICIAL MERIT SELECTION COMMISSION.

sr-0256km23.docx : be8c6806-1464-42ee-9314-92f5c6f03c00

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

S. 477 -- Senators Corbin, Loftis and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO DELETE PROCEDURES TO REVIEW THE QUALIFICATIONS OF RETIRED JUDGES FOR CONTINUED JUDICIAL SERVICE; AND BY AMENDING SECTION 2-19-100, RELATING TO ELIGIBILITY OF RETIRED JUDGES FOR

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APPOINTMENT, SO AS TO PROVIDE THAT A RETIRED JUSTICE OR JUDGE IS PROHIBITED FROM ENGAGING IN CONTINUED JUDICIAL SERVICE FOLLOWING HIS RETIREMENT.

sr-0255km23.docx : b7195ad9-dfc4-4583-936a-e7e71c990f9a

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

S. 478 -- Senator Gambrell: A BILL TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

lc-0163ph23.docx : cb0c7113-95f2-4c0c-80f7-f5b58a9eff74

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

S. 479 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME CHALK STREET IN THE RICHLAND COUNTY TOWN OF EASTOVER FROM POULTRY LANE TO MAIN STREET "FREDDIE E. CAMPBELL, SR. MEMORIAL STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0207cm-gt23.docx : 68331cca-83c3-470c-acdf-2fcc0473912c

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

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0048cm-gt23.docx : 73583d42-71dc-48ce-8fe5-96d0632eef8b

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

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S. 481 -- Senator Rice: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO SET A LIMIT ON THE NUMBER OF TERMS THAT A PERSON MAY BE ELECTED AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES AND TO SET A LIMIT ON THE NUMBER OF TERMS THAT A PERSON MAY BE ELECTED AS A MEMBER OF THE UNITED STATES SENATE.

sr-0257km-km23.docx : 06543a37-c78f-4f4d-9fed-04dcabc9f998

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

H. 3122 -- Reps. J. E. Johnson and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 1-7-730 RELATING TO THE EXAMINATION OF THE OFFICES OF COUNTY OFFICERS.

lc-0006sa23.docx : 569403c8-d060-49a2-bb26-13dbfc54c148

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

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

lc-0014vr23.docx : f9dc7025-0f47-43a8-bb99-55b92e266fa0

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

H. 3581 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 122 EDGEWORTH STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT LIEUTENANT MICHAEL EDWARD THORNTON, UNITED STATES NAVY.

lc-0010hdb-hdb23.docx : ae63ad0b-e017-4f68-9148-317de1c9e8b8

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

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H. 3605 -- Reps. G. M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

lc-0100ph23.docx : 94c8df83-9c96-4590-b135-17f650ddbdc7

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

H. 3614 -- Reps. Ott, Sandifer, West, Blackwell, Kirby, Caskey, Ballentine and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RATE PAYER PROTECTION ACT"; BY ADDING SECTION 8-27-70 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 8-27-80 SO AS TO PROHIBIT A PUBLIC UTILITY FROM TAKING ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO REPORTED WRONGDOING BY THE PUBLIC UTILITY TO THE OFFICE OF REGULATORY STAFF; AND BY ADDING SECTION 8-27-90 SO AS TO PROVIDE REMEDIES IF A PUBLIC UTILITY TAKES ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO REPORTED WRONGDOING.

lc-0111ph23.docx : 69c0174d-2d82-45fc-a6b4-10d8e3840391

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

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder,

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Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE COMMITTED LABORS OF OUR WATER PROFESSIONALS, WHO SERVE AS GUARDIANS OF OUR WATER, AND TO DECLARE MONDAY, MARCH 6, 2023, AS "WATER PROFESSIONALS DAY" IN SOUTH CAROLINA.

lc-0158vr-cc23.docx : b8515808-adb4-4c5e-9c1d-217b81b9260a

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEE

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

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Adams and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Ordered for consideration tomorrow.

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

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES

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AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN

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CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

Ordered for consideration tomorrow.

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

S. 153 -- Senators Young, Gustafson, Senn, Rankin and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Ordered for consideration tomorrow.

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Message from the House

Columbia, S.C., January 31, 2023

Mr. President and Senators:

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

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE

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TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Very respectfully,

Speaker of the House

Received as information.

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

SECOND READING BILL

S. 360 -- Senator Sabb: A BILL TO AMEND ACT 402 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

The Senate proceeded to the consideration of the Bill.

Senator SABB explained the Bill.

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

OBJECTION

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA

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PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

Senator MALLOY objected to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED
CARRIED OVER**

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-304.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

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

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

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

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

Renumber sections to conform.

Amend title to conform.

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Senator BENNETT explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-304.JG0003S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator BENNETT spoke on the Bill.

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

CARRIED OVER

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION

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MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

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

CARRIED OVER

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

AMENDMENT PROPOSED, CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-375.AA0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1538(I) and inserting:

(I) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing a motor vehicle stopped on or near the right-of-way of a street or highway when the stopped vehicle is displaying flashing hazard lights. The exercise of control required for a

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driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision or to prevent causing injury to persons or property.

Renumber sections to conform.

Amend title to conform.

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

CARRIED OVER

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

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

CARRIED OVER

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO BENEFIT RATIO FOR ZERO TAXABLE WAGES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

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CARRIED OVER

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO BENEFIT RATIO FOR ZERO TAXABLE WAGES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 467 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO CONTRIBUTIONS: INTEREST, DESIGNATED AS REGULATION DOCUMENT NUMBER 5147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 468 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO FILING CLAIMS FOR BENEFITS AND REGISTRATION FOR WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 469 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO OFFERS OF WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5163, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 470 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

ADOPTED

S. 398 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

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H. 3179 -- Reps. Pope, Ligon and West: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DEDICATE THE STATUE AND PLAZA OF THE SOUTH CAROLINA FALLEN FIREFIGHTER MEMORIAL GARDEN, LOCATED ON THE GROUNDS OF THE SOUTH CAROLINA FIRE ACADEMY IN RICHLAND COUNTY, "IN MEMORY OF CHIEF JERRY WILLIAMS".

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

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

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

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

S. 39 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110, SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120, SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130, SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140, SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150, SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160, SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170 SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180, SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190, SO AS

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TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200, SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210, SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220, SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

The Senate proceeded to the consideration of the Bill.

Senator FANNING spoke on the Bill.

The question then being third reading of the Bill.

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

Recorded Vote

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

Statement by Senator MALLOY

S. 39, while touted as a major piece of education reform legislation, may not make the substantive changes needed to improve our state's schools. To my mind, any such change measure worth the Body's valuable time and its considered debate must answer a key question: what are we doing for children? From the debate in the Body, it would seem that the emphasis of this Bill has become what we are not doing for children. We are not ensuring that the children most in need are able to access a new and potentially greatly improved academic setting; the Bill now allows families with six-figure incomes to use state dollars to supplement their incomes. Second, we are not ensuring that vulnerable children have the ability to leave what might be a personally challenging public school environment; the Bill does not include basic nondiscrimination provisions. This means children who have been raised differently, live differently or worship differently can be turned away at schoolhouse doors. Finally, we are not guaranteeing our children a high-quality educational experience. The Bill lacks basic academic

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accountability measures that would ensure that the General Assembly can fully and regularly evaluate the schools we are now subsidizing.

Over the next three years, S. 39 will cost over \$190 million to the taxpayers of South Carolina. How many high-quality teachers could we hire with \$190 million? How many hours of tutoring could be provided to students who need extra time and assistance with \$190 million? How many support services such as mental health counseling, social work, afterschool programs, or specialized career counseling could we provide -- all proven interventions -- instead of underwriting private schools to the tune of \$190 million?

I do not see S. 39 as the systemic change needed to provide students in our State a better chance at a successful life via improved education outcomes. We are largely doing something not to better the outcomes of students, but to better the bottom lines of private schools. Further, the research and data outcomes from similar voucher programs in other states does not support the investment our State is about to make in this untested, largely unaccountable program. I am uncomfortable with the notion that students' rights are not unambiguously and explicitly enumerated in the Bill and foresee myriad situations where parents and students are turned away from private schools on pretext to maintain homogenous classrooms. Private schools with private revenue, selective admissions policies and freedom from any regulatory oversight will continue to thrive without the public dollars we are committing to them today. I much prefer pursuing ways we can support students to excel in our public schools. There are teachers and leaders and families who are working tirelessly to help children. I believe our priorities have become diverted. We need to focus our attention, energy, resources and best ideas on making sure all public schools are excellent in our State.

For these reasons, I voted against the Bill.

AMENDED, READ THE SECOND TIME

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED

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PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN proposed the following amendment (SR-164.KM0008S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-7-130(1) through (7) and inserting:

(1) "Affected person" means the applicant, a person residing within the geographic area served or to be served by the applicant, persons located in the health service area in which the project is to be located and who provide similar services to the proposed project, persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide similar services in the future, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. Persons from another state who would otherwise be considered "affected persons" are not included unless that state provides for similar involvement of persons from South Carolina in its Certificate of Need process.

(2) "Ambulatory surgical facility" means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The owner or operator makes the facility available to other providers who comprise an organized professional staff.

(3) "Birthing center" means a facility or other place where human births are planned to occur. This does not include the usual residence of a mother, any facility that is licensed as a hospital, or the private practice of a physician who attends a birth.

~~(3)~~(4) "Board" means the State Board of Health and Environmental Control.

~~(4)~~(5) ~~Reserved.~~ "Children, adolescents, or young adults in need of mental health treatment" in a residential treatment facility means a child, adolescent, or young adult under the age of twenty-one who manifests a substantial disorder of cognitive or emotional process that lessens or

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impairs to a marked degree that child's, adolescent's, or young adult's capacity either to develop or to exercise age-appropriate or age-adequate behavior, including, but not limited to, marked disorders of mood or thought processes; severe difficulties with self-control or judgment, including behavior dangerous to himself or others; and serious disturbances in a child's, adolescent's, or young adult's ability to care for or relate to others.

~~(5)(6)~~ “Competing applicants” means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a time frame as established by departmental regulations and whose applications, if approved, would exceed the need for services or facilities.

~~(7)~~ “Community residential care facility” means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.

~~(7)(8)~~ “~~Day care~~ Daycare facility for adults” means a facility for adults eighteen years or older ~~which that:~~

~~(a)~~ offers in a group setting a program of individual and group activities and therapies; ~~The program~~

~~(b)~~ is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, ~~thereby preventing in order to prevent unnecessary institutionalization;~~ and

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(8)~~ through 13 and inserting:

~~(8)(9)~~ “Department” means the Department of Health and Environmental Control.

~~(9)(10)~~ “~~The federal act~~” means ~~Title VI of the United States Public Health Service Act (the Hill Burton Construction Program); Title XVI of the United States Public Health Service Act (National Health Planning and Resources Development Act of 1974 — Public Law 93-641); grants for all center and facility construction under Public Law 91-211 (community mental health centers’ amendments to Title II, Public Law 88-164, Community Mental Health Centers Act); grants for all facility construction under Public Law 91-517 (developmental disabilities services and facilities construction amendments of 1970 to Part C, Title I, grants for construction of facilities for persons with intellectual disability Public Law 88-164); and other federal programs as may exist or be enacted which provide for the construction of hospitals or related health facilities.~~ ‘Facility for chemically dependent or addicted persons’

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means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.

(11) “Facility wherein abortions are performed” means a facility, other than a hospital, in which any second-trimester or any five or more first-trimester abortions are performed in a month.

(12) “Freestanding emergency service” or “off-campus emergency service” means an extension of an existing hospital emergency department that is intended to provide comprehensive emergency service but does not include a service that does not provide twenty-four hour, seven day per week operations or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise, or display or exhibit any signs or symbols, that would identify the service as a freestanding emergency service.

~~(10)~~(13) “Health care facility” means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs, and any other facility for which Certificate of Need review is required by federal law.

~~(11)~~(14) “Health service” means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health services for which specific standards or criteria are prescribed in the State Health Plan.

~~(12)~~(15) “Hospital” means a facility that is organized and administered to provide overnight medical or surgical care or nursing care of for an illness, injury, or infirmity and must provide on-campus emergency services; that and may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. Hospital “Hospital” may include a residential treatment facilities facility for children, and adolescents, or young adults in need of mental health treatment which are that is physically a part of a licensed psychiatric hospital. This definition does not include facilities which that are licensed by the Department of Social Services. A residential

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treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically a part of a licensed psychiatric hospital is not required to provide on-campus emergency services.

(16) “Intermediate care facility for persons with an intellectual disability” means a facility that serves four or more persons with an intellectual disability or persons with related conditions and that provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

~~(13)~~(17) “Nursing home” means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(15)~~ and ~~(16)~~ and inserting:

~~(15)~~(18) “Person” means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(19) “Radiation therapy facility” means a person or a health care facility that provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

~~(16)~~(20) “Residential treatment facility for children and adolescents” means a facility operated for the assessment, diagnosis, treatment, and care of two or more “children and adolescents in need of mental health treatment” which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(17)~~ and inserting:

~~(17)~~(21) “Solely for research” means a service, procedure, or equipment which has not been approved by the Food and Drug Administration (FDA) but which is currently undergoing review by the FDA as an investigational device. FDA research protocol and any

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applicable Investigational Device Exemption (IDE) policies and regulations must be followed by a facility proposing a project “solely for research”.

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(20)~~ and ~~(21)~~ and inserting:

~~(20)~~(22) “Freestanding or mobile technology” means medical equipment owned or operated by a person other than a health care facility for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.

~~(21)~~(23) “Like equipment with similar capabilities” means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(26)~~ and inserting:

~~(26)~~(24) “Crisis stabilization unit facility” means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.

Amend the bill further, by deleting SECTION 4.

Amend the bill further, SECTION 5.A., by striking Section 44-7-150(B) and inserting:

(B) Fee schedules authorized by Article 3, Chapter 7, Title 44 that are in effect as of January 1, 2023, shall remain in effect until further regulations are promulgated pursuant to Section 44-7-150(5), as amended by this act.

Amend the bill further, SECTION 7, by striking Section 44-7-160(A) and inserting:

(A) A person or ~~health care facility~~ nursing home as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new ~~health care facility~~ nursing home;

(2) a change in the existing bed complement of a ~~health care facility~~ nursing home through the addition of one or more beds or change in the classification of licensure of one or more beds;

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(3) an expenditure by or on behalf of a ~~health-care facility~~ nursing home in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a ~~health-care facility~~ nursing home which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a ~~health-care facility~~ nursing home which has not been offered by the facility in the preceding twelve months and for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(6) the acquisition of medical equipment by or on behalf of a nursing home which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and CLIMER proposed the following amendment (SR-164.JG0013S), which was adopted:

Amend the bill, as and if amended, SECTION 7, by striking Section 44-7-160 and inserting:

(A) A ~~person or health-care facility~~ nursing home as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new ~~health-care facility~~ nursing home;

(2) a change in the existing bed complement of a ~~health-care facility~~ nursing home through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a ~~health-care facility~~ nursing home in excess of an amount to be prescribed by regulation which, under

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generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a ~~health care facility~~ nursing home which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a ~~health care facility~~ nursing home which has not been offered by the facility in the preceding twelve months and for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(6) the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.

(B) A person or health care facility, as defined in this article, is required to obtain a Certificate of Need from the department before undertaking the construction or establishment of an ambulatory surgical facility with more than eight operating rooms.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and CLIMER proposed the following amendment (SR-164.KM0018S), which was withdrawn:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION - Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-266. (A) In order to be licensed by the department, a hospital is prohibited from using non-compete clauses in any employment agreements. A licensed hospital is prohibited from enforcing any terms of a non-compete clause in an employment agreement signed by a physician prior to the effective date of this section.

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(B) In order to be licensed by the department, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges.

SECTION - Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-60. In order to be licensed to practice medicine in this State, a physician is prohibited from using non-compete clauses in any physician employment agreement. A licensed physician is prohibited from enforcing any terms of a non-compete clause in an employment agreement signed by a physician prior to the effective date of this section.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

RECESS

At 5:15 P.M., on motion of Senator SETZLER, the Senate recessed from business not to exceed 3 minutes.

At 5:18 P.M., the Senate resumed.

On motion of Senator DAVIS, the amendment was withdrawn.

The question then was second reading of the Bill.

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

Ayes 35; Nays 5

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy

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Stephens	Talley	Turner
Verdin	Young	

Total--35

NAYS

Hutto	<i>Johnson, Kevin</i>	McLeod
Sabb	Williams	

Total--5

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

Motion Adopted

Senator MASSEY moved that if and when the Senate adjourns on Thursday, February 2, 2023, it would stand adjourned to meet Friday, February 3, 2023, under the provisions of Rule 1B.

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

Ayes 31; Nays 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Davis	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--31

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NAYS

Allen	Fanning	<i>Johnson, Kevin</i>
Kimpson	Matthews	McLeod
Sabb	Senn	Stephens

Total--9

The motion was adopted.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Rev. Larry Ned Lancaster of Pauline, S.C. Larry was a graduate of Candler School of Ministry. He retired from Harley Bag and Union Camp Companies and was the founding director of The Compassion House. Larry was an avid golfer and member of The Creek Golf Club. Larry was a loving husband and devoted father who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators GROOMS, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Timothy A. Sherman of Moncks Corner, S.C. Timothy was a graduate of Goose Creek High School and a member of Macedonia Christian Church. He worked for the Ports Authority over 30 years. Timothy enjoyed fishing, boating, riding his motorcycle and spending time with family. Timothy was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 5:31 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

Thursday, February 2, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Psalm 36:7

The Psalmist tells us: "How precious is your steadfast love, O God! All people may take refuge in the shadow of your wings."

Bow with me as we pray, please: More than ever, O Lord, we find ourselves conscious of -- and wary of -- the shadows and the darkness that define so much of life: rebellion in the streets, warfare that keeps on going, the sad reality of poverty, and so much more. There is so very much that reminds us of the shadowy aspects of life and more aware than ever, dear God, how much we all need the gift of Your steadfast love. So, truly, bless these Senators and their aides as they work diligently on behalf of the people of our State. Indeed, wrap every single one of us in Your loving embrace and drive away the darkness which unsettles us. And by Your grace grant us all full awareness of the promises of the hope You offer. In Your loving name we pray, Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Reichenbach	Rice
Sabb	Senn	Setzler

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Shealy	Stephens	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Anne Hancock, 108 Live Oak Court, Greenwood, SC 29649-8960
VICE Thomas R. Love

Referred to the Committee on Education.

Reappointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2023, and to expire April 1, 2028

At-Large:

Yvonne C. Knight Carter, 1349 Old Cherry Hill Road, Moncks Corner, SC 29461-4571

Referred to the Committee on Education.

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large:

Tony A. Foster, 105 Creekside Court, Greenwood, SC 29649-9540

Referred to the Committee on Corrections and Penology.

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large:

Kathleen Love, 105 Tryon Drive, Summerville, SC 29485-8430

Referred to the Committee on Corrections and Penology.

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Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2021, and to expire August 15, 2025

At-Large:

Charles E. Gardner, 127 Haviland Ave., Greenville, SC 29607

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Brenton F. Mackie, 237 Oak Haven Drive, Lexington, SC 29072-7112
VICE Bradley J. Allen

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Charles David Tuttle, 821 Harborside Lane, Columbia, SC 29229-7431
VICE David C. Goodall

Referred to the Committee on Labor, Commerce and Industry.

Doctor of the Day

Senator SETZLER introduced Dr. Rob Kosciusko of West Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator TURNER, at 11:08 A.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 11:43 A.M., Senator McELVEEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator STEPHENS, at 11:43 A.M., Senator MATTHEWS was granted a leave of absence for today.

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Leave of Absence

On motion of Senator STEPHENS, at 11:43 A.M., Senator McLEOD was granted a leave of absence until 12:30 P.M.

Leave of Absence

On motion of Senator STEPHENS, at 11:43 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator CROMER, at 11:43 A.M., Senator GROOMS was granted a leave of absence for today.

Leave of Absence

On motion of Senator YOUNG, at 11:44 A.M., Senator RANKIN was granted a leave of absence for today.

Leave of Absence

On motion of Senator MALLOY, at 12:56 P.M., Senator MARTIN was granted a leave of absence for today.

Leave of Absence

On motion of Senator CORBIN, at 12:56 P.M., Senator LOFTIS was granted a leave of absence for today.

CO-SPONSORS ADDED

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

S. 142 Sens. Hutto and Jackson
S. 145 Sens. Hutto and Jackson
S. 157 Sen. Turner
S. 380 Sens. Gustafson and Young
S. 444 Sen. Young
S. 483 Sen. Young

Remarks by Senator GUSTAFSON

Please welcome to the Senate the U.S. Global Leadership Coalition, also known as USCGLC. More than 150 USCGLC leaders are here in South Carolina. The U.S. Global Leadership Coalition works to strengthen America's civilian-led tools including development, diplomacy, and defense. By advocating for strong U.S. International Affairs programs, the USGLC brings together more than 500 American businesses, non-profits, and faith organizations.

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Today we have Jeremy Tolbert, the Deputy National Outreach Director from Greenville, S.C., and former staffer to Senator Tim Scott and Allison Love, a member of The Citadel's Board of Visitors, from Columbia, S.C.

I am also a proud member of the U.S. Global Leadership Coalition in the State and started my personal advocacy in 2017. I support the U.S. International Affairs budget to support our embassies worldwide.

South Carolina is a globally engaged State as highlighted by the following points. South Carolina's exports totaled \$30 billion worth of goods in 2021, and our coastal location and ports help to fuel export growth and international business opportunities. 20% of jobs in South Carolina are supported by international trade, creating new jobs daily. South Carolina's agricultural exports are \$812 million annually, and my Senate District 27 is especially thriving in agri-business. Thousands of our South Carolina students study abroad each year, and in 2020, nearly 6,500 international students were enrolled in South Carolina colleges and universities, contributing almost \$200 million to South Carolina's economy. Finally, our equine industry, also very important in my district, contributes nearly \$2 billion (which includes some international dollars) annually to the state's economy.

This introduction serves to remind us how deeply connected South Carolina is to the rest of the world! Thank you.

On motion of Senator BENNETT, with unanimous consent, the remarks of Senator GUSTAFSON were ordered printed in the Journal.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 482 -- Senators Peeler, Reichenbach, Verdin, Turner, Bennett and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF THE MEMBERS OF THE HOUSE AND OF THE MEMBERS OF THE SENATE; BY AMENDING SECTION 14-3-10, RELATING TO THE COMPOSITION OF COURT AND ELECTION OF JUSTICES AND TERMS, SO AS TO DEFINE ELECTION BY JOINT VOTE OF THE GENERAL ASSEMBLY TO MEAN A MAJORITY VOTE OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND A MAJORITY VOTE OF THE

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MEMBERS OF THE SENATE; BY AMENDING SECTION 14-5-610, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, NUMBER OF JUDGES TO BE ELECTED FROM EACH CIRCUIT, AND ELECTION OF ADDITIONAL JUDGES WITHOUT REGARD TO COUNTY OR CIRCUIT OF RESIDENCE, SO AS TO ADD ELECTION OF JUDGES BY JOINT VOTE OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 14-8-20, RELATING TO THE ELECTION OF MEMBERS OF THE COURT AND TERMS OF OFFICE, SO AS TO DEFINE ELECTION BY JOINT VOTE OF THE GENERAL ASSEMBLY TO MEAN A MAJORITY VOTE OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND A MAJORITY VOTE OF THE MEMBERS OF THE SENATE; BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERM, AND TERRITORIAL JURISDICTION, AND TRAINING, CERTIFICATION, OR RECERTIFICATION REQUIREMENT, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION; BY AMENDING SECTION 22-1-16, RELATING TO TRIAL OBSERVATION REQUIREMENTS FOR NEW MAGISTRATES WHO ARE NOT ATTORNEYS, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION; BY AMENDING SECTION 22-1-30, RELATING TO SUSPENSION, REMOVAL, OR NON-REAPPOINTMENT, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION; BY AMENDING SECTION 22-2-5, RELATING TO ELIGIBILITY EXAMINATIONS FOR MAGISTRATES, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION; BY AMENDING SECTION 22-2-10, RELATING TO THE SCREENING COMMITTEE ASSISTING IN SELECTION OF MAGISTRATES, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION AND NOMINEES MUST RECEIVE A MAJORITY VOTE OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE WITHIN THE LEGISLATIVE DELEGATION TO BE RECOMMENDED TO THE GOVERNOR; BY AMENDING SECTION 22-2-15, RELATING TO THE SPECIAL ELECTION FOR NONPARTISAN PREFERENTIAL SELECTION OF MAGISTRATES, SO AS TO PROVIDE THAT THE DELEGATION BE A LEGISLATIVE DELEGATION; BY AMENDING SECTION 22-2-40, RELATING TO NUMBER AND LOCATION OF MAGISTRATES IN THE COUNTY AND MINISTERIAL MAGISTRATES, SO AS TO PROVIDE THAT

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THE DELEGATION BE A LEGISLATIVE DELEGATION; AND BY AMENDING SECTION 2-20-410, RELATING TO ELECTION TO THE BOARDS AND MAJORITY VOTE, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF THE MEMBERS OF THE HOUSE AND OF THE MEMBERS OF THE SENATE.

sf-0011ch23.docx : 3f6e064d-407b-4af2-961a-646cd194cf2c

Senator PEELER spoke on the Bill.

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

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

lc-0129dg23.docx : 7928d307-0b9e-459a-a58a-332766b25d3e

Read the first time and referred to the Committee on Banking and Insurance.

S. 484 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO

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THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

sfgf-0012bc23.docx : 7a649b28-4793-4cdc-a45c-5c74020a1771

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

S. 485 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-3-640, RELATING TO DRIVEWAYS AND ROADS IN STATE PARKS, SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION SHALL NOT INSTALL CURB CUTS OR OTHER ACCESS POINTS TO PARIS MOUNTAIN STATE PARK ALONG ALTAMONT ROAD IN GREENVILLE COUNTY.

lc-0215cm23.docx : d493edcc-ce34-4898-b27d-54c857913268

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

S. 486 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO PROVIDE THAT WHEN THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES, THE ATTORNEY GENERAL CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO MAKE CONFORMING CHANGES.

sr-0048jg23.docx : 7f1f22ac-e2e1-4182-b757-5052ddce5e69

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

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S. 487 -- Senator Gambrell: A BILL TO AMEND ACT 293 OF 2012, AS AMENDED, RELATING TO THE ELECTION DISTRICTS FOR THE ABBEVILLE COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE REAPPORTIONED ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2024 SCHOOL TRUSTEE ELECTIONS, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THOSE REVISED ELECTION DISTRICTS.

lc-0107hdb23.docx : 08a22c2f-5076-478f-b092-20fc7339b1f5

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

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0208wab-dbs23.docx : 62ae8eb0-fb4e-4332-9825-17ed69214495

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

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0209wab-dbs23.docx : 0b4723ab-6169-4e2e-872f-0a30c14fb8ca

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

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S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

sf-0012ch23.docx : 4dbcdcd6-5688-4544-9cea-af53729f8b0f

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

S. 491 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM THE NEWBERRY/FAIRFIELD COUNTY LINE TO STATE ROAD S-20-99 "JOHNNY PEOPLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0192cm-gt23.docx : 98fd052b-4d15-4136-9696-b71d1d4e5ebc

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

H. 3392 -- Rep. M. M. Smith: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND MELROSE DRIVE IN CHARLESTON COUNTY "DEPUTY SHERIFF JEREMY CHRISTOPHER LADUE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

lc-0020cm-cm23.docx : f7e495f6-c419-4761-ae7c-5b35cafbb316

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

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B. J. Cox, M. M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES,

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SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL;
AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT
CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

lc-0010sa23.docx : 0ad0edb1-cc07-4839-8c3f-67ac14485176

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

REPORTS OF STANDING COMMITTEES

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

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO
AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE
THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY
INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF
COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND
TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING
SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO
DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND
50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO
PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND
OUTBOARD MOTOR.

Ordered for consideration tomorrow.

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

S. 96 -- Senators Campsen, Davis and McElveen: A BILL TO
AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS
FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO
AS TO PROVIDE THE DEFINITION OF PERSONAL
WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING
TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO
AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES
TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE
COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND
ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE
EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING
SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL
FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE
WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF
A BOATING SAFETY CERTIFICATE, WITH CERTAIN

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EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Ordered for consideration tomorrow.

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable with amendment report on:

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE

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ABSOLUTE CONFIDENTIALITY OF IDENTIFYING
INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE
PLANNING OR EXECUTION OF A DEATH SENTENCE.

Ordered for consideration tomorrow.

Appointments Reported

Senator MARTIN from the Committee on Corrections and Penology
submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Board of Probation, Parole and
Pardon Services, with the term to commence March 15, 2017, and to
expire March 15, 2023

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406
VICE Dr. Lonnie Randolph

Received as information.

Reappointment, South Carolina Board of Probation, Parole and
Pardon Services, with the term to commence March 15, 2023, and to
expire March 15, 2029

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406

Received as information.

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

SECOND READING BILL

S. 478 -- Senator Gambrell: A BILL TO AMEND ACT 549 OF 1973,
AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF
THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS
TO REDUCE THE NUMBER OF MEMBERS OF THE
BROADWATER WATER AND SEWERAGE DISTRICT BOARD
FROM NINE TO SEVEN.

The Senate proceeded to the consideration of the Bill.

Senator GAMBRELL explained the Bill.

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

S. 478 -- Ordered to a Third Reading

On motion of Senator GAMBRELL, with unanimous consent, S. 478 was ordered to receive a third reading on Friday, February 3, 2023.

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

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS proposed the following amendment (SR-164.JG0020S), which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-266. (A) In order to be licensed by the department, a hospital is prohibited from including any clauses that restrict the right of a physician to practice after termination of the relationship in any contract or agreement which creates or establishes an employment or any other form of professional relationship with a physician; provided, however, that the hospital may require a physician who has worked for the hospital three years or less to repay all or a portion of the actual costs of the following: relocation expenses, a signing bonus or other

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renumeration to induce the physician to relocate or establish a health care practice in a specified geographic area, or recruiting, education or training expenses, if the specific items and value of each item the hospital seeks in repayment must be outlined within the agreement at the time of signing; provided further, however, that the hospital may not in any contract or agreement prevent a physician from complying with his ethical duties to the patient upon departure as set forth in regulations which shall be promulgated by the Board of Medical Examiners, and may be fined for each violation in an amount set forth in such regulations. The requirements of this section shall apply only to new contracts or renewals of contracts entered into on or after the effective date of this section.

(B) The prohibitions as to contract or agreements set forth in subparagraph (A) shall apply only to the clauses that restrict the right of a physician to practice after termination of the relationship, and shall not apply to any other clause including, without limitation, those pertaining to the protection of medical trade secrets.

(C) In order to be licensed by the department, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges.

SECTION X. Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-60. (A) In order to be licensed to practice medicine in this State, a physician is prohibited from offering or making a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a physician to practice after termination of the relationship or prevents another physician from complying with his ethical duties to the patient upon departure as set forth in regulations which shall be promulgated by the Board of Medical Examiners, and may be fined for each violation in an amount set forth in such regulations; provided, however, nothing in this section prevents such agreements from containing the following:

(1) Physicians who are employees and have been employed three years or less may be required to repay all or a portion of the actual costs of the following: a loan, relocation expenses, a signing bonus or other renumeration to induce the physician to relocate or establish a health care practice in a specified geographic area, or recruiting, education or training expenses. To be enforceable, the specific items and value of each item that may be sought in repayment must be outlined within the agreement at the time of signing.

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(2) Physicians who are partners or owners of a practice may be required to repay the practice upon his departure damages in an amount that are reasonably related to injury, if any, suffered by reason of such departure. To be enforceable, the specific monetary value of such anticipated damages or the formula by which such anticipated damages will be calculated must be outlined within the agreement at the time of signing and agreed upon as reasonably related to any injury that may occur.

(B) The requirements of this section shall apply to new contracts or renewals of contracts entered into on or after the effective date of this section.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Motion Adopted

Senator DAVIS moved, under Rule 26B, to take up a further amendment on third reading.

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

Ayes 35; Nays 2

AYES

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

Total--35

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NAYS

Bennett

Sabb

Total--2

The motion was adopted.

Senator DAVIS explained the amendment.

Point of Order

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

Senator DAVIS spoke in opposition of the Point of Order.

Senator CLIMER spoke in opposition of the Point of Order.

Senator GOLDFINCH spoke in opposition of the Point of Order.

Senator SETZLER spoke in favor of the Point of Order.

Senator SABB spoke in favor of the Point of Order.

Senator GOLDFINCH spoke in opposition of the Point of Order.

Senator DAVIS continued speaking on the amendment.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Senators DAVIS and CLIMER proposed the following amendment (SR-164.JG0021S), which was adopted:

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

SECTION X. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-266. (A) In order to be licensed by the department, a hospital is prohibited from including any clauses that restrict the right of a physician to practice after termination of the relationship in any contract or agreement which creates or establishes an employment or any other form of professional relationship with a physician; provided, however, that the hospital may require a physician who has worked for the hospital three years or less to repay all or a portion of the actual costs of the following: relocation expenses, a signing bonus or other

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renumeration to induce the physician to relocate or establish a health care practice in a specified geographic area, or recruiting, education or training expenses, if the specific items and value of each item the hospital seeks in repayment must be outlined within the agreement at the time of signing; provided further, however, that the hospital may not in any contract or agreement prevent a physician from complying with his ethical duties to the patient upon departure as set forth in regulations which shall be promulgated by the Board of Medical Examiners, and may be fined for each violation in an amount set forth in such regulations. The requirements of this section shall apply only to new contracts or renewals of contracts entered into on or after the effective date of this section.

(B) The prohibitions as to contract or agreements set forth in subparagraph (A) shall apply only to the clauses that restrict the right of a physician to practice after termination of the relationship, and shall not apply to any other clause including, without limitation, those pertaining to the protection of medical trade secrets.

(C) In order to be licensed by the department, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator DAVIS, under Rule 26B, the Senate agreed to take up a further amendment on third reading.

Senator DAVIS explained the amendment.

Senator BENNETT spoke on the amendment.

Senator BENNETT moved to lay the amendment on the table.

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

Ayes 10; Nays 26

AYES

Bennett
Garrett

Cromer
Hembree

Gambrell
Massey

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Setzler	Shealy	Stephens
Turner		

Total--10

NAYS

Adams	Alexander	Allen
Campsen	Cash	Climer
Corbin	Davis	Goldfinch
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Verdin
Williams	Young	

Total--26

The Senate refused to lay the amendment on the table.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

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

Ayes 30; Nays 6

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Malloy	Massey	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Turner	Verdin	Young

Total--30

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NAYS

Hutto
Sabb

Johnson, Kevin
Stephens

McLeod
Williams

Total--6

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

OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Senator MARTIN objected to the consideration of the Bill.

OBJECTION

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Senator MARTIN objected to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR

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FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-363.JG0001S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

Senators RICE and CAMPSSEN proposed the following amendment (SR-363.JG0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-4445(B)(1) and inserting:

(B)(1) A passenger motor vehicle, including vehicles commonly referred to as pickup trucks, shall not be operated upon the highways of this State if, by alteration of the suspension, frame, or chassis, the height of the front fender is four or more inches greater than the height of the rear fender. For purposes of this subsection, the height of the fender shall be a vertical measurement from and perpendicular to the ground, through the centerline of the wheel, and to the bottom of the fender.

Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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

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CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

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

CARRIED OVER

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

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

POINT OF ORDER

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE,

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TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO

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REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES,

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ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVERS' LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 153 -- Senators Young, Gustafson, Senn, Rankin and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Point of Order

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

The PRESIDENT sustained the Point of Order.

ADOPTED

H. 3176 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT UNITED STATES HIGHWAY 521, HUBBARD DRIVE, AND CRAIG MANOR ROAD IN LANCASTER COUNTY "CHARLES ALAN BUNDY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 3357 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN LANCASTER COUNTY FROM THE LANCASTER BYPASS TO SOUTH CAROLINA HIGHWAY 522 "SHERIFF WILLIFORD LEE FAILE MEMORIAL HIGHWAY" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF THE HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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Motion Adopted

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

ADJOURNMENT

At 1:10 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1B.

* * *

Friday, February 3, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator CROMER. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 96 Sen. Cromer

INTRODUCTION OF BILLS AND RESOLUTIONS

The following was introduced:

S. 492 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-6-1155, RELATING TO MICRO-DISTILLERIES, SO AS TO PROVIDE THAT A MICRO-DISTILLERY MAY SELL CERTAIN LIQUORS DISTILLED ON THE PREMISES ON SUNDAYS; AND BY AMENDING SECTION 61-6-4160, RELATING TO THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUORS ON CERTAIN DAYS, SO AS TO PROVIDE THAT CERTAIN LOCAL GOVERNING BODIES MAY AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS ON SUNDAYS UNDER CERTAIN CIRCUMSTANCES.

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

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Medical Affairs polled out S. 474 favorable:

S. 474 -- Senators Grooms and Massey: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT

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IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

**Poll of the Medical Affairs Committee
Polled 14; Ayes 10; Nays 4; Not Voting 3**

AYES

Verdin
Alexander
Gambrell
Garrett

Peeler
Davis
Senn

Martin
Corbin
Cash

Total--10

NAYS

Hutto
McLeod

Scott

K. Johnson

Total--4

NOT VOTING

Kimpson

Matthews

Loftis

Total--3

Ordered for consideration tomorrow.

Statement by Senator LOFTIS

Had I been present, I would have voted in favor of polling out S. 474 from the Medical Affairs Committee.

THIRD READING BILL

S. 478 -- Senator Gambrell: A BILL TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

FRIDAY, FEBRUARY 3, 2023

On motion of Senator GAMBRELL.

ADJOURNMENT

At 11:07 A.M., on motion of Senator MASSEY, the Senate adjourned to meet next Tuesday, February 7, 2023, at 12:00 P.M.

* * *

Tuesday, February 7, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 9:2

The prophet Isaiah reminds us that: "The people who walked in darkness have seen a great light; those who lived in a land of deep darkness -- on them light has shined."

Bow with me, if you will: Glorious God, during this still fresh year of 2023 we continue to find ourselves unsettled by dark moods and feelings, by powers seemingly beyond our control. In the face of such apparent realities, dear Lord, we ask that You by Your grace -- here in this Black History Month -- guide these women and men in the Senate of South Carolina as they in turn lead the people of our State into the steady and bold light of promise and of hopefulness. Truly, allow these servants to bring about a genuinely bright future for every woman, man, and child in this State, and to You be the glory. All this we pray in Your loving name, dear Lord. Amen.

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

Point of Quorum

At 12:06 P.M., Senator CROMER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Martin
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointment

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

John B. Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

REGULATION WITHDRAWN

The following was received:

Document No. 5169

Agency: Department of Consumer Affairs

Chapter: 28

Statutory Authority: 1976 Code Sections 37-2-307(E), 37-6-104, and 37-6-506

SUBJECT: Motor Vehicle Closing Fees

Received by President of the Senate January 10, 2023

Referred to Committee on Banking and Insurance

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 6, 2023

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 5109

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 63-11-30

SUBJECT: Licensure of Residential Group Care Facilities for Children

Received by President of the Senate January 10, 2023

Referred to Committee on Family and Veterans' Services

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Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted February 6, 2023

Document No. 5110

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 43-1-80

SUBJECT: Licensure of Family Foster Homes and Approval of
Adoptive Homes for Children in Foster Care

Received by President of the Senate January 10, 2023

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted February 6, 2023

Leave of Absence

On motion of Senator GROOMS, at 12:09 P.M., Senator CAMPSSEN was granted a leave of absence until 1:00 P.M.

Leave of Absence

On motion of Senator SABB, at 3:35 P.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 3:35 P.M., Senator SCOTT was granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 3:35 P.M., Senator ALLEN was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

- S. 1 Sens. Bennett and Climer
- S. 109 Sen. Corbin
- S. 153 Sen. Climer
- S. 259 Sen. Sabb
- S. 474 Sens. Kimbrell and Adams
- S. 483 Sens. Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto and Loftis

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RECALLED

S. 471 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 1-7, 2023, AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Medical Affairs.

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

RECALLED AND ADOPTED

H. 3767 -- Reps. King, B.J. Cox and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND THE OUTSTANDING STUDENTS AND LEADERS OF THE UNITED STATES ARMY JUNIOR RESERVE OFFICERS' TRAINING CORPS IN SOUTH CAROLINA SCHOOLS, AND DECLARE APRIL 27, 2023, AS JROTC DAY AT THE SOUTH CAROLINA STATE HOUSE.

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

The Concurrent Resolution was recalled from the Committee on Education.

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

There was no objection.

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

On motion of Senator HEMBREE, the Concurrent Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 493 -- Senators Setzler, Massey and Young: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE KATHY RAWLS, AIKEN COUNTY COUNCIL MEMBER, UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER MORE THAN THIRTY YEARS OF DEDICATED SERVICE,

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AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0259km-hw23.docx : 088e9a54-ae00-4ce9-83db-7b32861e497f

The Senate Resolution was adopted.

S. 494 -- Senator Verdin: A SENATE RESOLUTION TO CONGRATULATE JAMES HAROLD "JIMMY" DAVIS, JR. UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS FORTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0258km-vc23.docx : b8a89984-ee05-479f-8881-ae6ab122286d

The Senate Resolution was adopted.

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0248km-vc23.docx : 9d68328e-baec-46c6-9f9a-349137eab363

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

RECALLED AND ADOPTED

S. 496 -- Senators McElveen, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 16, 2023, AS "WORLD CHOLANGIOCARCINOMA AWARENESS DAY" IN SOUTH CAROLINA.

sr-0242km-vc23.docx : 47c3f2cb-7bc0-4926-98b9-e51f61c0cea6

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

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Senator McELVEEN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs.

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

There was no objection.

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

On motion of Senator McELVEEN, the Resolution was adopted and ordered sent to the House.

S. 497 -- Senators Jackson, Scott and McLeod: A SENATE RESOLUTION TO CONGRATULATE THE BENEDICT COLLEGE FOOTBALL TEAM AND COACHES FOR WINNING THE 2022 SOUTHERN INTERCOLLEGIATE ATHLETIC CONFERENCE CHAMPIONSHIP TITLE, TO RECOGNIZE THE TEAM'S NUMEROUS ACCOMPLISHMENTS DURING THE SEASON, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE DAYS TO COME.

lc-0217sa-rm23.docx : 8c3fbc50-115e-4843-8865-b1542fa90a4d

The Senate Resolution was adopted.

H. 3875 -- Reps. Thayer, Beach, Chapman, Cromer, Gagnon and West: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE RICHARD A. SHIRLEY, THE FORMER MAYOR OF THE CITY OF ANDERSON, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

lc-0167ph-gm23.docx : f061bb8d-125a-4fe0-9ebd-7cbdd5d89092

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

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HOUSE CONCURRENCE

S. 319 -- Senators Williams and Reichenbach: TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

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

CARRIED OVER

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

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

CARRIED OVER

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

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

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CARRIED OVER

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to the consideration of the Bill.

Senator RICE explained the Bill.

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

AMENDED, OBJECTION

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-375.MW0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1538(F) and inserting:

(F) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing an emergency scene or authorized emergency vehicle stopped on or near the right-of-way of a street or highway with emergency lights flashing. The exercise of control

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required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision, to prevent causing injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel.

Amend the bill further, SECTION 1, by striking Section 56-5-1538(I) and inserting:

(I) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing a motor vehicle stopped on or near the right-of-way of a street or highway when the stopped vehicle is displaying flashing hazard lights. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision or to prevent causing injury to persons or property.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the Bill.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator CORBIN objected to further consideration of the Bill.

OBJECTION

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF

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PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

Senator JACKSON objected to consideration of the Bill.

AMENDED, CARRIED OVER

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and CROMER proposed the following amendment (SJ-1.PB0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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The amendment was adopted.

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

OBJECTION

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

Point of Personal Privilege

Senator MATTHEWS rose for a Point of Personal Privilege.

Remarks by Senator MATTHEWS

Thank you, Mr. PRESIDENT. For those of you who wondered why I am making this as a Point of Personal Privilege, I draw your attention to Rule 13, Points of Personal Privilege. This is not an Expression of Personal Interest. I had to think hard and long about this. I wrote down my statement so that it would be clear on why I am making this a Point of Personal Privilege.

I read with much interest last week and over the weekend about Rule 15. This bothered me in last year's session when we took up the rule change. I thought about how I felt as a new Senator -- only the second female Senator -- coming into this Chamber in 2015. I thought about the role and how I felt about the democratic process and what we were able to accomplish. We had a lot of failures, but we did have the opportunity to have our voices heard. And so why is this a Point of Personal Privilege? Because I had the sinking feeling last year when the rules were changed as to why they were changed. But I could not grasp it. I didn't get a full grasp of it until I heard it during the medical marijuana debate. I heard it again during the abortion debate. I remember us filibustering on the issue and I remember standing at this podium until my ankles swelled on the issue of women's rights in the abortion issue. I remember some of the Senators being so tired -- we took shifts. But I remember how we worked together. That wasn't Republican, it wasn't Democrat-- we were working together in a democratic process on a particular issue.

Now, why am I offended by Rule 15? Because this last voting cycle, our numbers went down to 16. What else happened? In Washington, we had the Senate Minority Leader Mitch McConnell -- complaining and

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going on the air waves about the issue of filibuster in preserving the democratic process. In this State, though we didn't call it stripping of the filibuster, Rule 15 did that when you got the numbers. So, what do you get? We get what we had last week and with the Voucher Bill -- that we don't have to listen to the other side. We don't have to worry about the democracy and diversity. Why is it offensive? Because we live in the United States of America. The first thing I remember as a young Senator when I came here because I was taking over the spot of Senator Clemente Pinckney -- I remember meeting with folks and they said, "The Senate is not like other bodies, we are a deliberative body." I am offended that deliberation has left the door. And the irony is -- I read it last night and in high school -- the 1957 Civil Rights Act was argued by Senator Strom Thurmond, the late Strom Thurmond. He was once a Republican and a Democrat. He was against the Civil Rights Act. He was called the segregationist at the time. But you know what, Senator Strom Thurmond filibustered, and they allowed him to filibuster for twenty-four hours and nineteen or seventeen minutes -- or something like that. They allowed him to filibuster for twenty-four hours and eighteen minutes. Senator Thurmond -- when I read the story and you can do likewise -- prepared his body for that filibuster. That's how much he believed in the democratic process and that's how much he prepared for that filibuster. And they listened to him. They had the votes, but they listened to him. I will not get into what he ate beforehand, but he didn't leave that Chamber for twenty-four hours. He only had one break to use the restroom and at that time, he had to keep his foot on the floor. They talked about him having to use bottles. Now, why is that important? Because the irony is -- and I'm just going to be honest -- I sit in my chair and I look at our State Senator, Senator MASSEY, because he's the leader and gets to call, pursuant to Rule 15, to sit you down. Not this Body, generally, but he gets to invoke Rule 15. I want you to read it and you tell me. It doesn't say we strip the Senate of filibuster. It just says fixing of time. Fixing of time certainly is fixing to take your democratic rights away. It's fixing to take away the deliberation of this Senate. I ask you to read it and you tell me if this rule conforms to the Jeffersonian Rules -- that some of them, I do not understand. Tell me whether or not it continues to keep this Body as a deliberative Body; or should we remove that label? And I submit to my brothers and sisters on both sides just because you can do something, just because you have the votes and the power, that doesn't make it right. I sat back there, and it didn't feel very deliberative when Senator FANNING would basically be ignored when he knows more about education than all of us. He's trying to forget some of the stuff we need

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to learn. But we don't want to listen to him because we have the numbers to do what we want. I remember serving this Body as a law clerk in the 80's. This is when Democrats had the majority. I find it interesting that committee chairs were determined by seniority, not by party seniority. This changed when Republicans took majority. And I've always heard that the pendulum, though you may not feel it, swings both ways. What do we have here? When the numbers in the majority went down to sixteen, then the filibuster in the Senate left. Twenty-six is the magic number -- read Rule 15.

Why is this message a personal privilege? This S. 374 on Wednesday was contemplated and calculated well in advance to be on the Calendar this week. You remember we sat in perfunctory on Friday and you remember I asked questions about it. This Bill is titled and labeled many things, but let's not mistake, it is reaction by this Body to our Supreme Court's decision to protect a woman's rights to privacy. It's a reaction to rein another body in. What about the democracy we are supposed to be in? Let's ponder the title of the Fetal Heartbeat Bill. How many committee meetings or testimonies from doctors have we heard during this legislative session? None. No doctors have come before us to tell us when a fetal heartbeat can be detected, none. Why?

Other issues that have been rushed, and I get it -- a School Voucher Bill personally concerned me because it essentially stole from poor school districts and gave the middle class and private and parochial schools their money. I wondered, in my concern, is this really caring for our children? Then we move to the next measure taken up by the Senate, the CON Bill. The irony of this State passing a CON Bill is that South Carolina is only one of five states with high poverty levels that has not expanded Medicare. If we are going to be honest about the fetal mortality rates in our State, our rural hospitals that are closing, and the mass exodus of OBGYNs from this State, we must first deal with Medicare expansion. It's not right that our mothers have to die trying to have a baby.

"The heavy hand of government" kept being said last week. I heard this statement over and over as it relates to non-compete clauses in business dealings. Well, that sounded good, and I get it Senator BENNETT, that the heavy hand of government is not good. It *will be* present in this State when the Senate takes up a Bill that will decide how a woman and her family deals with her pregnancies in her household. It sickens me to hear, "We're tired of you women using abortion as birth control." Really? I dare one of you men to have a menstrual cycle. Who would willingly subject themselves to Mifepristone? It causes cramps; it

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makes the stomach feel like you have an ulcer. Yet we hear, "We don't understand why you would have an abortion when birth control cost you \$25 to \$50. Mifepristone and going in the hospital will cost you \$500 to \$3,000."

The other shocking statements I have heard as a Legislator and to the 100,000 constituents that I represent, "A woman should know she is pregnant at six weeks." The other shocking statement that I have felt personally offended by is -- I am going to repeat because I wrote it down when it was said -- "A woman should know she's pregnant at six weeks." I've had four children and didn't know I was pregnant at six weeks with any of them. Doctors tell a different story about it, that it varies -- it is usually somewhere around seven and a half weeks. That tells me that ill-informed men that are speaking know nothing about a woman's body. Nor does he know that all women do not have menstrual cycles. Yes, I said it, menstrual cycles. The same folks that want to control the abortion issues don't want us to say those womanly words -- the things that bring babies into the world like menstrual cycle. They don't want to us say the word vagina. Get over it. I and several other Senators have filed statewide Bills to make sure that we have a statewide referendum on this issue. Why? Because statistics show Republican and Democratic women do not support this Bill. Why are the men pushing it through? Because they can and because they have the votes. They have the power and control. I reject the idea that women are killing babies. Women are nurturers. We support those around us, and we love our babies. I find it quiet striking that the same people that are promoting fleecing of women's privacy Bills are the same ones that will not support other issues.

And finally, women, I plan to stand with you for you. Even those women that have been made to believe that you should listen -- that this is a human rights issue. I am standing here because of the process. I believe that this process that has been presented to us as it relates to such a critical issue to me and to my four children is flawed. It's undemocratic and it has stripped the filibuster rights from this Senate, and it no longer makes us a deliberative Body. Women, we represent 51.4% of this State -- we must let our voices be heard. There should be a referendum. This Senate should stand on its ability to deliberate in a democratic way. The heavy hand of government exists but only as it relates to my body. Thank you.

On motion of Senator WILLIAMS, with unanimous consent, the remarks of Senator MATTHEWS, were ordered printed in the Journal.

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Point of Order

Senator CASH raised a Point of Order that the remarks were not in order pursuant to Rule 13.

The PRESIDENT took the point of order under advisement.

RECESS

At 1:03 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 2 minutes.

At 1:07 P.M., the Senate resumed.

CARRIED OVER

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

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

OBJECTION

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

Senator M. JOHNSON objected to the consideration of the Bill.

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OBJECTION

S. 96 -- Senators Campsen, Davis, McElveen and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

Senator SENN objected to the consideration of the Bill.

OBJECTION

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM

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THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

Senator MATTHEWS objected to the consideration of the Bill.

OBJECTION

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CAMPSER objected to the consideration of the Resolution.

OBJECTION

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE

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LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CAMPSEN objected to the consideration of the Resolution.

OBJECTION

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

Senator MASSEY objected to the consideration of the Bill.

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

MOTION ADOPTED

At 1:13 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT

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UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

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

CARRIED OVER

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

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

CARRIED OVER

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

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

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CARRIED OVER

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

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

CARRIED OVER

S. 96 -- Senators Campsen, Davis, McElveen and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

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

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CARRIED OVER

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

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CARRIED OVER

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

CARRIED OVER

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY moved to carry over the Resolution.

Senator MATTHEWS moved to lay the motion to carry over the Resolution on the table.

The motion failed.

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

AMENDMENT PROPOSED, DEBATE INTERRUPTED

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY;

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TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The Senate proceeded to the consideration of the Bill.

Point of Order

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

The PRESIDENT sustained the Point of Order.

Senator MASSEY spoke on the Bill.

Senator CASH proposed the following amendment (SR-474.KM0003S), which was proposed:

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

SECTION 1. This act may be cited as the “Human Life Protection Act”.

SECTION 2. The General Assembly hereby finds that:

(1) Article I, Section 1 of the South Carolina Constitution recognizes that all political power is vested in the people of this State, and it has long been recognized that the will of the people is expressed in the legislative enactments of the people’s elected representatives.

(2) Article I, Section 3 of the South Carolina Constitution guarantees that no person shall be “deprived of life...without due process of law” and that the Fifth Amendment to the United States Constitution guarantees that no person shall be “deprived of life...without the due process of law.”

(3) It is undisputed that the life of every human being begins at conception.

(4) South Carolina has a compelling interest in protecting the life of human beings at all stages of development and decline, and this right to life is superior to all other rights.

(5) Article I, Section 8 of the South Carolina Constitution provides that the legislative, executive, and judicial powers of the government “shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.”

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(6) Article III, Section 1 of the South Carolina Constitution vests the “legislative power of this State” with the General Assembly.

(7) In Dobbs v. Jackson Women’s Health Organization, the United States Supreme Court held that the federal constitution does not provide a right to an abortion, and that the authority to regulate abortion must be returned to the people and their elected representatives.

(8) Pursuant to Article I, Section 1 of the South Carolina Constitution, the people of this State are exercising their political power through the General Assembly’s exercise of its Article III, Section 1 sole authority to legislate to secure the rights to life for unborn children as guaranteed by Article I, Section 3 of the South Carolina Constitution and the Fifth Amendment to the United States Constitution.

(9) Any attempt by a coequal branch of government to limit or prevent the General Assembly from exercising its Article I, Section 3 power is an unconstitutional usurpation of that power and is a violation of the separation of powers enshrined in Article I, Section 8 of the South Carolina Constitution and the United States Supreme Court’s holding in Dobbs v. Jackson Women’s Health Organization.

SECTION 3. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Article 7

Human Life Protection Act

Section 44-41-810. For the purposes of this article:

(1) “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn human being. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn human being, or to remove a dead unborn human being.

(2) “Clinically diagnosable pregnancy” means the point in time when it is possible to determine that a woman is pregnant due to the detectable presence of human chorionic gonadotropin (hCG).

(3) “Female” means a biological female assigned at the time of birth or an intersexed person capable of producing an ovum at birth.

(4) “Physician” means any person licensed in this State to practice medicine and surgery, or licensed osteopathic medicine and surgery.

(5) “Pregnant woman” means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

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(6) “Selective reduction” means, in the context of assisted reproductive technology, a procedure to stop the development of one or more unborn children in utero.

(7) “Reasonable medical judgement” means a medical judgement that would be made by a reasonably prudent physician, knowledgeable about the case and treatment possibilities with respect to the medical condition involved.

(8) “Unborn child” means an individual organism of the species homo sapiens from conception until live birth.

Section 44-41-820. (A) No person shall knowingly administer to, prescribe for, deliver to, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) No person may knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing an abortion.

Section 44-41-830. (A)(1) It is not a violation of Section 44-41-820 for a physician to perform a medical procedure necessary in his reasonable medical judgment to prevent the death of a pregnant woman, a substantial risk of death of a pregnant woman due to a physical condition, or the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

(2) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent that it does not adversely affect the life or physical health of the pregnant woman, and in a manner that is consistent with reasonable medical practice. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions contained in item (1) or prevent other procedures that are not included in the definition of abortion.

(3) A physician performing a medical procedure pursuant to item (1) shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman’s unborn child, to the extent that

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it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practices. A medical procedure shall not be considered necessary if it is performed based upon a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(4) A physician who performs a medical procedure pursuant to item (1) shall declare, in a written document maintained with the woman's medical records, that the medical procedure was necessary, the woman's medical condition necessitating the procedure, the physician's rationale for his conclusion that the procedure was necessary, and that all reasonable efforts were made to save the unborn child in the event it was living prior to the procedure. The declaration required by this item must be placed in the woman's medical records not later than thirty days after the procedure was completed. A physician's exercise of reasonable medical judgment in relation to a medical procedure undertaken pursuant to this subsection is presumed to be within the applicable standard of care.

(B) Medical treatment provided to a pregnant woman by a physician which results in the accidental or unintentional injury or death of her unborn child is not a violation of Section 44-41-820.

(C)(1) It is not a violation of Section 44-41-820 to use, sell, or administer a contraceptive measure, drug, chemical, or device if the contraceptive measure, drug, chemical, or device is used, sold, prescribed or administered in accordance with manufacturer's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

(2) It is not a violation of Section 44 41 820 to use, sell, prescribe, and insert an intrauterine device if the intrauterine device is used, sold, inserted, and prescribed within the reasonable medical judgment of a physician and is not used, sold, prescribed, or administered to cause or induce an abortion of an unborn human being.

(3) It is not a violation of Section 44-41-820 to use, sell, prescribe, and administer an emergency contraceptive drug designed to be taken within five days of unprotected sex and used according to the manufacturer's instructions. For purposes of this item, an emergency contraceptive drug does not include mifepristone or misoprostol.

(D)(1) Except as provided in item (2), it is not a violation of Section 44-41-820 to perform or undergo assistive reproductive technology,

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including but not limited to in vitro fertilization, within the accepted standards of care by the reproductive medical community.

(2) Performing selective reduction is a violation of Section 44-41-820 unless it is necessary within reasonable medical judgment to prevent a substantial risk of death or a substantial and irreversible physical impairment of a major bodily function of another unborn child.

Section 44-41-840. (A) A person who violates Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars or imprisoned for not more than two years, or both.

(B) A person who uses force, or the threat of force, to intentionally injure or intimidate another person for the purpose of coercing an abortion in violation of Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars or imprisoned for not more than two years, or both.

(C) A person who is not a physician as defined in this article and who prescribes any means of abortion for the purpose of facilitating an abortion within this State violates Section 44-41-820 and, upon conviction, is guilty of a felony and must be fined ten thousand dollars or imprisoned for two years, or both.

Section 44-41-850. (A) In addition to all other remedies available under common or statutory law, failure to comply with the requirements of this article shall provide the basis for a civil action further described in this section.

(B) A pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article may maintain an action against the person who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, a plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant found to have violated this article.

(C) A separate and distinct cause of action for injunctive relief against any person who has violated this article may be maintained by:

(1) the woman upon whom the abortion was performed or induced in violation of this article;

(2) the parent or guardian of the pregnant woman if she had not attained the age of eighteen years at the time of the abortion or died as a result of the abortion;

(3) a Solicitor or prosecuting attorney with proper jurisdiction; or

(4) the Attorney General.

(D) If a plaintiff prevails in an action initiated pursuant to this section the court shall award the plaintiff reasonable costs and attorney's fees.

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(E) No damages, costs, or attorney's fees may be assessed against the woman upon whom an abortion was performed or induced.

(F) Under no circumstances may civil damages be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(G) A civil cause of action pursuant to this section must be brought within three years of the date of the abortion and is not subject to the limitations and requirements contained in Chapter 79, Title 15.

Section 44-41-860. A pregnant woman upon whom an abortion is performed or induced in violation of this article may not be criminally prosecuted or found civilly liable for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicity in committing a violation of any of the provisions for this article.

Section 44-41-870. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition on abortion contained in this article commits an act of unprofessional conduct. A physician's license to practice in this State immediately shall be revoked by the State Board of Medical Examiners, after due process according to the board's rules and procedures. Any other licensed person's professional license shall be immediately revoked by the appropriate licensing board, after due process according to that board's rules and procedures. A complaint may be originated by any person or by the board sua sponte. A licensing board acting pursuant to this section may assess costs of the investigation, fines, and other disciplinary actions as it may deem appropriate.

Section 44-41-880. In every civil or criminal proceeding or other action brought pursuant to this article, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or induced shall be preserved from public disclosure if the woman does not give consent to disclosure. The court, by motion or sua sponte, shall make a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings that explain why the woman's anonymity is being preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable least restrictive alternative exists. In the absence of the woman's written consent, any person, other than a public official, who

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brings an action pursuant to Section 44-41-820 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Section 44-41-890. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed, lifted, dissolved, or otherwise ceases to have effect, the provisions of this article shall have full force and effect.

SECTION 4. Article 1, Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-90. (A) No funds appropriated by the State for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except as provided in Sections 44-41-830, 44-41-840, and 44-41-850.

(B) No funds appropriated or authorized by the State may be used by any political subdivision of the State to purchase fetal tissue obtained from an abortion or fetal remains, nor may any political subdivision of the State accept donated fetal remains.

(C) No state funds may, directly or indirectly, be utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions.

SECTION 5. Article 3, Chapter 17, Title 63 of the S.C. Code is amended by adding:

Section 63-17-325. A biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

(1) child support payment obligations in an amount determined pursuant to Section 63-17-470;

(2) fifty percent of the mother's pregnancy expenses.

(a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's fifty percent obligation regardless of when the mother or biological father pays the pregnancy expenses.

(b) Pregnancy expenses must include fifty percent of the mother's insurance premiums that are not paid by her employer or governmental program beginning from the date of conception and before the pregnancy ends, unless otherwise ordered by the court.

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(c) Item (2) does not apply if a court apportions pregnancy expenses as part of an award of child support in item (1).

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any expenses incurred by the mother for mental health counseling arising out of the rape or incest.

(C) The duties imposed by this section accrue at the time of conception and must be applied retroactively when paternity is contested and medical evidence establishes the paternity of the child. Interest accrues on any retroactive obligations beginning with conception until either the obligations are brought current or paid in full whichever happens first. The rate of interest must be calculated based on the applicable interest rate for money decrees and judgments in this State established annually by the South Carolina Supreme Court.

SECTION 6. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

Section 38-71-146. All individual and group health insurance and health maintenance organization policies in this State shall include coverage for contraceptives. For purposes of this Section, "contraceptive" means any drug, device, or medication to prevent pregnancy. A contraceptive may prevent ovulation, fertilization, or implantation in the uterus. A contraceptive does not include any drug, device, or medication used with the intent of terminating a pregnancy of a woman known to be pregnant. This section does not apply if an individual or entity asserts a sincerely held religious belief regarding the use of contraception.

SECTION 7. The Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives.

SECTION 8. Section 44-41-710 of the S.C. Code is amended to read:

~~Section 44-41-710. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or~~

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~~restricting abortion but violates this article must be considered unlawful as provided in this article.~~ If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

SECTION 9. Section 44-41-480 of the S.C. Code is amended to read:

~~Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article.~~ If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

SECTION 10. Section 44-41-20 of the S.C. Code is repealed.

SECTION 11. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

SECTION 12. The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act. In a federal court action that challenges the constitutionality of this act the legislature may seek to intervene, to file

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an amicus brief, or to present arguments in accordance with federal rules of procedure. Intervention by the legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers, or employees as otherwise provided. In any action in which the legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator SABB spoke on the amendment.

Remarks by Senator SABB

Members, I just wanted to make a couple of comments as it relates both to the amendment and to the underlying legislation. I listened to my colleague and his comments as it relates to back in 1970 prior to the Roe v. Wade decision. I think it's important from a contextual standpoint at least for me to talk just a bit about what was going on in South Carolina and in the country during that span of time, and the reality is, what you had was common law notions that there ought not be abortions under any circumstances. I mean that was essentially where we were as a State; you don't have to trust me on this. There's a law review article -- 1972 -- a gentleman by the name of Gerald E. Berendt of the John Marshall Law School publishing this law review article as it relates to abortion law in South Carolina. What the author shares, I believe is worth me sharing, and that is, that it's clear that there was a trend not only in our State but in our Nation where questions were raised about whether or not there were circumstances upon which the whole idea of what goes on in a family's household -- in a family's bedroom -- were questions asked to

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what role the State had in it. My reading tells me that back in those days the zone of privacy was contemplated, and it was contemplated on this very issue that we're talking about today. So, I would respectfully disagree with the notion that privacy rights were not critical to the debate and the decision-making process in those days.

So, from a contextual standpoint, it's key in my mind that the Supreme Court does not ignore jurisprudence of old when they're analyzing the issues of this present point in time. So, it was not surprising to me -- legal scholars -- that the issue of privacy would find itself not only as it relates to the heartbeat law, but any laws relating to this kind of an issue. It is not shocking to the legal world, nor should it be shocking to this Body that the court would examine the privacy issue when it comes to a matter relating to what I consider to be the more intimate and personal aspects of our society. When we look at the law and how it evolved, what we found was that there was a large percentage of South Carolinians who opposed the idea of abortions in South Carolina and there were trends associated with how we should legislate this issue. It was as challenging then as it is now. Can we legislate morality? All those issues are nothing new to this Body, nor is it new to the notion of jurisprudence.

I want to hit on two points and then I am going to take my seat. These are, you know, nineteenth century tendencies that I am referring to, but one thing that was shared from the podium I think is where we ought to be, and that's on the question of what happened when the issue of privacy was placed before the voters of South Carolina. My colleague has made it clear that in his view, which I respect, that there's no way that 77% of the voters in South Carolina would vote one way or another as it relates to the privacy issue if they knew this was what was being contemplated. I'm going to say that again, just case anybody is interested in hearing it. The idea is, that if the issue were placed before the voters of the State of South Carolina, there's absolutely no way I've heard, that 77% of South Carolinians would decide the issue and that the only reason why they decided the way they did then was because they didn't know. Well, news flash -- breaking news -- we all know now what we're talking about. So, if you really want to know, if you really want to take the notion of debate out of the question as to what South Carolinians would do, give them the opportunity. Give them the same opportunity that we're saying that if they had in 1970, they wouldn't do A, B, C, D, E, F, and G, but here we are sunshine, clear skies -- everybody understands how important this issue is to South Carolinians and the rural areas, and the other areas in every nook and cranny of our State. People are paying attention to this issue. I would submit it's simply wrong for us in this Chamber to ignore

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their opinions and their views if we're in a position to stand here boldly and say if the people of South Carolina knew in 1970 what they know now, there's no way they would have voted the way they did.

Well, here we are 52 years later, and we know, and so if we really want to know, I'm not talking about guessing, I'm not talking about speculating. I'm talking about absolutely knowing. They know, they know, everybody knows. The youngest of our girls, they know. They pay attention to what they hear, what they see and what they read. Why, in a Democracy would we not give them the opportunity to have a conversation with momma? A conversation with daddy? Why are we taking that away from families in South Carolina? Why are we saying that they should not have the right to weigh in? Think about it, don't we want to know? Or do we? Do we want to know where South Carolinians really stand, or are we afraid because we want to insert our own judgment in the place of voters of South Carolina? I submit it's wrong. We have said repeatedly in this Chamber that we trust South Carolinians. That they get it right just like when I'm in court. I'm on one side of the table, and as Paul Harvey says, after I say what I've got to say now, for the rest of the story, and I'm always wondering what ultimately happened but guess what? I trusted jurors. I trusted them to listen to my arguments when I was on the plaintiff's side and trusted them to listen my colleagues on the defense side, and ultimately I trusted them to render a verdict that speaks the truth -- that I get the opportunity to present my case, to give my opening statement and to give my closing arguments just as the other side does and the playing field is level because Lady Justice is blind. Thank you, Mr. PRESIDENT.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SABB, were ordered printed in the Journal.

Senator CASH explained the amendment.

Senator KIMBRELL spoke on the amendment.

Senator K. JOHNSON spoke on the amendment.

Remarks by Senator K. JOHNSON

Mr. PRESIDENT, I appreciate it. Members, I think I have made my position on this issue known every time that I have been given the opportunity. As I have said before and I will say it again, it would suit me just fine if there were never another abortion performed in South Carolina, or anywhere, but I'm one of those people that thinks there are times when the government is too involved in people's private business.

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I just think that as much as I am not for or against abortion. I'm just a pro-choice person. I've been involved in this abortion debate long enough to know that a lot of people who have abortions or are contemplating having abortions -- that all their situations are different and a lot of their situations and choices make sense to them even if it doesn't make sense to us. We would have to walk in their shoes to know what they are up against -- the stress and everything that comes with a decision such as that. I think that most of the people who have abortions do it because they, not me, and not us, but they, think it's the right decision for them and for the baby.

I just want to make my position clear that, above anything else, I am pro-choice. I don't think that's my decision to make, and I don't think that we would like people making those types of decisions for us. I've heard repeatedly in this Body and when I was across the hall that the government should not be too involved in people's lives. Government should not be involved in what they call "kitchen table issues," but here we are involved in one of the most private, personal and important life-changing decisions that some people choose to make.

There is a twist I want to put on this argument, and I've said it before; I'm hearing over and over again, pro-life, pro-life, pro-life, now we're talking about human life protection, and I think it's ironic that most of the members in this Body and across the hall who just march to the drum beat of "I'm pro-life," voted overwhelmingly in favor of the death penalty. Most of the members who say, "I want to protect life and I want to protect innocent life", voted last year to use the firing squad as a means of execution, knowing that we have data to show that some people who were put to death because of crimes that they allegedly committed ended up being innocent; but, we have already put them to death. So how do you make up for that? I just never could understand, and I'm not asking for an understanding right now; but, how could we be pro-life and be for the death penalty and even say that we can put you before the firing squad? If you are truly pro-life, then you would be 100% against the death penalty. I don't like people committing violent and heinous crimes, but I would not want it on me to vote for the death penalty to put that person in front of a firing squad or to inject some type of chemical in their arm and then find out a little while later, that person was innocent, and we just put them to death. So, I say how can you be pro-life and not do anything to try to preserve and protect the lives of these same babies we are talking about? When they're born, what do we do for them? We don't want to provide childcare for them so they go from place to place where anybody would sit with them -- most of them being abused -- we

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don't want to expand Medicaid -- we want to be with Wyoming and be the only two states who don't have a Hate Crime Bill in place, whereby if we had Hate Crime Legislation, maybe some folks would not commit these crimes that take people's lives because they would be afraid of the consequences. We say we're pro-life, but we won't expand Medicaid, which is a known fact, that we lose a lot of people in South Carolina and across the country because of the lack of quality affordable health care yet we're pro-life. It just doesn't add up to me. We are pro-life but we want to let people work in South Carolina for \$7.25 an hour and I wouldn't be a bit surprised if we have lost some lives because they don't have the means or the income for what they need. Although they work hard, forty-six hours a week, they don't have the means and the income to buy medicine, go to doctors, and do those types of things. I think Senator McLEOD, termed it as we are pro-birth but not pro-life, and I agree with her. We want all these babies to be born, and that's good, but then as we stand here and try to propose legislation that would help them have the quality of life that they deserve -- we vote against it time and time again.

So, I just want to leave with us that pro-life means pro-life. If we're pro-life, we're going to make sure that if these people have the children, then the families have life, and as the Bible says, have it more abundantly.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator K. JOHNSON, were ordered printed in the Journal.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

Ayes 17; Nays 24

AYES

Adams	Bennett	Campsen
Cromer	Davis	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Massey	Peeler

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Rankin	Shealy	Talley
Turner	Young	

Total--17

NAYS

Alexander	Cash	Climer
Corbin	Fanning	Gambrell
Garrett	Goldfinch	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Martin	Matthews	McElveen
McLeod	Reichenbach	Rice
Sabb	Senn	Setzler
Stephens	Verdin	Williams

Total—24

The Senate refused to lay the amendment on the table.

**Statement by Senators ADAMS, GROOMS,
KIMBRELL, and M. JOHNSON**

Over the past two years the number of abortions have nearly doubled in our State. Abortions will continue to increase until the legislature takes actions to protect the lives of these precious unborn children.

In January, in a split 3 to 2 decision, the Supreme Court of South Carolina found the Fetal Heartbeat and Protection Act of 2021 to be in violation of the South Carolina Constitution. In response to this decision, S. 474, a Heartbeat Bill addressing the issues raised by the court, was introduced. We must reestablish firm constitutional footing before considering further protections. This amendment is nearly identical to H. 3774, the Human Life Protection Act. While we support the legislation, we strongly believe that it should be debated as a stand-alone Bill and not in place of S. 474. There will be a time to debate H. 3774, but not while we consider this Bill. For these reasons, we voted to table this amendment.

Statement by Senator MASSEY

I agree with the statement above. However, I write separately to point out that despite comments to the contrary, Senator CASH's amendment does not include exceptions for rape, incest, and fatal fetal anomalies. I

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support a ban from conception with exceptions for rape and incest. I will not support a ban without exceptions for rape and incest.

Statement by Senator YOUNG

I voted to table the amendment because the Bill, as filed, has a better chance to pass the Senate this session.

At 3:41 P.M., debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. tomorrow for the purpose of attending the Joint Assembly, and the Senate will reconvene one hour after the conclusion of the Joint Assembly.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

John B. Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

Motion Adopted

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

ADJOURNMENT

At 3:41 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:45 A.M.

* * *

Wednesday, February 8, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Colossians 3:12

Paul wrote to the Colossians:

“As God’s chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, and patience.”

Pray with me, please: O Most Gracious Lord, throughout your many holy texts -- such as today’s words from the Apostle Paul -- You give us insights as to how it is that we should live out our days as your followers. May it indeed be, O God, that each one of Your servants in this Senate will take all of Your teachings seriously. Moreover, help us all not just to hear Your words, but lead us faithfully as we choose to follow Your guidance in all that we say and do. Also, Lord, today we pray yet again that You continue to embrace in love and care all of our women and men in uniform, as well as everyone in Turkey and Syria who have so recently experienced the horror of devastating earthquakes. All this we pray in Your holy name, dear Lord. Amen.

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

RECESS

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

JOINT ASSEMBLY

Elections

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

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

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 2023, AS THE TIME TO ELECT A SUCCESSOR TO

WEDNESDAY, FEBRUARY 8, 2023

A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF

WEDNESDAY, FEBRUARY 8, 2023

ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Motion Adopted

Representative Bannister asked unanimous consent for the Representatives to vote on the electronic voting board.

There was no objection.

WEDNESDAY, FEBRUARY 8, 2023

Election to the Position of Judge, Supreme Court, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Supreme Court, Seat 4.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable David Garrison Hill, the Honorable Aphrodite Konduros and the Honorable Stephanie Pendarvis McDonald had been screened and found qualified to serve.

On motion of Senator RANKIN, the names of the Honorable Aphrodite Konduros and the Honorable Stephanie Pendarvis McDonald were withdrawn from consideration.

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

The following named Senators voted in the affirmative:

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

Total--37

The following named Senators voted in the negative:

Jackson	Matthews	McLeod
Senn		

Total--4

The following named Senators voted present:

Cash	Gustafson	Shealy
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Total--3

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The following named Senator abstained:
Garrett

Total--1

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

The following named Representatives voted in the affirmative:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Bernstein
Blackwell	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Carter	Chumley
Clyburn	Cobb-Hunter	Connell
B. J. Cox	B. L. Cox	Crawford
Cromer	Davis	Dillard
Elliott	Felder	Forrest
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Guest	Guffey	Haddon
Hager	Hardee	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
W. Jones	Jordan	King
Kirby	Landing	Lawson
Leber	Ligon	Long
Lowe	McCabe	McGinnis
Mitchell	T. Moore	Moss
Murphy	Neese	B. Newton
W. Newton	Nutt	O'Neal
Oremus	Ott	Pedalino
Pendarvis	Pope	Rivers
Robbins	Rose	Rutherford
Sandifer	Schuessler	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thigpen
Trantham	Vaughan	Weeks

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West	Wetmore	Wheeler
Whitmire	Williams	Willis
Wooten		

Total--103

The following named Representatives voted in the negative:

Beach	Harris	Magnuson
McDaniel		

Total--4

RECAPITULATION

Total number of Senators voting	41
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	148
Necessary to a choice	0
Ayes	140
Nays	8

Whereupon, the PRESIDENT announced that the Honorable David Garrison Hill was elected to the position of Judge, Supreme Court, Seat 4 for the term to expire July 31, 2032.

Election to the Position of Judge, Court of Appeals, Seat 1

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat 1.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Blake A. Hewitt had been screened and found qualified to serve.

Senator RANKIN placed the name of the Honorable Blake A. Hewitt in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Blake A. Hewitt was elected to the position of Judge, Court of Appeals, Seat 1 for the term to expire June 30, 2023.

WEDNESDAY, FEBRUARY 8, 2023

Election to the Position of Judge, Court of Appeals, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat 2.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Whitney B. Harrison, the Honorable Grace G. Knie and the Honorable Letitia H. Verdin had been screened and found qualified to serve.

On motion of Senator RANKIN, the names of Whitney B. Harrison and the Honorable Grace G. Knie were withdrawn from consideration.

Senator RANKIN placed the name of the Honorable Letitia H. Verdin in nomination and moved that the nominations be closed.

Representative Magnuson objected.

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

The following named Senators voted in the affirmative:

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

Total--44

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

The following named Representatives voted in the affirmative:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg

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Bannister	Bauer	Beach
Bernstein	Blackwell	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Carter
Chapman	Chumley	Clyburn
Cobb-Hunter	Connell	B. J. Cox
B. L. Cox	Crawford	Cromer
Davis	Dillard	Elliott
Felder	Forrest	Gagnon
Garvin	Gatch	Gibson
Gilliam	Gilliard	Guest
Guffey	Haddon	Hager
Hardee	Harris	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
S. Jones	W. Jones	Jordan
Kilmartin	King	Kirby
Landing	Lawson	Leber
Ligon	Long	Lowe
Magnuson	May	McCabe
McCravy	McDaniel	McGinnis
Mitchell	T. Moore	A. M. Morgan
T. A. Morgan	Moss	Murphy
Neese	B. Newton	W. Newton
Nutt	O'Neal	Oremus
Ott	Pace	Pedalino
Pendarvis	Pope	Rivers
Robbins	Rose	Rutherford
Sandifer	Schuessler	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thigpen
Trantham	Vaughan	Weeks
West	Wetmore	Wheeler
Whitmire	Williams	Willis
Wooten		

Total--115

WEDNESDAY, FEBRUARY 8, 2023

RECAPITULATION

Total number of Senators voting	44
Total number of Representatives voting.....	<u>115</u>
Grand Total.....	159
Necessary to a choice	0
Ayes	159
Nays	0

Whereupon, the PRESIDENT announced that the Honorable Letitia H. Verdin was elected to the position of Judge, Court of Appeals, Seat 2 for the term to expire June 30, 2029.

**Election to the Position of Judge, Circuit Court
15th Judicial Circuit, Seat 1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 15th Judicial Circuit, Seat 1.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Amanda A. Bailey and B. Alex Hyman had been screened and found qualified to serve.

On motion of Senator RANKIN, the name of Amanda A. Bailey was withdrawn from consideration.

Senator RANKIN placed the name of B. Alex Hyman in nomination, moved that nominations be closed.

Representative Magnuson objected.

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

The following named Senators voted in the affirmative:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach

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Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

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

The following named Representatives voted in the affirmative:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Bernstein
Blackwell	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Carter	Chapman
Chumley	Clyburn	Cobb-Hunter
Connell	B. J. Cox	B. L. Cox
Crawford	Davis	Dillard
Elliott	Felder	Forrest
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Guest	Guffey	Haddon
Hager	Hardee	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
W. Jones	Jordan	King
Kirby	Landing	Lawson
Leber	Ligon	Long
Lowe	McCabe	McCravy
McDaniel	McGinnis	Mitchell
T. Moore	Moss	Murphy
Neese	B. Newton	W. Newton
Nutt	O'Neal	Oremus
Ott	Pedalino	Pendarvis
Pope	Rivers	Robbins
Rose	Rutherford	Sandifer
Schuessler	Sessions	G. M. Smith

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M. M. Smith	Stavrinakis	Taylor
Tedder	Thigpen	Trantham
Vaughan	Weeks	West
Wetmore	Wheeler	Whitmire
Williams	Willis	Wooten

Total--105

The following named Representatives voted in the negative:

Beach	Cromer	Harris
S. Jones	Kilmartin	Magnuson
A. M. Morgan	T. A. Morgan	Pace

Total--9

RECAPITULATION

Total number of Senators voting	45
Total number of Representatives voting.....	<u>114</u>
Grand Total.....	159
Necessary to a choice	0
Ayes	150
Nays	9

Whereupon, the PRESIDENT announced that the Honorable B. Alex Hyman was elected to the position of Judge, Circuit Court, 15th Judicial Circuit, Seat 1 for the term to expire June 30, 2028.

Election to the Position of Judge, Circuit Court, At-Large, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, at-large, Seat 3.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Patrick C. Fant III, Doward Keith Karvel Harvin and S. Boyd Young had been screened and found qualified to serve.

On motion of Senator RANKIN, the names of Doward Keith Karvel Harvin and S. Boyd Young were withdrawn from consideration.

Senator RANKIN placed the names of Patrick C. Fant III in nomination, moved that nominations be closed.

Representative Magnuson objected.

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

The following named Senators voted in the affirmative:

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

Total--45

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

The following named Representatives voted in the affirmative:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Beach
Bernstein	Blackwell	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Carter
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Connell
B. J. Cox	B. L. Cox	Crawford
Cromer	Davis	Dillard
Elliott	Felder	Forrest
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Guest	Guffey	Haddon
Hager	Hardee	Harris

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Hart	Hayes	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Howard
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	S. Jones	W. Jones
Jordan	Kilmartin	King
Kirby	Landing	Lawson
Leber	Ligon	Long
Lowe	Magnuson	May
McCabe	McCravy	McDaniel
McGinnis	Mitchell	T. Moore
A. M. Morgan	T. A. Morgan	Moss
Murphy	Neese	B. Newton
W. Newton	Nutt	O'Neal
Oremus	Ott	Pace
Pedalino	Pendarvis	Pope
Rivers	Robbins	Rose
Rutherford	Sandifer	Schuessler
Sessions	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Tedder
Thigpen	Trantham	Vaughan
Weeks	West	Wetmore
Wheeler	Whitmire	Williams
Willis	Wooten	

Total--116

RECAPITULATION

Total number of Senators voting	45
Total number of Representatives voting.....	<u>116</u>
Grand Total.....	161
Necessary to a choice	0
Ayes	161
Nays	0

Whereupon, the PRESIDENT announced that the Honorable Patrick C. Fant III was elected to the position of Judge, Circuit Court, at-large, Seat 3 for the term to expire June 30, 2027.

WEDNESDAY, FEBRUARY 8, 2023

**Election to the Position of Judge, Family Court
1st Judicial Circuit, Seat 3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 1st Judicial Circuit, Seat 3.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Mandy W. Kimmons and Margie A. Pizarro had been screened and found qualified to serve.

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

The following named Senators voted for Mandy Kimmons:

Adams	Alexander	Bennett
Campsen	Climer	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Michael</i>	Kimbrell	Massey
McElveen	Peeler	Rankin
Senn	Setzler	Shealy
Talley	Turner	Young

Total--24

The following named Senators voted for Margie Pizarro:

Allen	Cash	Cromer
Davis	Fanning	Jackson
<i>Johnson, Kevin</i>	Kimpson	Malloy
Martin	Matthews	McLeod
Rice	Sabb	Scott
Stephens	Williams	

Total--17

The following named Senators voted present:

Corbin	Loftis	Reichenbach
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Total--3

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

WEDNESDAY, FEBRUARY 8, 2023

The following named Representatives voted for Mandy Kimmons:

Atkinson	Ballentine	Bamberg
Bannister	Bernstein	Blackwell
Bradley	Brewer	Brittain
Calhoon	Chapman	Collins
Connell	Crawford	Davis
Elliott	Forrest	Gagnon
Gatch	Guest	Guffey
Hager	Hardee	Hayes
Herbkersman	Hewitt	Hixon
Hyde	J. E. Johnson	Jordan
Landing	Lawson	Leber
Ligon	Lowe	McGinnis
Mitchell	T. Moore	Moss
Murphy	Neese	B. Newton
W. Newton	Ott	Pedalino
Pope	Robbins	Sandifer
Schuessler	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
West	Wetmore	Wheeler
Whitmire	Wooten	Yow

Total--60

The following named Representatives voted for Margie Pizarro:

Alexander	Anderson	Bauer
Beach	Bustos	Carter
Chumley	Clyburn	Cobb-Hunter
Cromer	Dillard	Felder
Garvin	Gibson	Gilliam
Gilliard	Harris	Hart
Henegan	Hiott	Hosey
Howard	Jefferson	J. L. Johnson
S. Jones	W. Jones	Kilmartin
King	Kirby	Magnuson
May	McCabe	McCravy
McDaniel	O'Neal	Pace
Pendarvis	Rivers	Rose
Rutherford	Tedder	Thigpen

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Trantham	Vaughan	Weeks
White	Williams	

Total--47

RECAPITULATION

Total number of Senators voting	41
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	148
Necessary to a choice	75
Of which Mandy Kimmons received	84
Of which Margie Pizarro received	64

Whereupon, the PRESIDENT announced that the Honorable Mandy W. Kimmons was elected to the position of Judge, Family Court, 1st Judicial Circuit, Seat 3 for the term to expire June 30, 2028.

**Election to the Position of Judge, Family Court
12th Judicial Circuit, Seat 1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 12th Judicial Circuit, Seat 1.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Philip B. Atkinson and Alicia A. Richardson had been screened and found qualified to serve.

On motion of Senator RANKIN, the name of Philip B. Atkinson was withdrawn from consideration.

Senator RANKIN placed the name of Alicia A. Richardson in nomination, moved that nominations be closed.

Representative Magnuson objected.

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

The following named Senators voted in the affirmative:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

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

The following named Representatives voted in the affirmative:

Alexander	Anderson	Atkinson
Ballentine	Bamberg	Bannister
Bauer	Beach	Bernstein
Blackwell	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Carter	Chumley
Clyburn	Cobb-Hunter	Collins
Connell	B. J. Cox	B. L. Cox
Crawford	Davis	Dillard
Elliott	Felder	Forrest
Gagnon	Garvin	Gibson
Gilliam	Gilliard	Guest
Guffey	Haddon	Hager
Hardee	Hart	Hayes
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Howard	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	S. Jones
W. Jones	Jordan	Kilmartin
Kirby	Landing	Lawson
Leber	Ligon	Long
Lowe	Magnuson	May
McCabe	McCravy	McDaniel
McGinnis	Mitchell	T. Moore
A. M. Morgan	T. A. Morgan	Moss

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Murphy	Neese	B. Newton
W. Newton	Nutt	O'Neal
Oremus	Ott	Pedalino
Pendarvis	Pope	Rivers
Rose	Rutherford	Sandifer
Schuessler	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thigpen	Trantham
Vaughan	Weeks	West
Wetmore	Wheeler	Whitmire
Williams	Wooten	

Total--107

RECAPITULATION

Total number of Senators voting	45
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	152
Necessary to a choice	0
Ayes	152
Nays	0

Whereupon, the PRESIDENT announced that the Honorable Alicia A. Richardson was elected to the position of Judge, Family Court, 12th Judicial Circuit, Seat 1 for the term to expire June 30, 2025.

**Election to the Position of Judge, Family Court
At-Large, Seat 7**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, at-large, Seat 7.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Thomas T. Hodges had been screened and found qualified to serve.

Senator RANKIN placed the name of the Honorable Thomas T. Hodges in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Thomas T. Hodges was elected to the position of Judge, Family Court, at-large, Seat 7 for the term to expire June 30, 2023.

WEDNESDAY, FEBRUARY 8, 2023

**Election to the Position of Judge, Family Court
At-Large, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, at-large, Seat 8.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Rosalyn Frierson-Smith had been screened and found qualified to serve.

Senator RANKIN placed the name of the Honorable Rosalyn Frierson-Smith in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Rosalyn Frierson-Smith was elected to the position of Judge, Family Court, at-large, Seat 8 for the term to expire June 30, 2023.

Election of an Administrative Law Court Judge, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 5.

Senator RANKIN, Chairman of the Judicial Merit Selection Commission, indicated that Stephanie N. Lawrence and the Honorable Crystal Rookard had been screened and found qualified to serve.

Senator RANKIN placed the name of Stephanie N. Lawrence and the Honorable Crystal Rookard in nomination.

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

The following named Senators voted for Stephanie Lawrence:

Cromer	Fanning	Goldfinch
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McLeod	Rankin	Sabb
Scott	Senn	Setzler
Stephens		

Total--16

The following named Senators voted for Crystal Rookard:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Davis	Gambrell

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Garrett	Grooms	Gustafson
<i>Johnson, Michael</i>	Kimpson	Loftis
Massey	McElveen	Peeler
Rice	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--25

The following named Senators voted present:

Corbin	Kimbrell	Martin
Reichenbach		

Total--4

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

The following named Representatives voted for Stephanie Lawrence:

Alexander	Anderson	Ballentine
Bannister	Bauer	Bernstein
Brewer	Brittain	Clyburn
Connell	B. J. Cox	Garvin
Gatch	Hardee	Hart
Hayes	Henegan	Hosey
Jefferson	J. L. Johnson	Kirby
Leber	McDaniel	Mitchell
Murphy	B. Newton	W. Newton
O'Neal	Ott	Pendarvis
Robbins	Rutherford	Stavrinakis
Tedder	Thigpen	Weeks
Wetmore	Wheeler	

Total--38

The following named Representatives voted for Crystal Rookard:

Atkinson	Beach	Blackwell
Bradley	Burns	Bustos
Calhoon	Carter	Chapman
Chumley	Cobb-Hunter	Collins
B. L. Cox	Crawford	Cromer

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Davis	Dillard	Elliott
Felder	Forrest	Gagnon
Gibson	Gilliam	Gilliard
Guest	Guffey	Haddon
Hager	Harris	Herbkersman
Hewitt	Hiott	Hixon
Howard	Hyde	J. E. Johnson
S. Jones	W. Jones	Jordan
Kilmartin	King	Landing
Lawson	Ligon	Long
Lowe	Magnuson	T. Moore
A. M. Morgan	T. A. Morgan	Moss
Neese	Nutt	Oremus
Pace	Pedalino	Rivers
Rose	Sandifer	Schuessler
Sessions	G. M. Smith	M. M. Smith
Trantham	Vaughan	West
White	Whitmire	Williams
Willis	Wooten	

Total--71

RECAPITULATION

Total number of Senators voting	41
Total number of Representatives voting.....	<u>109</u>
Grand Total.....	150
Necessary to a choice	76
Of which Stephanie Lawrence received	54
Of which Crystal Rookard received	96

Whereupon, the PRESIDENT announced that the Honorable Crystal Rookard was elected to the position of Judge, Administrative Law Court, Seat 5 for the term to expire June 30, 2028.

Immediately following the Joint Assembly called for the Election of Judicial Candidates, the PRESIDENT announced that the Joint Assembly would proceed to the Election of the Boards of Colleges and University Trustees.

WEDNESDAY, FEBRUARY 8, 2023

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

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

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Benjamin D. Dixon, Dylan W. Goff and Kara Irvin had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Benjamin D. Dixon was withdrawn from consideration.

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

The following named Senators voted for Dylan Goff:

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

Total--41

The following named Senators voted for Kara Irvin:

Total--0

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

WEDNESDAY, FEBRUARY 8, 2023

The following named Representatives voted for Dylan Goff:

Anderson	Atkinson	Bailey
Ballentine	Bannister	Bauer
Beach	Bernstein	Blackwell
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Carter	Chapman	Chumley
Clyburn	Collins	Connell
B. J. Cox	Crawford	Cromer
Davis	Dillard	Elliott
Felder	Forrest	Gagnon
Gatch	Gibson	Gilliam
Gilliard	Guest	Haddon
Hager	Hardee	Hayes
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Howard	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	S. Jones
W. Jones	Jordan	Landing
Lawson	Leber	Ligon
Long	Lowe	Magnuson
McCabe	McGinnis	Mitchell
T. Moore	A. M. Morgan	T. A. Morgan
Murphy	Neese	B. Newton
W. Newton	Nutt	O'Neal
Oremus	Ott	Pedalino
Pope	Robbins	Rose
Rutherford	Sandifer	Schuessler
Sessions	G. M. Smith	M. M. Smith
Taylor	Thigpen	Trantham
Vaughan	Weeks	West
Wetmore	White	Whitmire
Williams	Willis	Wooten
Yow		

Total--97

The following named Representatives voted for Kara Irvin:

Total--0

WEDNESDAY, FEBRUARY 8, 2023

RECAPITULATION

Total number of Senators voting	41
Total number of Representatives voting.....	<u>97</u>
Grand Total.....	138
Necessary to a choice	70
Of which Dylan Goff received	138
Of which Kara Irvin received	0

Whereupon, the PRESIDENT announced that the Honorable Dylan W. Goff elected to a position on the Board of Trustees for The Citadel, at-large for the term to expire June 30, 2028.

**Election to the Board of Trustees for the
Clemson University, Three At-Large Seats**

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

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Patricia H. McAbee, John N. McCarter, Sharka Marie Prokes and Joseph D. Swann had been screened and found qualified to serve and placed their names in nomination.

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

The following named Senators voted for McAbee:

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

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Turner	Verdin	Williams
Young		

Total--43

The following named Senators voted for McCarter:

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

Total--43

The following named Senators voted for Prokes:

Total--0

The following named Senators voted for Swann:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

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

The following named Representatives voted for McAbee:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bannister
Bauer	Bernstein	Blackwell
Bradley	Brewer	Brittain
Bustos	Calhoon	Carter
Chapman	Clyburn	Cobb-Hunter
Collins	Connell	B. J. Cox
Crawford	Davis	Dillard
Elliott	Felder	Forrest
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Guest	Guffey	Haddon
Hager	Hardee	Hayes
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	W. Jones	Jordan
King	Kirby	Landing
Lawson	Leber	Ligon
Lowe	McCabe	McDaniel
McGinnis	Mitchell	T. Moore
Moss	Murphy	Neese
B. Newton	W. Newton	O'Neal
Ott	Pedalino	Pendarvis
Pope	Robbins	Rose
Rutherford	Sandifer	Schuessler
Sessions	G. M. Smith	Stavrinakis
Taylor	Tedder	Thigpen
Trantham	Vaughan	Weeks
West	Wetmore	Whitmire

WEDNESDAY, FEBRUARY 8, 2023

Williams
Yow

Willis

Wooten

Total--94

The following named Representatives voted for McCarter:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bannister
Bauer	Beach	Bernstein
Blackwell	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Carter	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Connell	B. J. Cox
Crawford	Cromer	Davis
Dillard	Elliott	Felder
Forrest	Gagnon	Garvin
Gatch	Gibson	Gilliam
Gilliard	Guest	Guffey
Haddon	Hager	Hardee
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
W. Jones	Jordan	Kilmartin
Kirby	Landing	Lawson
Leber	Ligon	Long
Lowe	Magnuson	May
McCabe	McDaniel	McGinnis
Mitchell	T. Moore	A. M. Morgan
T. A. Morgan	Moss	Murphy
Neese	B. Newton	W. Newton
Nutt	O'Neal	Oremus
Ott	Pedalino	Pendarvis
Pope	Robbins	Rose
Rutherford	Sandifer	Schuessler
Sessions	G. M. Smith	Stavrinakis
Taylor	Tedder	Thigpen
Trantham	Vaughan	Weeks
West	Wetmore	Whitmire

WEDNESDAY, FEBRUARY 8, 2023

Williams	Willis	Wooten
Yow		

Total--106

The following named Representatives voted for Prokes:

Beach	Burns	Bustos
Chumley	Cromer	Gibson
Gilliam	Harris	Kilmartin
Long	Magnuson	May
McCabe	McCravy	A. M. Morgan
T. A. Morgan	Nutt	Oremus
Pace	Trantham	White

Total--21

The following named Representatives voted for Swann:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bannister
Bauer	Bernstein	Blackwell
Bradley	Brewer	Brittain
Burns	Calhoon	Carter
Chapman	Chumley	Clyburn
Collins	Connell	B. J. Cox
Crawford	Cromer	Davis
Dillard	Elliott	Felder
Forrest	Gagnon	Garvin
Gatch	Gilliard	Guest
Guffey	Haddon	Hager
Hardee	Hayes	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Howard
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	W. Jones	Jordan
Kilmartin	King	Kirby
Landing	Lawson	Leber
Ligon	Long	Lowe
McDaniel	McGinnis	Mitchell
T. Moore	A. M. Morgan	T. A. Morgan
Moss	Murphy	Neese
B. Newton	W. Newton	Nutt

WEDNESDAY, FEBRUARY 8, 2023

O'Neal	Oremus	Ott
Pedalino	Pendarvis	Pope
Rose	Rutherford	Sandifer
Schuessler	Sessions	G. M. Smith
Taylor	Tedder	Thigpen
Vaughan	Weeks	West
Wetmore	Whitmire	Williams
Willis	Wooten	Yow

Total--96

RECAPITULATION

Total number of Senators voting	43
Total number of Representatives voting.....	<u>111</u>
Grand Total.....	154
Necessary to a choice	78
Of which McAbee received	137
Of which McCarter received	149
Of which Prokes received	21
Of which Swann received	139

Whereupon, the PRESIDENT announced that the Honorable Patricia H. McAbee, John N. McCarter and Joseph D. Swann were elected to a position on the Board of Trustees for Clemson University, three at-large seats for the term to expire June 30, 2026.

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

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

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

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

Whereupon, the PRESIDENT announced that the Honorable Robert A. Barber, Jr. was elected to a position on the Board of Trustees for Lander University, at-large, Seat 8 for a term to expire June 30, 2026.

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

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

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

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

Whereupon, the PRESIDENT announced that the Honorable James C. Shubert was elected to a position on the Board of Trustees for Lander University, at-large, Seat 9 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Lander University, At-Large, Seat 10**

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

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

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

Whereupon, the PRESIDENT announced that the Honorable Peggy Makins was elected to a position on the Board of Trustees for Lander University, at-large, Seat 10 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Lander University, At-Large, Seat 11**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, at-large, Seat 11.

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

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

Whereupon, the PRESIDENT announced that the Honorable Donald H. Scott was elected to a position on the Board of Trustees for Lander University, at-large, Seat 11 for a term to expire June 30, 2026.

Election to the Board of Trustees for Lander University, At-Large, Seat 12

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

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

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

Whereupon, the PRESIDENT announced that the Honorable DeWitt B. Stone, Jr. was elected to a position on the Board of Trustees for Lander University, at-large, Seat 12 for a term to expire June 30, 2026.

Election to the Board of Trustees for Lander University, At-Large, Seat 13

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, at-large, Seat 13.

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

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

Whereupon, the PRESIDENT announced that the Honorable Raymond D. Hunt, Sr. was elected to a position on the Board of Trustees for Lander University, at-large, Seat 13 for a term to expire June 30, 2026.

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

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

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

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

Whereupon, the PRESIDENT announced that the Honorable Marcia T. Hydrick was elected to a position on the Board of Trustees for Lander University, at-large, Seat 14 for a term to expire June 30, 2026.

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

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

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

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

Whereupon, the PRESIDENT announced that the Honorable John E. Craig, Jr. was elected to a position on the Board of Trustees for Lander University, at-large, Seat 15 for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 1st Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 1st Judicial Circuit.

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

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Williams had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Charles H. Williams was elected to a position on the Board of Trustees for the University of South Carolina, 1st Judicial Circuit for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 3rd Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 3rd Judicial Circuit.

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

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

Whereupon, the PRESIDENT announced that the Honorable C. Dorn Smith III was elected to a position on the Board of Trustees for the University of South Carolina, 3rd Judicial Circuit for a term to expire June 30, 2026.

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

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

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

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

Whereupon, the PRESIDENT announced that the Honorable Alexander English was elected to a position on the Board of Trustees for

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the University of South Carolina, 5th Judicial Circuit for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 7th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 7th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that D. Benjamin Graves, Henry L. Jolly, Jr. and J. Patrick Anderson had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of D. Benjamin Graves and J. Patrick Anderson were withdrawn from consideration.

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

Whereupon, the PRESIDENT announced that the Honorable Henry L. Jolly, Jr. was elected to a position on the Board of Trustees for the University of South Carolina, 7th Judicial Circuit for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 9th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 9th Judicial Circuit.

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

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

Whereupon, the PRESIDENT announced that the Honorable John C. von Lehe was elected to a position on the Board of Trustees for the University of South Carolina, 9th Judicial Circuit for a term to expire June 30, 2026.

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**Election to the Board of Trustees for the
University of South Carolina, 11th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 11th Judicial Circuit.

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

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

Whereupon, the PRESIDENT announced that the Honorable Thad H. Westbrook was elected to a position on the Board of Trustees for the University of South Carolina, 11th Judicial Circuit for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 12th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 12th Judicial Circuit.

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

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

Whereupon, the PRESIDENT announced that the Honorable C. Edward Floyd was elected to a position on the Board of Trustees for the University of South Carolina, 12th Judicial Circuit for a term to expire June 30, 2026.

**Election to the Board of Trustees for the
University of South Carolina, 13th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 13th Judicial Circuit.

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

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Felkel II, C. Brody Glenn and Reid T. Sherard had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of D. Hollis Felkel II and C. Brody Glenn were withdrawn from consideration.

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

Whereupon, the PRESIDENT announced that the Honorable Reid T. Sherard was elected to a position on the Board of Trustees for the University of South Carolina, 13th Judicial Circuit for a term to expire June 30, 2026.

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

The PRESIDENT announced that nominations were in order to elect a successor to positions on the Board of Trustees for the Wil Lou Gray Opportunity School, two at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that J. Blake Lindsey and Marilyn E. Taylor had been screened and found qualified to serve and placed their names in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable J. Blake Lindsey and the Honorable Marilyn E. Taylor were elected to the positions on the Board of Trustees for the Wil Lou Gray Opportunity School, two at-large seats for the term to expire June 30, 2026.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned at 1:36 P.M.

At 3:22 P.M., the Senate resumed.

Leave of Absence

On motion of Senator HUTTO, at 11:54 A.M., Senator HARPOOTLIAN was granted a leave of absence for today.

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Leave of Absence

On motion of Senator BENNETT, at 6:06 P.M., Senator HEMBREE was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

Remarks by Senator STEPHENS

Good afternoon, thank you Mr. PRESIDENT. Ladies and gentlemen, I stand before you this afternoon to voice my opinion on what we will be debating probably for the next few days. I believe in the oath that I took some two years ago, to defend the Constitution of this State and the United States, and I said, "I do." That meant a lot to me as well as for the individuals that entrusted me to be here in Columbia to voice their concerns. I've learned from a great mentor, that people will forget what you did for them, but they will never forget how you treated them.

Now, the recent decision *Roe v. Wade* was overturned by the United States Supreme Court practically placed the decisions of abortion in the hands of the states. The states are there now, to practically craft laws, and laws that are not unconstitutional. We are in a state of emergency ladies and gentlemen. I believe wholeheartedly that the views and concerns of women in this State are not taken seriously. I believe here in this Body it appears that contentious debates and decisions are becoming too intense, as well as leaning towards one group or one set of individuals. Now ladies and gentlemen, laws that deny access to abortion, whatever the stated objectives, have discriminatory tendencies for both undermining woman's capacity to make responsible decisions about their lives. Yes, indeed government may find the potential consequences of allowing women to make such decisions threatening in some consequences.

Ladies and gentlemen, this is 2023, and in many instances, we fail to recognize the right of women as being equal. It's been noted from generation to generation, recognizing a woman's sexual and reproductive autonomy contradicts with the social norm. Now, that renders women subordinate in some cultures to men in their families and communities. My colleagues, it's not surprising that unwillingness to allow women to make decisions about their own bodies often coincide with their tendencies to deny women's decision making roles in their lives and especially in the political arena -- economically, and socially. A woman

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has a right to make decisions regarding her own body. Now, support for this right is found in several human rights instruments which assures freedom in decision making -- that private matters really matter. Such provisions include protection of the right of physical integrity, the right to decide freely and responsively, a number and spacing of one's children and the right to privacy. Banning abortion care will not stop abortions -- but it will stop safe, legal abortions. Truly, we are in a state of emergency for women's health.

Thank you, Mr. PRESIDENT, thank you Senator FANNING. Barriers to reproductive care will only work if health outcomes exacerbate disparities and inequities in women's health. Fighting to make sure women have access to reproductive health care is now more important than ever. So, I beg you, I appeal to you, to respect the rights and privacy of women here in South Carolina, and in this Nation.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator STEPHENS were ordered printed in the Journal.

CO-SPONSORS ADDED

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

- S. 96 Sen. Kimpson
- S. 282 Sen. Goldfinch
- S. 418 Sen. Gustafson
- S. 483 Sens. Corbin, Senn, Adams, Fanning, Martin and McElveen
- S. 484 Sen. Goldfinch
- S. 492 Sen. Talley

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

- S. 285 Sen. Fanning

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 498 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE SAMUEL L. DUNCAN, FORMER MEMBER OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES, AND THE HONORABLE EDWARD ISRAEL CAIN, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, FOR THEIR MANY

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ACCOMPLISHMENTS AND EXEMPLARY SERVICE TO THIS GREAT STATE.

lc-0174ph-gm23.docx : 0a06dc55-d3ed-45ce-a5b8-2e78510228d9

The Senate Resolution was adopted.

S. 499 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-3-619 SO AS TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION IMPOSE A TOLL ALONG INTERSTATE HIGHWAY 95 WHERE IT CROSSES LAKE MARION IN EITHER ORANGEBURG COUNTY OR CLARENDON COUNTY.

smin-0079aa23.docx : 0c9a1f8d-2e7b-4b3c-b18c-6a657d6d5ec7

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

S. 500 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

lc-0172ph23.docx : a10103a3-e71f-4121-83e8-277644bcd6ca

Read the first time and referred to the Committee on Banking and Insurance.

S. 501 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-11-39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL WITHIN TWO HUNDRED YARDS OF A DWELLING ON LITTLE RIVER, OFF OF LAKE

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THURMOND, WITHOUT WRITTEN PERMISSION OF THE OWNER AND OCCUPANT.

sr-0262km23.docx : 9e243b1f-7f02-4f55-a40e-719c6a74192c

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 502 -- Family and Veterans' Services Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WIC VENDORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5120, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0221wab-rt23.docx : e943bb16-088b-40e4-83b4-de353a42fc0b

Read the first time and ordered placed on the Calendar without reference.

S. 503 -- Family and Veterans' Services Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0222wab-dbs23.docx : c2ca0978-ef98-44bb-8c12-407e79f7f6ee

Read the first time and ordered placed on the Calendar without reference.

S. 504 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-10, RELATING TO DEFINITIONS, SO AS TO DEFINE A MEDIUM SPEED VEHICLE; AND BY ADDING SECTION 56-2-5000 SO AS TO PROVIDE REGULATIONS FOR THE OPERATION OF MEDIUM SPEED VEHICLES.

sr-0249km23.docx : f8b98360-8681-494b-bb51-9bf70044a151

Read the first time and referred to the Committee on Transportation.

S. 505 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTS THAT

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CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS, SO AS TO INCLUDE THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY INTERNS TO ADMINISTER CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES; AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE.

lc-0224wab23.docx : 6f2e32fa-6f1b-463e-9b4b-217f93725380

Read the first time and referred to the Committee on Medical Affairs.

S. 506 -- Senators Adams, Kimbrell and M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROTECTION OF MINORS FROM PORNOGRAPHY AND OBSCENITIES ACT" BY AMENDING SECTION 16-15-375, RELATING TO DEFINITIONS APPLICABLE TO THE ARTICLE REGARDING OBSCENITY LAWS, SO AS TO AMEND THE DEFINITIONS OF "HARMFUL TO MINORS" AND "MATERIAL" TO INCLUDE ANY PORTION OF MATERIALS AND PERFORMANCES THAT MAY BE CONSIDERED OBSCENE, AND TO DEFINE THE TERM "PROFANE LANGUAGE"; AND BY AMENDING SECTION 16-15-385, RELATING TO THE OFFENSES OF DISSEMINATING HARMFUL MATERIAL TO MINORS AND EXHIBITING HARMFUL PERFORMANCES TO MINORS, DEFENSES, AND PENALTIES, SO AS TO LIMIT THE

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AFFIRMATIVE DEFENSE PROVIDED BY THE STATUTE ONLY TO THE TEACHING OF AGE-APPROPRIATE SEX EDUCATION AND HUMAN BIOLOGY CURRICULUM.

sr-0266km23.docx : 4d561813-5a9b-4fc7-ad9a-ca398ac799c9

Read the first time and referred to the Committee on Judiciary.

S. 507 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DAVID H. BERESKIN, CHIEF EXECUTIVE OFFICER OF GREENVILLE WATER, UPON THE OCCASION OF HIS RETIREMENT AFTER TWELVE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

lc-0222cm-gm23.docx : e30b5d7c-8608-4bca-8f9d-66d762c9cf38

The Senate Resolution was adopted.

S. 508 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MULTIFAMILY DWELLING SAFETY ACT"; BY ADDING SECTION 20-21-110 SO AS TO PROVIDE DEFINITIONS FOR A MULTIFAMILY DWELLING AND OTHER TERMS; BY ADDING SECTION 20-21-120 SO AS TO DEFINE A QUALIFIED INSPECTOR OF MULTIFAMILY DWELLINGS; BY ADDING SECTION 20-21-130 SO AS TO REQUIRE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO ADOPT A MULTIFAMILY DWELLING BALCONY CODE ESTABLISHING MINIMUM STANDARDS FOR BALCONY RAILINGS THAT ARE PRIMARILY CONSTRUCTED OF WOOD AND ARE LOCATED IN MULTIFAMILY DWELLINGS; BY ADDING SECTION 20-21-140 SO AS TO REQUIRE THE DEPARTMENT TO PERIODICALLY CONDUCT INSPECTIONS OF SUCH BALCONIES TO ASCERTAIN COMPLIANCE WITH THE CODE; BY ADDING SECTION 20-21-150 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL CHARGE A PROPERTY OWNER A FEE FOR INSPECTIONS MADE TO ENFORCE THE MULTIFAMILY DWELLING BALCONY CODE; BY ADDING SECTION 20-21-160 SO AS TO PROVIDE REMEDIES FOR VIOLATIONS; BY ADDING SECTION 20-21-170 SO AS TO PROVIDE THAT THE DEPARTMENT MAY AUTHORIZE WAIVERS OR EXEMPTIONS UNDER THE MULTIFAMILY DWELLING BALCONY CODE; AND BY ADDING SECTION 20-21-180 SO AS TO PROVIDE PENALTIES

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FOR VIOLATION OF THE MULTIFAMILY DWELLING
BALCONY CODE.

sr-0267km23.docx : 7a00a41b-9f1a-4cc6-8588-e253a89b1566

Read the first time and referred to the Committee on Judiciary.

S. 509 -- Family and Veterans' Services Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF FAMILY FOSTER HOMES AND APPROVAL OF ADOPTIVE HOMES FOR CHILDREN IN FOSTER CARE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0223wab-dbs23.docx : 20ef9f79-0391-488a-9a24-bafc39bb1a16

Read the first time and ordered placed on the Calendar without reference.

S. 510 -- Senators Young, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE WORLD WAR II VETERAN MR. HAL PECK ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0254km-hw23.docx : 1b1581f4-09e2-4930-a236-0346424d137a

The Senate Resolution was adopted.

H. 3231 -- Reps. West and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT SERVICES.

lc-0004vr23.docx : 451da630-34d7-4e95-b87d-dfdca4353319

Read the first time and referred to the Committee on Medical Affairs.

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H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

lc-0026wab23.docx : 3eafd368-21dd-4a65-8586-984a9d695651

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3508 -- Reps. Davis and G. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 3-1-150 AND 63-3-510, RELATING TO JURISDICTION OVER CERTAIN LANDS RELINQUISHED BY THE UNITED STATES AND THE EXCLUSIVE ORIGINAL JURISDICTION OF THE FAMILY COURT, RESPECTIVELY, SO AS TO PROVIDE FOR CONCURRENT JURISDICTION WITH THE UNITED STATES IN CERTAIN MATTERS INVOLVING JUVENILES WITHIN A MILITARY INSTALLATION.

lc-0058dg23.docx : ee262287-40fb-4407-a400-1113d9e2e89f

Read the first time and referred to the Committee on Judiciary.

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE

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COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY

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ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

lc-0138cm23.docx : 0f4e8199-0131-4074-9a2c-82ec6543ec4f

Read the first time and referred to the Committee on Transportation.

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

lc-0091ph23.docx : 3331f9e2-56f9-4292-b6d2-8c52771c360d

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3902 -- Reps. Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2023, AS "WORKERS' MEMORIAL DAY" IN SOUTH CAROLINA IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE

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LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

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The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

REPORTS OF STANDING COMMITTEES

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 88 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-671 SO AS TO PROVIDE FOR THE DESIGN, COLOR, AND OTHER ELEMENTS OF THE SOUTH CAROLINA STATE FLAG AND TO DESIGNATE THE FLAG OF THIS DESIGN, COLOR, AND ELEMENTS AS THE OFFICIAL SOUTH CAROLINA STATE FLAG.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 134 -- Senators Hembree and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE

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INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 303 -- Senators Shealy and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO

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PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL

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SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 496 -- Senator McElveen: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 16, 2023, AS "WORLD CHOLANGIOCARCINOMA AWARENESS DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 487 -- Senator Gambrell: A BILL TO AMEND ACT 293 OF 2012, AS AMENDED, RELATING TO THE ELECTION DISTRICTS FOR THE ABBEVILLE COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE REAPPORTIONED ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2024 SCHOOL TRUSTEE ELECTIONS,

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AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THOSE REVISED ELECTION DISTRICTS.

The Senate proceeded to the consideration of the Bill.

Senator GAMBRELL explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Senator MASSEY objected to the consideration of the Bill.

OBJECTION

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Senator MASSEY objected to the consideration of the Bill.

OBJECTION

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE

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HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Senator MASSEY objected to the consideration of the Bill.

OBJECTION

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Senator MASSEY objected to the consideration of the Bill.

OBJECTION

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Senator HEMBREE objected to the consideration of the Bill.

OBJECTION

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY

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AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Senator HEMBREE objected to the consideration of the Bill.

OBJECTION

S. 96 -- Senators Campsen, Davis, McElveen, Cromer and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Senator HEMBREE objected to the consideration of the Bill.

ADOPTED

S. 471 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 1-7, 2023, AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

The Resolution was adopted.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

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MOTION ADOPTED

At 3:50 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 1A

Senator CASH proposed the following amendment (SR-474.KM0003S), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. This act may be cited as the “Human Life Protection Act”.

SECTION 2. The General Assembly hereby finds that:

(1) Article I, Section 1 of the South Carolina Constitution recognizes that all political power is vested in the people of this State, and it has long been recognized that the will of the people is expressed in the legislative enactments of the people’s elected representatives.

(2) Article I, Section 3 of the South Carolina Constitution guarantees that no person shall be “deprived of life...without due process of law” and that the Fifth Amendment to the United States Constitution guarantees that no person shall be “deprived of life...without the due process of law.”

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(3) It is undisputed that the life of every human being begins at conception.

(4) South Carolina has a compelling interest in protecting the life of human beings at all stages of development and decline, and this right to life is superior to all other rights.

(5) Article I, Section 8 of the South Carolina Constitution provides that the legislative, executive, and judicial powers of the government “shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.”

(6) Article III, Section 1 of the South Carolina Constitution vests the “legislative power of this State” with the General Assembly.

(7) In Dobbs v. Jackson Women’s Health Organization, the United States Supreme Court held that the federal constitution does not provide a right to an abortion, and that the authority to regulate abortion must be returned to the people and their elected representatives.

(8) Pursuant to Article I, Section 1 of the South Carolina Constitution, the people of this State are exercising their political power through the General Assembly’s exercise of its Article III, Section 1 sole authority to legislate to secure the rights to life for unborn children as guaranteed by Article I, Section 3 of the South Carolina Constitution and the Fifth Amendment to the United States Constitution.

(9) Any attempt by a coequal branch of government to limit or prevent the General Assembly from exercising its Article I, Section 3 power is an unconstitutional usurpation of that power and is a violation of the separation of powers enshrined in Article I, Section 8 of the South Carolina Constitution and the United States Supreme Court’s holding in Dobbs v. Jackson Women’s Health Organization.

SECTION 3. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Article 7

Human Life Protection Act

Section 44-41-810. For the purposes of this article:

(1) “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn human being. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn human being, or to remove a dead unborn human being.

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(2) “Clinically diagnosable pregnancy” means the point in time when it is possible to determine that a woman is pregnant due to the detectable presence of human chorionic gonadotropin (hCG).

(3) “Female” means a biological female assigned at the time of birth or an intersexed person capable of producing an ovum at birth.

(4) “Physician” means any person licensed in this State to practice medicine and surgery, or licensed osteopathic medicine and surgery.

(5) “Pregnant woman” means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

(6) “Selective reduction” means, in the context of assisted reproductive technology, a procedure to stop the development of one or more unborn children in utero.

(7) “Reasonable medical judgement” means a medical judgement that would be made by a reasonably prudent physician, knowledgeable about the case and treatment possibilities with respect to the medical condition involved.

(8) “Unborn child” means an individual organism of the species homo sapiens from conception until live birth.

Section 44-41-820. (A) No person shall knowingly administer to, prescribe for, deliver to, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) No person may knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing an abortion.

Section 44-41-830. (A)(1) It is not a violation of Section 44-41-820 for a physician to perform a medical procedure necessary in his reasonable medical judgment to prevent the death of a pregnant woman, a substantial risk of death of a pregnant woman due to a physical condition, or the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

(2) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of substantial physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from

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the pregnant woman, to the extent that it does not adversely affect the life or physical health of the pregnant woman, and in a manner that is consistent with reasonable medical practice. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions contained in item (1) or prevent other procedures that are not included in the definition of abortion.

(3) A physician performing a medical procedure pursuant to item (1) shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent that it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practices. A medical procedure shall not be considered necessary if it is performed based upon a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(4) A physician who performs a medical procedure pursuant to item (1) shall declare, in a written document maintained with the woman's medical records, that the medical procedure was necessary, the woman's medical condition necessitating the procedure, the physician's rationale for his conclusion that the procedure was necessary, and that all reasonable efforts were made to save the unborn child in the event it was living prior to the procedure. The declaration required by this item must be placed in the woman's medical records not later than thirty days after the procedure was completed. A physician's exercise of reasonable medical judgment in relation to a medical procedure undertaken pursuant to this subsection is presumed to be within the applicable standard of care.

(B) Medical treatment provided to a pregnant woman by a physician which results in the accidental or unintentional injury or death of her unborn child is not a violation of Section 44-41-820.

(C)(1) It is not a violation of Section 44-41-820 to use, sell, or administer a contraceptive measure, drug, chemical, or device if the contraceptive measure, drug, chemical, or device is used, sold, prescribed or administered in accordance with manufacturer's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

(2) It is not a violation of Section 44-41-820 to use, sell, prescribe, and insert an intrauterine device if the intrauterine device is used, sold, inserted, and prescribed within the reasonable medical judgment of a

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physician and is not used, sold, prescribed, or administered to cause or induce an abortion of an unborn human being.

(3) It is not a violation of Section 44-41-820 to use, sell, prescribe, and administer an emergency contraceptive drug designed to be taken within five days of unprotected sex and used according to the manufacturer's instructions. For purposes of this item, an emergency contraceptive drug does not include mifepristone or misoprostol.

(D)(1) Except as provided in item (2), it is not a violation of Section 44-41-820 perform or undergo assistive reproductive technology, including but not limited to in vitro fertilization, within the accepted standards of care by the reproductive medical community.

(2) Performing selective reduction is a violation of Section 44-41-820 unless it is necessary within reasonable medical judgment to prevent a substantial risk of death or a substantial and irreversible physical impairment of a major bodily function of another unborn child.

Section 44-41-840. (A) A person who violates Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars or imprisoned for not more than two years, or both.

(B) A person who uses force, or the threat of force, to intentionally injure or intimidate another person for the purpose of coercing an abortion in violation of Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars or imprisoned for not more than two years, or both.

(C) A person who is not a physician as defined in this article and who prescribes any means of abortion for the purpose of facilitating an abortion within this State violates Section 44-41-820 and, upon conviction, is guilty of a felony and must be fined ten thousand dollars or imprisoned for two years, or both.

Section 44-41-850. (A) In addition to all other remedies available under common or statutory law, failure to comply with the requirements of this article shall provide the basis for a civil action further described in this section.

(B) A pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article may maintain an action against the person who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, a plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant found to have violated this article.

(C) A separate and distinct cause of action for injunctive relief against any person who has violated this article may be maintained by:

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(1) the woman upon whom the abortion was performed or induced in violation of this article;

(2) the parent or guardian of the pregnant woman if she had not attained the age of eighteen years at the time of the abortion or died as a result of the abortion;

(3) a Solicitor or prosecuting attorney with proper jurisdiction; or

(4) the Attorney General.

(D) If a plaintiff prevails in an action initiated pursuant to this section the court shall award the plaintiff reasonable costs and attorney's fees.

(E) No damages, costs, or attorney's fees may be assessed against the woman upon whom an abortion was performed or induced.

(F) Under no circumstances may civil damages be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(G) A civil cause of action pursuant to this section must be brought within three years of the date of the abortion and is not subject to the limitations and requirements contained in Chapter 79, Title 15.

Section 44-41-860. A pregnant woman upon whom an abortion is performed or induced in violation of this article may not be criminally prosecuted or found civilly liable for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicity in committing a violation of any of the provisions for this article.

Section 44-41-870. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition on abortion contained in this article commits an act of unprofessional conduct. A physician's license to practice in this State immediately shall be revoked by the State Board of Medical Examiners, after due process according to the board's rules and procedures. Any other licensed person's professional license shall be immediately revoked by the appropriate licensing board, after due process according to that board's rules and procedures. A complaint may be originated by any person or by the board sua sponte. A licensing board acting pursuant to this section may assess costs of the investigation, fines, and other disciplinary actions as it may deem appropriate.

Section 44-41-880. In every civil or criminal proceeding or other action brought pursuant to this article, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or induced shall be preserved from public disclosure if the woman does not give consent to disclosure. The court, by motion or sua sponte, shall make a ruling and, upon determining that the woman's anonymity should

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be preserved, shall issue orders to the parties, witnesses, and counsel shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings that explain why the woman's anonymity is being preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable least restrictive alternative exists. In the absence of the woman's written consent, any person, other than a public official, who brings an action pursuant to Section 44-41-820 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Section 44-41-890. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed, lifted, dissolved, or otherwise ceases to have effect, the provisions of this article shall have full force and effect.

SECTION 4. Article 1, Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-90. (A) No funds appropriated by the State for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except as provided in Sections 44-41-830, 44-41-840, and 44-41-850.

(B) No funds appropriated or authorized by the State may be used by any political subdivision of the State to purchase fetal tissue obtained from an abortion or fetal remains, nor may any political subdivision of the State accept donated fetal remains.

(C) No state funds may, directly or indirectly, be utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions.

SECTION 5. Article 3, Chapter 17, Title 63 of the S.C. Code is amended by adding:

Section 63-17-325. A biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

(1) child support payment obligations in an amount determined pursuant to Section 63-17-470;

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(2) fifty percent of the mother's pregnancy expenses.

(a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's fifty percent obligation regardless of when the mother or biological father pays the pregnancy expenses.

(b) Pregnancy expenses must include fifty percent of the mother's insurance premiums that are not paid by her employer or governmental program beginning from the date of conception and before the pregnancy ends, unless otherwise ordered by the court.

(c) Item (2) does not apply if a court apportions pregnancy expenses as part of an award of child support in item (1).

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any expenses incurred by the mother for mental health counseling arising out of the rape or incest.

(C) The duties imposed by this section accrue at the time of conception and must be applied retroactively when paternity is contested and medical evidence establishes the paternity of the child. Interest accrues on any retroactive obligations beginning with conception until either the obligations are brought current or paid in full whichever happens first. The rate of interest must be calculated based on the applicable interest rate for money decrees and judgments in this State established annually by the South Carolina Supreme Court.

SECTION 6. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

Section 38-71-146. All individual and group health insurance and health maintenance organization policies in this State shall include coverage for contraceptives. For purposes of this Section, "contraceptive" means any drug, device, or medication to prevent pregnancy. A contraceptive may prevent ovulation, fertilization, or implantation in the uterus. A contraceptive does not include any drug, device, or medication used with the intent of terminating a pregnancy of a woman known to be pregnant. This section does not apply if an individual or entity asserts a sincerely held religious belief regarding the use of contraception.

SECTION 7. The Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives.

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SECTION 8. Section 44-41-710 of the S.C. Code is amended to read:

~~Section 44-41-710. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.~~

SECTION 9. Section 44-41-480 of the S.C. Code is amended to read:

~~Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.~~

SECTION 10. Section 44-41-20 of the S.C. Code is repealed.

SECTION 11. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in

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Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

SECTION 12. The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act. In a federal court action that challenges the constitutionality of this act the Legislature may seek to intervene, to file an amicus brief, or to present arguments in accordance with federal rules of procedure. Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided. In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

Objection

Senator CASH asked unanimous consent to withdraw Amendment No. 1A.

Senator KIMPSON objected.

Senator CASH moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 6

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--34

NAYS

Fanning	Hutto	Kimpson
McLeod	Sabb	Stephens

Total--6

The amendment was laid on the table.

Amendment No. 3

Senator SENN proposed the following amendment (SR-474.JG0029S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or 44-41-660, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman when the probable gestational age of the unborn child is more than twelve weeks. A person who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

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~~Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no person shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the probable gestational age of the unborn child is more than twelve weeks.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the probable gestational age of the unborn child is more than twelve weeks if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is not more than fifteen weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is not more than fifteen weeks.

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A person who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

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Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator CASH spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 18

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Rankin	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Williams

Total--18

The amendment was laid on the table.

Amendment No. 4

Senator SENN proposed the following amendment (SR-474.JG0016S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-650(C) and inserting:

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(C) The notations made in the woman's medical records must be maintained therein for a period of seven years.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and inserting:

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. ~~For at least seven years from the date the document is created, the physician shall maintain a copy of the document in his own records.~~ The notations made in the woman's medical records must be maintained for a period of seven years.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

Senator SENN spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 17

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin

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Sabb
Stephens

Senn
Williams

Setzler

Total--17

The amendment was laid on the table.

Amendment No. 5

Senator SENN proposed the following amendment (SR-474.JG0023S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by adding:

Section 44-41-625. (A) A physician may perform, induce, or attempt to perform or induce an abortion on a minor who successfully petitions the court for an order granting her the right to obtain an abortion without the consent required in Section 44-41-31(1), and the probable gestational age of the unborn child is not more than twelve weeks, or upon the final disposition of the petition, whichever occurs later.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a minor upon receiving consent that is obtained in accordance with Section 44-41-31(1), and the probable gestational age of the unborn child is not more than twelve weeks.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to carryover the amendment.

The amendment was carried over.

Amendment No. 6

Senator SENN proposed the following amendment (SR-474.JG0013S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision.~~ Nothing in this article prohibits the sale, use, prescription, implantation, or administration of a drug, device, or chemical that is designed for contraceptive purposes, including, but not limited to, any

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form of emergency contraceptive that is used to prevent pregnancy after sexual intercourse or intrauterine devices.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 17

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Davis	Fanning
Gustafson	Hutto	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Shealy
Stephens	Williams	

Total--17

The amendment was laid on the table.

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Amendment No. 8

Senator SENN proposed the following amendment (SR-474.JG0015S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640(C) and inserting:

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall not include the name and contact information of the pregnant woman making the allegation unless the pregnant woman consents. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 15

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach

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Rice	Talley	Turner
Verdin	Williams	Young

Total--27

NAYS

Allen	Fanning	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Stephens

Total--15

The amendment was laid on the table.

Amendment No. 10

Senator HUTTO proposed the following amendment (SMIN-474.MW0022S), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-80(b) is repealed.

ReNUMBER sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the amendment was carried over.

Amendment No. 12

Senators CAMPSSEN, GROOMS, and MASSEY proposed the following amendment (SFGF-474.BC0026S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(8) and inserting:

(8) "Medical emergency" means a condition that, ~~by any~~ in reasonable medical judgment, so ~~complicates the medical condition~~ threatens the life of a pregnant woman that it as to necessitates necessitate the immediate abortion of her pregnancy to avert her death ~~without first determining whether there is a detectable fetal heartbeat, or for which the a delay necessary to determine whether there is a detectable fetal heartbeat will~~

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create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision. Nothing in this article prohibits the sale, use, prescription, or administration of a contraceptive.~~

Amend the bill further, SECTION 1, by striking Section 44-41-660(B)(3) and inserting:

~~(3) the medical rationale to support the physician's conclusion that the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death a medical emergency necessitating the abortion existed.~~

Amend the bill further, SECTION 1, by striking Section 44-41-660(D) and inserting:

~~(D) A person who violates subsection (B) or (C) is guilty of a felony and must be fined ten thousand dollars, imprisoned for not more than two years, or both.~~

Amend the bill further, SECTION 1, by striking Section 44-41-690(A) and inserting:

~~(A) Section 44-41-680~~44-41-640 does not apply to a physician who performs a medical procedure that, ~~by any~~in reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-695. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom

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consent was obtained, or circumstances waiving consent, and must include:

- (1) Gestational age;
- (2) Method of abortion, of which the following was employed:
 - (a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;
 - (b) manual vacuum aspiration;
 - (c) electrical vacuum aspiration;
 - (d) dilation and evacuation;
 - (e) combined induction abortion and dilation and evacuation;
 - (f) induction abortion with prostaglandins;
 - (g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;
 - (h) induction abortion; and
 - (i) intact dilation and extraction (partial-birth);
- (3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin;
- (4) Age of the patient; and
- (5) If an exception under this article applies, the applicable exception.

(B) Reports required by this section shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

- (1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation; or
- (2) pursuant to court order in an action under 44-41-690.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

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(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

B. The department must update the standard form for reporting abortions in accordance with Section 44-41-695, as added in this act, within ninety days of the effective date of this act. Until the standard form is updated, the standard form in use immediately preceding the effective date of this act must continue to be used.

SECTION X. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a) "Abortion" means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Physician" means ~~any~~ any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(c) "Department" means the South Carolina Department of Health and Environmental Control.

(d) "Hospital" means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(e) "Clinic" shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the Department, and which has also been certified by the Department to be suitable for the performance of abortions.

(f) "~~Pregnancy~~Pregnant" means the condition of a woman after conception until the termination of gestation. Pregnancy begins when a fertilized ovum implants in a woman's uterine wall ~~carrying a fetus or embryo within her body as the result of conception.~~

(g) "Conception" means ~~the fecundation of the~~ fertilization of an ovum by ~~the spermatozoasperm.~~

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(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

~~(l) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother's womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.~~

~~—(m)~~ “Minor” means a female under the age of seventeen.

~~(n)~~(m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~(n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

SECTION X. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

Amend the bill further, by striking SECTION 6 and inserting:

SECTION 6. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-20, Section 44-41-60, and Section 44-41-80 are repealed.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, the amendment was carried over.

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Amendment No. 13

Senator SENN proposed the following amendment (SR-474.JG0033S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610~~(6)~~(7) and inserting:

~~(6)~~(7) “~~Human fetus~~” or “~~unborn~~ Unborn child” ~~each~~ means an individual organism of the species homo sapiens from fertilization until live birth.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Amendment No. 5

Senator SENN proposed the following amendment (SR-474.JG0023S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by adding:

Section 44-41-625. (A) A physician may perform, induce, or attempt to perform or induce an abortion on a minor who successfully petitions the court for an order granting her the right to obtain an abortion without the consent required in Section 44-41-31(1), and the probable gestational age of the unborn child is not more than twelve weeks, or upon the final disposition of the petition, whichever occurs later.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a minor upon receiving consent that is obtained in accordance with Section 44-41-31(1), and the probable gestational age of the unborn child is not more than twelve weeks.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator SENN proposed the following amendment (SR-474.JG0012S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640~~(B)~~(1) and ~~(2)~~ and inserting:

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(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is not more than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is not more than twelve weeks.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Amendment No. 11A

Senator SHEALY proposed the following amendment (SR-474.JG0032S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-650(C) and (D) and inserting:

(C) For at least seven years from the date the notations are made in the woman's medical records, the physician, if he is the owner of the pregnant woman's medical records, shall maintain a copy of the notations in his own records.

(D) A physician, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

(E) Entities other than an individual physician with ownership of the pregnant woman's medical records that violate subsection (B) or (C) must be fined fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and (D) and inserting:

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, if the physician is the owner of the pregnant woman's medical records, the physician shall maintain a copy of the document in his own records.

(D) A physician, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined ten thousand dollars, imprisoned for not more than two years, or both.

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(E) Entities other than an individual physician with ownership of the pregnant woman's medical records that violate subsection (B) or (C) must be fined fifty thousand dollars.

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

The amendment was adopted.

RECESS

At 6:36 P.M., on motion of Senator MARTIN, the Senate recessed from business until 6:45 P.M.

At 7:10 P.M., the Senate resumed.

Motion Adopted

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carrying over the amendments currently on the desk.

There was no objection.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Edward Pressley of Hemingway, S.C. Edward worked at Oneida Mills in Andrews, S.C. for many years and later owned and operated a successful barbershop. He was a proud member of Friendship United Methodist Church and enjoyed cooking and feeding his family and friends. Edward was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 7:12 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 9, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Proverbs 16:3

The author of Proverbs declares: "Commit your work to the Lord, and your plans will be established."

Join your heart with mine as we pray: Glorious God, we know that it is Your desire for us to commit ourselves to laboring as Your servants in everything we undertake to accomplish. May it ever be so, dear Lord. So, to that end, we ask that You fill the hearts and minds of these Senators -- each and every one of them -- with a fervent desire to abide by Your teachings. And as a result of that zeal, may it be that each decision and every action these leaders and their aides pursue this year clearly reflects Your boundless love for absolutely every woman, man, and child here in South Carolina. In Your name do we pray this, blessed Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	Matthews	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Leave of Absence

On motion of Senator STEPHENS, at 11:12 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator HUTTO, at 11:13 A.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 11:41 A.M., Senator McLEOD was granted a leave of absence until 12:40 P.M..

Leave of Absence

On motion of Senator HUTTO, at 1:12 P.M., Senator SETZLER was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator K. JOHNSON, at 2:19 P.M., Senator McELVEEN was granted a leave of absence until 3:15 P.M.

Leave of Absence

On motion of Senator SCOTT, at 2:47 P.M., Senator WILLIAMS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator YOUNG, at 3:29 P.M., Senator TALLEY was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 134	Sen. Verdin
S. 483	Sen. Setzler

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S. 518 Sen. Hutto
S. 519 Sen. Kimbrell

RECALLED AND COMMITTED

S. 146 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY

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AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS

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CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

On motion of Senator SHEALY, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and committed to the Committee on Judiciary.

RECALLED

S. 451 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023.

Senator SHEALY asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Operations and Management.

The Concurrent Resolution was recalled from the Committee on Operations and Management and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 511 -- Senators Scott, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DEACONESS BARBARA CAMPBELL MCLAWHORN AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

sr-0269km-vc23.docx : 41b91abd-05c1-409a-acde-c3651e5a0196

The Senate Resolution was adopted.

S. 512 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE FORMER VICE PRESIDENT MIKE PENCE AND HIS WIFE, FORMER SECOND LADY KAREN PENCE, UPON

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THE BIRTH OF THEIR GRANDCHILD, AND TO WISH THEM MUCH JOY.

sr-0265km-hw23.docx : dd864151-b865-4d93-9753-5ddb3f1ce7fe

The Senate Resolution was adopted.

S. 513 -- Senators Alexander and Davis: A SENATE RESOLUTION TO CONGRATULATE SOUTH CAROLINA OSHA UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND SOUTH CAROLINA OSHA FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE SOUTH CAROLINA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0200km-hw23.docx : 9b8ca4e3-a4e9-407b-aa7b-d66aef5cd17

The Senate Resolution was adopted.

S. 514 -- Senators Hutto, Jackson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

lc-0181vr23.docx : 970dec59-6abb-498d-a174-6f84cd83f2f4

Read the first time and referred to the Committee on Judiciary.

S. 515 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-100, RELATING TO HOME SCHOOL STUDENT PARTICIPATION IN PUBLIC SCHOOL DISTRICT INTERSCHOLASTIC ACTIVITIES,

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SO AS TO REMOVE THE REQUIREMENT THAT SUCH STUDENTS BE HOME SCHOOLED FOR ONE FULL ACADEMIC YEAR BEFORE PARTICIPATING IN SUCH ACTIVITIES.

lc-0218wab23.docx : 5e296583-5b64-4429-8f1c-c55530cea6d4

Read the first time and referred to the Committee on Education.

S. 516 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-10-10, RELATING TO STANDARDS FOR PHYSICAL ACTIVITY AND PHYSICAL EDUCATION IN KINDERGARTEN THROUGH FIFTH GRADE, SO AS TO PROVIDE MANDATORY, DAILY RECESS PERIODS TOTALING FORTY-FIVE TO SIXTY MINUTES FOR STUDENTS IN FOUR-YEAR-OLD KINDERGARTEN THROUGH FIFTH GRADE AND THIRTY TO FORTY-FIVE MINUTES FOR STUDENTS IN SIXTH THROUGH EIGHTH GRADE FOR UNSTRUCTURED, SELF-DIRECTED, OUTDOOR PHYSICAL ACTIVITY, TO PROVIDE THESE RECESS PERIODS ARE IN ADDITION TO EXISTING PHYSICAL EDUCATION OR OTHER CURRICULUM REQUIREMENTS, AND TO PROVIDE THE SAME UNSTRUCTURED, SELF-DIRECTED RECESS PERIODS MUST BE HELD INDOORS DURING TIMES OF INCLEMENT WEATHER WITHOUT THE USE OF INDIVIDUAL ELECTRONIC DEVICES BY STUDENTS; TO REDESIGNATE ARTICLE 1 OF CHAPTER 10, TITLE 59 AS "PHYSICAL EDUCATION AND ACTIVITY"; AND TO PROVIDE THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION SHALL TAKE CERTAIN MEASURES TO CONFORM THEIR RESPECTIVE REGULATIONS AND RULES TO THE PROVISIONS OF THIS ACT, AND TO CLARIFY THAT THE PROVISIONS OF THIS ACT PREVAIL TO THE EXTENT THEY CONFLICT WITH ANY SUCH REGULATIONS AND RULES.

lc-0227wab23.docx : 72ed042f-f2f6-497c-a0d3-f93ffa01b570

Read the first time and referred to the Committee on Education.

S. 517 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-33-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE FULL PRACTICE AUTHORITY TO A LICENSED APRN, TO PROVIDE SCOPE OF PRACTICE OF MEDICAL ACTS FOR A LICENSED APRN, TO PROVIDE A MEANS FOR A CERTIFIED NURSE MIDWIFE TO OBTAIN AN APRN LICENSE, TO DEFINE FULL

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PRACTICE AUTHORITY, TO DEFINE GRADUATE REGISTERED NURSE-MIDWIFE, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-33-34, RELATING TO THE PERFORMANCE OF MEDICAL ACTS, QUALIFICATIONS, PRACTICE AGREEMENTS, PRESCRIPTIVE AUTHORIZATION, ANESTHESIA CARE, AND DEFINITIONS, SO AS TO PROVIDE FOR SCOPE OF PRACTICE TO INCLUDE PRESCRIBING MEDICATIONS AND CONTROLLED SUBSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-33-42, RELATING TO THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL, SO AS TO PROVIDE FOR THE ADMINISTRATION OF MEDICATIONS AS THE RESPONSIBILITY OF A LICENSED NURSE AS PRESCRIBED BY THE ADVANCED PRACTICE REGISTERED NURSE; BY AMENDING SECTION 40-33-110, RELATING TO GROUNDS FOR DISCIPLINE OF LICENSEES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE AND REQUIREMENTS, SO AS TO PROVIDE FOR THE SCOPE OF PRACTICE OF AN APRN TO INCLUDE TELEMEDICINE; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-110, RELATING TO MISCONDUCT CONSTITUTING GROUNDS FOR DISCIPLINARY ACTION, TEMPORARY SUSPENSIONS, REVIEW OF FINAL ACTIONS, CONDUCT SUBVERTING SECURITY OR INTEGRITY OF MEDICAL LICENSING EXAMINATION PROCESS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-113, RELATING TO THE ESTABLISHMENT OF A PHYSICIAN-PATIENT RELATIONSHIP AS A PREREQUISITE TO PRESCRIBING DRUGS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 40-47-195, RELATING TO SUPERVISING PHYSICIANS AND SCOPE OF PRACTICE GUIDELINES, SO AS TO MAKE CONFORMING CHANGES.

sr-0043jg23.docx : 88717327-0f20-417c-8533-30253594998f

Read the first time and referred to the Committee on Medical Affairs.

S. 518 -- Senators Shealy and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-910 SO AS TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE FOR DEFERRED PRESENTMENT LENDERS,

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CONSUMER LENDERS, SUPERVISED LENDERS, SUPERVISED FINANCIAL ORGANIZATIONS, AND CONSUMER FINANCE COMPANIES TO CHARGE FEES OR INTEREST RATES THAT EXCEED THIRTY-SIX PERCENT ANNUAL PERCENTAGE RATE; BY ADDING SECTION 39-5-920 SO AS TO PROVIDE THAT THE AMOUNT OF THE CONSUMER'S RECOVERY IN AN ACTION PURSUANT TO THIS ARTICLE IS NOT CONTROLLING REGARDING AN AWARD OF ATTORNEY'S FEES; BY ADDING SECTION 39-5-930 SO AS TO PROVIDE THAT A LENDER CANNOT USE CERTAIN CORPORATE STRUCTURES TO CIRCUMVENT THE PROVISIONS CONTAINED IN THIS ARTICLE.

sr-0184km23.docx : 26f07d83-dca1-479f-8cee-618dd79e6590

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 519 -- Senators Rice and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "TAX CREDITS FOR PARENTAL CHOICE IN EDUCATION ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT FOR AN INDIVIDUAL WHO CHOOSES TO EDUCATE HIS CHILD OUTSIDE THE PUBLIC SCHOOL SYSTEM.

lc-0206sa23.docx : ee8cf62b-c7ba-4072-8c3e-21254e1b9f9c

Read the first time and referred to the Committee on Finance.

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION

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AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

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Senator CROMER spoke on the Bill.

Read the first time and referred to the Committee on Banking and Insurance.

S. 521 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3530, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO EXTEND THE CREDIT AND TO PROVIDE FOR AN INCREASE IN THE CREDIT AMOUNT.

lc-0227sa23.docx : 28cc3739-97b1-45a0-9ca8-07e21e67e35d

Read the first time and referred to the Committee on Finance.

S. 522 -- Senators Jackson, McLeod, Scott, Setzler and Harpootlian: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MRS. DORIS LEEVY JOHNSON OF COLUMBIA, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

lc-0223cm-gt23.docx : 1a85afdf-c5f4-4503-857e-5b5ee408f798

The Senate Resolution was adopted.

S. 523 -- Senators Rankin, Alexander, Peeler, Setzler and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-37-40 SO AS TO PROVIDE THAT CENTRAL ELECTRIC POWER COOPERATIVE MUST SUBMIT ALL PROPOSED CONTRACTS OR OTHER PLANS FOR THE PROCUREMENT OF ELECTRIC GENERATION TO THE JOINT BOND REVIEW COMMITTEE, THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE, AND THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA PRIOR TO EXECUTION.

sj-0003bj23.docx : b32fe0f1-920f-4751-8f05-e3de5147adfc

Read the first time and referred to the Committee on Judiciary.

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S. 524 -- Senators Young and Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-1625, RELATING TO FEDERAL DEFENSE FACILITIES DEFINITIONS, SO AS TO ADD FORT GORDON TO THE DEFINITION OF "FEDERAL MILITARY INSTALLATIONS".

lc-0224sa23.docx : 81526e5d-645f-4f54-b0f7-d07ad5988170

Read the first time and referred to the Committee on Judiciary.

S. 525 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-35, RELATING TO REQUIRED NEONATAL GENETIC TESTING, SO AS TO INCLUDE FABRY DISEASE TESTING.

sr-0052jg23.docx : 30a21159-6d34-45b6-8dcf-b627df299f3c

Read the first time and referred to the Committee on Medical Affairs.

S. 526 -- Senators Goldfinch, Rankin, Young, Talley, Davis and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "LIVABLE HOMES TAX CREDIT ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INDIVIDUAL INCOME TAX CREDIT TO AN INDIVIDUAL WHO PURCHASES A NEW RESIDENCE OR RETROFITS AN EXISTING RESIDENCE, PROVIDED THAT THE NEW RESIDENCE OR THE RETROFITTING OF THE EXISTING RESIDENCE IS DESIGNED TO IMPROVE ACCESSIBILITY, TO PROVIDE A CUMULATIVE TOTAL FOR WHICH THE CREDIT MAY NOT EXCEED, TO PROVIDE CERTAIN DESIGN ELEMENT REQUIREMENTS AND ELIGIBLE COSTS, AND TO PROVIDE A MAXIMUM AMOUNT OF TAX CREDITS THAT MAY BE GRANTED IN EACH INCOME TAX YEAR.

sr-0263km23.docx : fa5e0048-6fb9-4b36-909f-5bf074b1edd7

Read the first time and referred to the Committee on Finance.

S. 527 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10-1-165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, TO PROVIDE FOR THE CARE AND PRESERVATION

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OF MONUMENTS AND MEMORIALS BY CERTAIN PEOPLE OR ORGANIZATIONS; TO PROVIDE STANDING TO CERTAIN PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION; AND TO PROVIDE FOR LIMITATIONS ON THE TRANSFER OF REAL PROPERTY UNDERNEATH A MONUMENT OR MEMORIAL OR THE TRANSFER OF REAL PROPERTY NECESSARY TO MAINTAIN, ACCESS, OR VIEW A MONUMENT OR MEMORIAL.

sr-0230km23.docx : 64d8144e-b3a3-44af-a82b-55cad3458b49

Read the first time and referred to the Committee on Finance.

H. 3728 -- Reps. Felder, A. M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B. J. Cox, Willis, Hewitt, West, Long, Burns and T. A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

lc-0172wab23.docx : 5e3da121-5df2-4f9c-b218-8db34fb5ff99

Read the first time and referred to the Committee on Education.

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H. 3921 -- Reps. Thayer, West, Gagnon, Beach, Chapman, Cromer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE PAMELA CHRISTOPHER, PRESIDENT AND CEO OF THE ANDERSON AREA CHAMBER OF COMMERCE, ON BEING NAMED 2022 SOUTH CAROLINA CHAMBER EXECUTIVE OF THE YEAR BY THE CAROLINAS ASSOCIATION OF CHAMBER OF COMMERCE EXECUTIVES.

lc-0226wab-ar23.docx : 0179e9a4-f8a6-414e-ae68-b7ed01fac08e

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3922 -- Reps. Willis, Thayer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins,

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Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Wooten and Yow: A CONCURRENT RESOLUTION TO SALUTE MRS. DIANE WHITAKER, COORDINATOR OF EXTERNAL RELATIONS AND CAMPUS DESIGN AT ANDERSON UNIVERSITY, AT THE CELEBRATION OF HER TWENTIETH ANNIVERSARY AT ANDERSON AND TO EXTEND THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HER TWO DECADES OF COMMITTED SERVICE TO THE SCHOOL.

lc-0216cm-rm23.docx : bb202ea3-8987-47a8-b5f9-410336b2530f

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3923 -- Reps. Willis, Thayer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE DR. EVANS P. WHITAKER, PRESIDENT OF ANDERSON UNIVERSITY, ON THE OCCASION OF HIS TWENTIETH ANNIVERSARY AT THE HELM OF ANDERSON AND TO THANK HIM FOR HIS TWO DECADES OF DEDICATED SERVICE.

lc-0169ph-rm23.docx : 6ba38225-118c-4abb-94eb-f8bf98e817ca

The Concurrent Resolution was adopted, ordered returned to the House.

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REPORTS OF STANDING COMMITTEE

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

Ordered for consideration tomorrow.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILL

S. 360 -- Senator Sabb: A BILL TO AMEND ACT 402 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

On motion of Senator SABB.

THIRD READING BILL

S. 487 -- Senator Gambrell: A BILL TO AMEND ACT 293 OF 2012, AS AMENDED, RELATING TO THE ELECTION DISTRICTS FOR THE ABBEVILLE COUNTY SCHOOL DISTRICT, SO AS TO

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REVISE THE REAPPORTIONED ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2024 SCHOOL TRUSTEE ELECTIONS, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THOSE REVISED ELECTION DISTRICTS.

On motion of Senator GAMBRELL.

SECOND READING BILL

S. 454 -- Senator Stephens: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED BY ACT 254 OF 2022, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICT 4.

The Senate proceeded to the consideration of the Bill.

Senator STEPHENS explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

S. 454 -- Ordered to a Third Reading

On motion of Senator STEPHENS, S. 454 was ordered to receive a third reading on Friday, February 10, 2023.

SECOND READING BILL

H. 3254 -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4 IN FISCAL YEARS 2023-2024 AND 2024-2025.

The Senate proceeded to the consideration of the Bill.

Senator STEPHENS explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

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H. 3254 -- Ordered to a Third Reading

On motion of Senator STEPHENS, H. 3254 was ordered to receive a third reading on Friday, February 10, 2023.

OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Senator MASSEY objected to consideration of the Bill.

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OBJECTION

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO

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DISTRIBUTE FENTANYL OR FENTANYL-RELATED
SUBSTANCES.

Senator HEMBREE objected to consideration of the Bill.

OBJECTION

S. 96 -- Senators Campsen, Davis, McElveen, Cromer and Kimpson:
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS
FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO
AS TO PROVIDE THE DEFINITION OF PERSONAL
WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING
TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO
AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES
TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE
COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND
ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE
EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING
SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL
FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE
WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF
A BOATING SAFETY CERTIFICATE, WITH CERTAIN
EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING
TO THE DEFINITION FOR THE TERM "PERSONAL
WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9),
RELATING TO THE OPERATION OF CERTAIN WATERCRAFT
BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Senator HEMBREE objected to consideration of the Bill.

OBJECTION

S. 488 -- Fish, Game and Forestry Committee: A JOINT
RESOLUTION TO APPROVE REGULATIONS OF THE
DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE
OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN
AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS,
DESIGNATED AS REGULATION DOCUMENT NUMBER 5166,
PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator HEMBREE objected to consideration of the Resolution.

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OBJECTION

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator HEMBREE objected to consideration of the Resolution.

POINT OF ORDER

S. 134 -- Senators Hembree, Gustafson and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 303 -- Senators Shealy and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL

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GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS

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TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ
TO SUCCEED.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 502 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WIC VENDORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5120, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 503 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 509 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF FAMILY FOSTER HOMES AND APPROVAL OF ADOPTIVE HOMES FOR CHILDREN IN FOSTER CARE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 11:32 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator RANKIN rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE AND LOCAL CALENDAR.

AMENDED, READ THE THIRD TIME

SENT TO THE HOUSE

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY;

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TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The Senate proceeded to the consideration of the Bill.

Point of Order

Senator SENN raised the Point of Order that there was no fiscal impact statement on the Bill.

The PRESIDENT overruled the Point of Order stating that it came too late.

Motion Failed

Senator SENN moved to recommit the Bill to the Medical Affairs Committee.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 7; Nays 36

AYES

Fanning	Hutto	<i>Johnson, Kevin</i>
Matthews	Sabb	Scott
Senn		

Total--7

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--36

The motion failed.

Senator MATTHEWS proposed the following amendment (SMIN-474.AA0035S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640(C) and inserting:

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. However, nothing in this section shall be construed to violate any right enshrined in the Victims Bill of Rights as contained in Article I, Section 24 of the South Carolina Constitution or be construed to require a victim to cooperate in any related investigation by law enforcement.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the Bill.

On motion of Senator MATTHEWS, the Bill was carried over.

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Appeal of the Ruling by the PRESIDENT

Senator MATTHEWS appealed the Ruling by the PRESIDENT on the Point of Order that there was no fiscal impact statement on the Bill.

With unanimous consent, Senator MATTHEWS withdrew the appeal.

Appeal of the Ruling by the PRESIDENT

Senator SENN appealed the Ruling by the PRESIDENT on the Point of Order that there was no fiscal impact statement on the Bill.

With unanimous consent, Senator SENN withdrew the appeal.

RECESS

At 11:49 A.M., on motion of Senator MALLOY, the Senate recessed from business subject to the Call of the Chair.

At 11:55 A.M., the Senate resumed.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

~~Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and

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Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

On motion of Senator MASSEY, the amendment was carried over.

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Senator HUTTO proposed the following amendment (SMIN-474.MW0022S), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-80(b) is repealed.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the amendment was carried over.

Senators CAMPSER, GROOMS and MASSEY proposed the following amendment (SFGF-474.BC0036S):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(8) and inserting:

(8) "Medical emergency" means ~~a condition that, by any~~in reasonable medical judgment, a condition exists that has complicated the pregnant woman's medical condition and necessitates an abortion to prevent death or a so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision.~~Nothing in this article prohibits the sale, use, prescription, or administration of a contraceptive.

Amend the bill further, SECTION 1, by striking Section 44-41-650(C) and (D) and inserting:

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(C) For at least seven years from the date the notations are made in the woman's medical records, the owner of the pregnant woman's medical records shall maintain a copy of the notations.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and, upon conviction, must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-660(B)(3) and inserting:

(3) the medical rationale to support the physician's conclusion that ~~the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death~~ a medical emergency necessitating the abortion existed.

Amend the bill further, SECTION 1, by striking Section 44-41-660(C) and (D) and inserting:

(C) For at least seven years from the date the notations are made in the pregnant woman's medical records, the ~~physician~~ owner of the pregnant woman's medical records shall maintain a copy of the notations ~~in his own records a copy of the notations.~~

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-690(A) and inserting:

(A) Section ~~44-41-680~~ 44-41-640 does not apply to a physician who performs a medical procedure that, ~~by any~~ in reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and (D) and inserting:

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years

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from the date the document is created, the physician owner of the pregnant woman's medical records shall maintain a copy of the document ~~in his own records~~.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-695. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained, or circumstances waiving consent, and must include:

- (1) Gestational age;
- (2) Method of abortion, of which the following was employed:
 - (a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;
 - (b) manual vacuum aspiration;
 - (c) electrical vacuum aspiration;
 - (d) dilation and evacuation;
 - (e) combined induction abortion and dilation and evacuation;
 - (f) induction abortion with prostaglandins;
 - (g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;
 - (h) induction abortion; and
 - (i) intact dilation and extraction (partial-birth);
- (3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin;
- (4) Age of the patient; and
- (5) If an exception under this article applies, the applicable exception.

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(B) Reports required by this section shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation; or

(2) pursuant to court order in an action under 44-41-690.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

B. The department must update the standard form for reporting abortions in accordance with Section 44-41-695, as added in this act, within ninety days of the effective date of this act. Until the standard form is updated, the standard form in use immediately preceding the effective date of this act must continue to be used.

SECTION X. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a) "Abortion" means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the

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probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) “Physician” means ~~any~~ any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(c) “Department” means the South Carolina Department of Health and Environmental Control.

(d) “Hospital” means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(e) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

(f) ~~“PregnancyPregnant”~~ means the condition of a woman after conception until the termination of gestation. Pregnancy begins when a fertilized ovum implants in a woman’s uterine wall ~~carrying a fetus or embryo within her body as the result of conception.~~

(g) “Conception” means ~~the fecundation of the~~ fertilization of an ovum ~~by the spermatozoasperm.~~

(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

~~(l) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother’s womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.~~

~~—(m)~~ “Minor” means a female under the age of seventeen.

~~(n)~~ (m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~ (n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by

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assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

SECTION X. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

Amend the bill further, by striking SECTION 6 and inserting:

SECTION 6. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-20 and Section 44-41-60 are repealed.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, the amendment was carried over.

RECESS

At 12:20 P.M., on motion of Senator MALLOY, the Senate recessed from business subject to the Call of the Chair.

At 1:06 P.M., the Senate resumed.

Rule 26B Motion Failed

Senator SENN proposed the following amendment (SR-474.JG0042S):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(10) and inserting:

(10) "Pregnant" means the condition of a woman after a fertilized ovum implants in the woman's uterine wall until the termination of gestation.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator SENN moved to take up a further amendment on third reading in accordance with Rule 26B.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 17; Nays 25

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AYES

Allen	Davis	Fanning
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Shealy
Stephens	Williams	

Total--17

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Talley	Verdin
Young		

Total--25

The motion failed.

Rule 26B Motion Failed

Senator SENN proposed the following amendment (SR-474.JG0045S):

Amend the bill, as and if amended, SECTION 1, Section 44-41-610, by adding a subsection to read:

(13) "Selective reduction" means, in the context of assisted reproductive technology, a procedure to stop the development of one or more unborn children in utero to preserve the well-being of another unborn child or the mother.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision. (A) Nothing in this article prohibits the sale, use, prescription, or administration of a drug, device, or chemical that is designed for contraceptive purposes.

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(B) Selective reduction is not a violation of this article.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator SENN moved to take up a further amendment on third reading in accordance with Rule 26B.

The motion failed.

Senator MATTHEWS proposed the following amendment (SMIN-474.AA0035S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640(C) and inserting:

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. However, nothing in this section shall be construed to violate any right enshrined in the Victims Bill of Rights as contained in Article I, Section 24 of the South Carolina Constitution or be construed to require a victim to cooperate in any related investigation by law enforcement.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The question being the adoption of the amendment.

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Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 17

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Verdin	Young

Total--24

NAYS

Allen	Davis	Fanning
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Shealy
Stephens	Williams	

Total--17

The amendment was laid on the table.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty

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of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

Section 44-41-640. ~~If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the

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abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

On motion of Senator SENN, the amendment was carried over.

Senator HUTTO proposed the following amendment (SMIN-474.MW0022S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-80(b) is repealed.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator CASH spoke on the amendment.

Senator JACKSON spoke on the amendment.

The question being the adoption of the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 3; Nays 39

AYES

Adams	Cash	Garrett
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Total--3

NAYS

Alexander	Allen	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Gustafson	Hembree	Hutto

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total—39

The Senate refused to lay the amendment on the table.

The question then being the adoption of the amendment.

The amendment was adopted.

Senators CAMPSSEN, GROOMS and MASSEY proposed the following amendment (SFGF-474.BC0041S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(8) and (9) and inserting:

(8) “Medical emergency” means ~~a condition that, by any in~~ reasonable medical judgment, a condition exists that has complicated the pregnant woman’s medical condition and necessitates an abortion to prevent death or a so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(9) “Physician” means ~~any a~~ person licensed to practice medicine ~~and surgery, or osteopathic medicine and surgery,~~ in this State.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of~~

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~~that provision.~~Nothing in this article prohibits the sale, use, prescription, or administration of a contraceptive.

Amend the bill further, SECTION 1, by striking Section 44-41-630(1) and inserting:

(1) perform an obstetric ultrasound on the pregnant woman, using whichever method the physician or person and pregnant woman agree is best under the circumstances;

Amend the bill further, SECTION 1, by striking Section 44-41-650(A), (B), (C), and (D) and inserting:

(A) ~~Except as provided in Section 44-41-660, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before a physician determines in accordance with Section 44-41-630 whether the human fetus the pregnant woman is carrying has a detectable fetal heartbeat.~~It is not a violation of Section 44-41-640 if an abortion is performed or induced on a pregnant woman due to the existence of a fatal fetal anomaly. Section 44-41-630(B) does not apply to a physician or person who performs or induces an abortion if the physician or person determines according to standard medical practice that there exists a fatal fetal anomaly.

(B) ~~A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.~~A physician or person who performs or induces an abortion based upon the existence of a fatal fetal anomaly shall make written notations in the pregnant woman's medical records of:

(1) the presence of a fatal fetal anomaly;

(2) the nature of the fatal fetal anomaly;

(3) the medical rationale for making the determination that with or without the provision of life-preserving treatment life after birth would be unsustainable.

(C) For at least seven years from the date the notations are made in the woman's medical records, the owner of the pregnant woman's medical records shall maintain a record of the notations.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and, upon conviction, must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

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Amend the bill further, SECTION 1, by striking Section 44-41-660(A), (B), (C), and (D) and inserting:

(A) It is not a violation of Section 44-41-640 if an abortion is performed or induced on a pregnant woman due to a medical emergency. Section 44-41-65044-41-630(B) does not apply to a physician or person who performs or induces an abortion if the physician or person determines according to standard medical practice that a medical emergency exists that prevents compliance with the section.

(B) A physician or person who performs or induces an abortion on a pregnant woman based on the exception in subsection (A) shall make written notations in the pregnant woman's medical records of the following:

(1) the physician's or person's belief that a medical emergency necessitating the abortion existed;

(2) the medical condition of the pregnant woman that assertedly prevented compliance with Section ~~44-41-650~~44-41-630(B); and

(3) the medical rationale to support the physician's or person's conclusion that ~~the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death~~ a medical emergency necessitating the abortion existed.

(C) For at least seven years from the date the notations are made in the pregnant woman's medical records, the ~~physician~~ owner of the pregnant woman's medical records shall maintain a record of the notations ~~in his own records a copy of the notations.~~

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-690(A) and inserting:

(A) Section ~~44-41-680~~44-41-640 does not apply to a physician who performs a medical procedure that, ~~by any~~ in reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and (D) and inserting:

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(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, the physician owner of the pregnant woman's medical records shall maintain a copy record of the document ~~in his own records~~.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-695. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained, or circumstances waiving consent, and must include:

- (1) Gestational age;
- (2) Method of abortion, of which the following was employed:
 - (a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;
 - (b) manual vacuum aspiration;
 - (c) electrical vacuum aspiration;
 - (d) dilation and evacuation;
 - (e) combined induction abortion and dilation and evacuation;
 - (f) induction abortion with prostaglandins;
 - (g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;
 - (h) induction abortion; and
 - (i) intact dilation and extraction (partial-birth);
- (3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin;

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(4) Age of the patient; and

(5) If an exception under this article applies, the applicable exception.

(B) Reports required by this section shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation; or

(2) pursuant to court order in an action under 44-41-690.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

B. The department must update the standard form for reporting abortions in accordance with Section 44-41-695, as added in this act, within ninety days of the effective date of this act. Until the standard form is updated, the standard form in use immediately preceding the effective date of this act must continue to be used.

SECTION X. Section 44-41-10 of the S.C. Code is amended to read:
Section 44-41-10. As used in this chapter:

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(a) “Abortion” means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) “Physician” means a person licensed to practice medicine in this State.

(c) “Department” means the South Carolina Department of Health and Environmental Control.

(d) “Hospital” means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(e) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

(f) ~~“PregnancyPregnant”~~ means the condition of a woman after conception until the termination of gestation. Pregnancy begins when a fertilized ovum implants in a woman’s uterine wall ~~carrying a fetus or embryo within her body as the result of conception.~~

(g) “Conception” means ~~the fecundation of the~~ fertilization of an ovum by ~~the spermatozoasperm.~~

(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

~~(l) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother’s womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.~~

~~(m)~~ “Minor” means a female under the age of seventeen.

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~~(n)~~(m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(e)~~(n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

SECTION X. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

Amend the bill further, by striking SECTION 6 and inserting:
SECTION 6. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-20 and Section 44-41-60 are repealed.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or Section 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

~~Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an~~

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~~abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

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Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

The amendment was withdrawn.

Senator GUSTAFSON spoke on the Bill.

Senator MATTHEWS spoke on the Bill.

Motion to Recommit Failed

Senator MATTHEWS moved to recommit the Bill to Committee on Medical Affairs.

Senator MATTHEWS spoke on the motion to recommit the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 11; Nays 31

AYES

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott
Senn	Stephens	

Total--11

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--31

The motion failed.

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Remarks by Senator MATTHEWS

If you'll give me a little bit of leeway, as I sometimes do, I asked the Reverend Doctor James St. John to give me a copy of his scripture. I just want to say this scripture for you. I've had to read it myself several times today "as God's chosen ones, holy and beloved, clothe yourself with compassion, kindness, humility, gentleness and patience" Colossians 3:12.

And God knows I need to read that and adhere to it. But I think it's important that we think about this now. We're here on what you call legislative Friday. Every one of us wants to go home. We do not have a lot of patience and I think we should at least consider compassion, kindness, and humility. On Tuesday at the beginning of the legislative week, I made a Point of Personal Privilege that I want to apologize to the Body for if that Point of Personal Privilege was not necessarily understood. And maybe, Senator GUSTAFSON, I am guilty of the same thing in reading Rule 13.

Let me tell you a little bit of what I was going through. When I left the Chamber last Wednesday, I had a sinking feeling because of the Bill that had just been read across the desk. I inquired about why we were having a perfunctory session on Friday. That's when I figured out that there were some shenanigans -- and that's how I felt -- to get this Bill read across the desk on Wednesday, to fast track it, and have it heard. Quite frankly, I didn't think that was possible because it hadn't happened before in my time here in the Senate. I know a lot of you -- who sit in front of me and have been here longer -- have seen it happen. But I didn't even know it was possible. I didn't realize that the intention from the beginning was to read this Bill across the desk -- a Bill that could have been pre-filed a long time ago -- and to have it fast tracked for this week in front of the other matters that have already come out of committee. Well, here it is. And so, I thought about this over the weekend and about how I felt. I read the rule book and I found Rule 13. I thought I was adhering to this rule where it says, Point of Personal Privilege, provided that a Point of Personal Privilege shall be defined as questions affecting *rights*, reputation, and conduct of members of the Body in their representative capacity.

If you recall, Senator MASSEY was very gracious in allowing me to continue to talk. Specifically, I was only responding to what I considered to be the cavalier shenanigans and how this was bungled. Being the deliberative Body it's supposed to be, I got further flabbergasted because this Body sat and listened while the Bill was explained. This is an issue so critical to more than half of South Carolina's women and men. When

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Senator MASSEY said, "I'm not going to answer any questions about the Bill," we accepted it and were okay with it. I felt that was an affront to me and to the other fifty percent of women in the State of South Carolina. If nothing else, if we can't agree on something, we should at least ask for explanation when you're the author of a Bill. There were four authors on that Bill and none of them asked questions. Yet, my sister Senator from Charleston, Senator SENN, who studied this Bill and proposed amendment after amendment, was regaled with many questions. She accepted questions and allowed people to question her. What is wrong with us? What are you afraid of? After asking Senator MASSEY whether or not this Bill will affect victim's rights, I specifically put up an amendment. He responded, "No, nothing in here would violate the Constitution," that it would not affect a victim's rights. So, what did staff do? Prepared an amendment for me that said nothing in this Bill will affect the victims' rights. And just like cattle walking in line, this Body ignored everything that was said and went straight along the lines of the votes. Same thing with this vote in reference to what Senator GUSTAFSON was talking about.

We have not done what we're supposed to on this vote. I know you have a national agenda -- I know -- I get that. But the women of South Carolina, the people of South Carolina, the doctors and everybody, deserve better. I don't understand why it is so important to do a knee jerk. This Body should not do that. If this Bill is good now, it will be good when it comes out of committee after we've heard doctors' testimony. If this Bill is good, we need to hear the other side of this story from women. We need to hear about the fertility IVF. We need to hear from normal people. You said you have heard it, but this Bill is not the same Bill that was in committee before. So that's an unfair propagation. We talk about heavy-handed government -- well, it's a heavy hand of a bunch of men and that's not fair. I know you don't want to hear it and you think I am just a woman complaining -- I'm not. I get it from all sides of the aisle. Most Republicans and most women are calling and they're saying, thank you for speaking up, because you won't listen. You won't hear anything. It's just like me trying to tell my husband to do a chore -- he doesn't even hear it. Listen, there are things that people have brought to my attention, Republicans and Democrats, men and women. This Bill doesn't even talk about the rights of midwives and what happens if they do an abortion. What happens? Nobody even wants to talk about ectopic pregnancies -- things like that. With that, Mr. PRESIDENT, I move to recommit.

The reasons why I am asking that this Bill be recommitted are because we have debated the amendments, but the sponsor has failed to explain

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and accept questions on the Bill. That was specifically said on Tuesday. There's no explanation. None of the Senators who sponsored this Bill have allowed questions from the floor. I also believe that the Bill needs to be recommitted because there are no specifics on whether a woman who reports a rape will have to divulge the perpetrator with no testimony or statements from her. In addition, the reason why I seek to recommit this Bill is that we have not heard from the Sheriff's Association on the impact of this Bill, the reporting of it, and how it will affect their workload. Another reason I wish to recommit this Bill, it impacts rule record holders without any reference to intent. This Bill doesn't even talk about whether or not we have jurisdiction over those folks that are out-of-state. Every time my office seeks records from hospitals it's usually some out-of-state entity. We still need to recommit so that we can study poverty. How will these women who are forced to have children -- what happens to them when they carry these children into an impoverished household? Few decisions in life are more private than the decision on whether to terminate a pregnancy. So, if our Supreme Court has said that this is one of the most important rights, shouldn't we deliberate and give this due consideration in the committee process? Our privacy rights deserve this to be heard in committee. Those are my reasons. Thank you.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator MATTHEWS were ordered printed in the Journal.

Senator GARRETT spoke on the Bill.

Remarks by Senator GARRETT

Members, I'll be brief. I know this has been a long debate for all of us. I'd like to thank Senator MASSEY. I'd like to thank all of the pro-life folks who have been working very hard. I'd like to thank Senator CORBIN and Senator RICE. I would sincerely like to thank Senator CASH, for negotiating and working in good faith in order to try to get something that we could get done.

I want to say this about abortion. All of the court cases have said abortion is different. The reason it is different is because it involves human life. The right to life is from God and is an unalienable right. The right to life is the first and most fundamental of all rights, and other rights are simply secondary to the right to life. Government's belief that it can take life after given the human due process of law has been debated for time immemorial. Grant of life to human beings by God cannot be ungranted by man or by man's government. This Bill, though

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disappointing, appears to be the best the Senate can do today. The Bill limits execution of babies to about 3,000 babies per year. Right now, after our Supreme Court ruling, we are not saving any babies. Our home, the beautiful State of South Carolina has become an abortionist's haven. A destination for abortion. If we do nothing, we will have 12,000 abortions before the end of this year at the current time because we have people coming from other states. We have to do something.

Another problem that we have -- though, innocent babies' lives have and will be ended -- they have not been and will not be granted the same due process of law that even a guilty or confessed criminal who gets the death penalty receives. They are allowed due process, yet this innocent baby in the womb is never given due process. The unborn child or children as a class have not been given legal status as necessary and indispensable parties in the dispute of their own lives.

Until we in South Carolina give them that right, at least their right to be heard, to give them due process, then we are not following the law. We are not following our own fundamental concepts in my estimation. Our South Carolina system of justice demands that children receive better. There are an estimated 3,000 aborted children per year, that this Bill will allow to die. They are all being denied their fundamental due process. It's repulsive to think our government once allowed slavery of our fellow human beings. I find it equally repulsive to think that our government allows for murder of innocent unborn children. Just as slavery was finally ended by the abolitionists -- they entirely desired to make sure their fellow human beings were treated equally. This fight for life is not over. In South Carolina it will never be over. I promise you that it will not be over until every South Carolina baby is free from these abortionists' killing grasp.

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator GARRETT were ordered printed in the Journal.

Senator SENN spoke on the Bill.

Motion to Recommit Failed

Senator SENN moved to recommit the Bill to Committee on Medical Affairs.

Senator SENN spoke on the motion to recommit the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 10; Nays 29

AYES

Allen	Fanning	Hutto
<i>Johnson, Kevin</i>	Matthews	McLeod
Sabb	Scott	Senn
Stephens		

Total--10

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--29

The motion failed.

Senator SENN spoke on the Bill.

Call of the Senate

Senator MALLOY moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy

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Martin	Massey	Matthews
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Motion Under Rule 15A Adopted

At 3:17 P. M., Senator MARTIN moved under the provisions of Rule 15A that the debate on the entire matter of S. 474 be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Matthews	McLeod	Rankin
Sabb	Scott	Senn
Stephens		

Total--13

The motion was adopted.

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Remarks by Senator SHEALY

Senator, did you know that I am really sad and I'm embarrassed about a lot of things that have happened in this Chamber. In the last year, we probably spent the last three to four years, talking about the same subject. We get stuck on a subject and we just don't know how to get off of it. I love you Senator FANNING, but we get stuck here and you talk a lot, and I love it, but I get tired of it. We have talked about abortion, or what we want to call right to life, or personhood, or whatever the new name of it is this year. We call it something different every year, but, did you know, we are the South Carolina Senate and we have a huge Republican majority, did you know that? We should be able to get something passed, did you know, or not get something passed. But we have spent the last four years going over and over and over the same thing. What are we doing? I think in this Republican creed it says something about don't cower before any master, save my God. Well, it seems to me like we're cowering before the House of Representatives quite often, right? I mean, there is one or five or twenty-seven House members that the Republican -- the real Republican -- Caucus is cowering to. We're not listening to our constituents, we're not listening to anybody else, but we're listening to the Freedom Caucus. We just listen to what they tell us because that's what we're supposed to do. But I've been told that I'm not a real Republican and I don't understand the Republican creed. Did you know that I had somebody ask me the other day if I needed them to send me a copy of the Republican creed? And, did you know, I'm tired of being insulted and saying I'm not pro-life.

I don't like to have another fellow Senator stand up here and tell me or tell this Body, call out other Senators' names and say, this is a pro-life Senator, this is a pro-life Senator, and this is a pro-life Senator. There is not a woman in here that's a pro-life Senator because I never hear my name called out. And I probably work harder for children and pro-life issues for born children than anybody else in here. I raised \$50,000 last night to help children and I'm going to get more because she just told me I would, so I'll be waiting for your check. But I'm going to tell you, just because they don't think we are pro-life doesn't mean we are not pro-life, because we are. But I've heard some Senators around here standing in the hall and saying you know when we stop abortions this year, did you know, when we stop every abortion this year, we're going to have more babies to put up for adoption. So I'm going to write an adoption Bill, so we will have more babies to adopt. We're going to have more babies to adopt. I said we have plenty of children to adopt. I know this because I work with DSS, and I work with DJJ, and I work with DDSN, and I work

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with all of these agencies. If they worked with them, then they would know this, did you know? They put these 5,774 children out there that are waiting to be adopted. Well, they're not babies. Nobody wants to adopt them. They're disposable. Don't worry about them. We just want babies, so we want all of these women, you know, to have babies. We want them to have more babies, so we can adopt them out. We don't want to get on that because I thought about wearing teal all week. You all could wear, you all that are of childbearing age, could wear garnet. I'm not of childbearing age. I just don't understand what the objective is here, when we've got so many children already in the State of South Carolina that are up for adoption, and they don't want to adopt these children, they just want babies. They want women to have babies, that can't have babies, that don't want or don't need to have babies, or there is some reason that women don't just get pregnant to have abortions. In fact, most people that get pregnant really want to have a baby. Since I was thirty-something I had to have a hysterectomy because of issues with cancer and those types of things. People do not just get pregnant, you know. So, I just want to know, all of those people that are working on these adoption Bills, there are 5,000 children out there that need a home. How about call DSS tomorrow and see if you can take one of these children home with you. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 12

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler

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Rankin	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Matthews	McLeod	Sabb
Scott	Senn	Stephens

Total--12

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered to a third reading.

Statement by Senators MASSEY, CAMPSER and GROOMS

The South Carolina Supreme Court struck down the Fetal Heartbeat and Protection from Abortion Act in a rambling 3-2 decision in January. The court's decision in that case left the General Assembly with no choice but to take action to correct the misguided decision and reestablish the ban on abortions after a fetal heartbeat is detected. That is why we voted in favor of S. 474. The Bill that is leaving the Senate prohibits abortion on demand after a fetal heartbeat is detected unless the pregnancy is the result of rape or incest, in which case the abortion must be performed prior to the twelfth week of pregnancy, or in instances where the abortion terminates a pregnancy to preserve the life or health of the mother or if a fatal fetal anomaly exists.

The court's decision in Planned Parenthood of the South Atlantic v. the State of South Carolina struck down the Fetal Heartbeat Act but it did not establish that Article I, Section 10 of our state's Constitution contains a right to an abortion. Justices Kittridge and James are very clear on this point. In his controlling (and swing) opinion, Justice Few unequivocally stated that "there is no constitutional right to an abortion." Nevertheless, Justice Few provided the crucial third vote to hold the Fetal Heartbeat Act unconstitutional because of "the General Assembly's failure to consider the necessary factual question (of when a woman can know she is pregnant) as a necessary predicate to its policy judgement was arbitrary." We strongly disagree with that statement and

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further believe that the decision and analysis undertaken by Justice Few violated the separation of powers.

The Senate's debate during consideration of S. 474 very clearly established that there is nothing arbitrary about banning abortions after a fetal heartbeat is detected with certain limited exceptions. In fact, we very clearly articulated the basis for making that determination and specifically addressed the fact that a pregnant woman can know within 10 to 14 days after conception whether she is pregnant. According to the Cleveland Clinic, as early as 10 days after conception (but within 14 days) a home pregnancy test will detect the presence of human chorionic gonadotropin, a special hormone that developed only upon implantation. A blood test can confirm the presence of that hormone as early as 7 to 10 days after conception. According to the American Pregnancy Association the heartbeat of an unborn child can be detected between 6 ½ to 7 weeks of pregnancy though it is possible, though much less likely, that a heartbeat can be detected a week earlier -- about 5 ½ weeks. That means that a woman can find out that she is pregnant two weeks after conception and has another 4 ½ to 5 weeks to make her decision and have an abortion. It is our reasoned judgement that a month is enough time for a pregnant woman to decide whether to have an abortion and undertake the procedure to follow through with her decision.

The Senate took into consideration the interests of the pregnant woman and balanced them against the legitimate interest of the State to protect the life of the unborn. The Senate looked to experts in the field -- such as the Cleveland Clinic and the American Pregnancy Association (among others) -- for guidance concerning the scientific understanding of the development of the unborn early in pregnancy. Finally, the Senate decided that the proper balance should be struck at the point of a fetal heartbeat -- that is, at the point where a fetal heartbeat is detectable a woman could have known that she was pregnant for a little more than a month and that she had ample time to make a decision about whether to terminate her pregnancy. There is nothing arbitrary about that. Far from it. In fact, DHEC's statistics demonstrate that a "substantial number of women" (using Justice Few's standard) know that they are pregnant and have an abortion within the first six weeks of pregnancy: in 2021 47.9% of abortions occurred during the first six weeks of pregnancy, in 2020 it was 44.5% and in 2019 it was 45.5%. Enacting S. 474 will advance the General Assembly's legitimate interest in protecting life by reducing the number of abortions in this State by a little more than half. There is

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nothing arbitrary about that -- there is nothing unconstitutional about that.

Statement by Senator SENN

I and others plan to submit more information that would have been shared publicly with my colleagues and by the public for inclusion in the journal. Our submissions need to be in the journal in the event there is another appeal so that they can hear our concerns as well. We are thankful that we have until next Tuesday for the submissions and that the journal will be updated at that time.

Statement by Senator McLEOD

If allowed the time on 3rd reading, I would have talked about procedural due process so that the concerns of my constituents could have been heard and included on this extremely important issue. Their voices were silenced by the rules and procedures that this Body strategically invoked to push this Bill through quickly and bypass the committee process. Consequently, there was very little deliberation. The time allowed for the floor debate was cut considerably and therefore, grossly inadequate.

Statement by Senator HUTTO

Women in South Carolina have a statutory right to an abortion that has been embodied in our Code of Laws for decades. On several occasions, a woman's right to an abortion in South Carolina has been limited by actions of the legislature. Such limitations have included the establishment of a waiting period, the requirement for an ultrasound, and the requirement to be advised of certain information. However, every attempt by the General Assembly to eliminate this right has failed.

Today the Senate again recognized that women in South Carolina have a statutory right to an abortion. Today's action attempts to arbitrarily limit this statutory right of South Carolina women to have an abortion. This newest attempt to impede the privacy rights of over half of our state's citizens will most assuredly be found unconstitutional once again. The Bill that passed the Senate today is not grounded in facts or law. No medical testimony was received and no legislative findings were expressed in the Bill. The Bill had no subcommittee or full committee hearing. In fact, the Bill, in unprecedented fashion, passed the Senate a

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mere seven days after being introduced. The speed with which the majority forced this Bill through exhibits the arbitrariness of the restrictions attempted in the Bill.

Despite the efforts of the majority to wish the untrue true, our State Supreme Court has clearly stated that there is a right to have an abortion in this State. This is not surprising as the General Assembly has repeatedly voted to recognize this right over the past several decades. Once a right such as a woman's right to an abortion is established and recognized in law, such a right belongs to the persons to whom it is granted. For a person to exercise a right, the ability to exercise her right must be meaningful and allow a woman to take the steps necessary to pursue the object of the right extended to her. Under the rule of law, the power granted to lawmakers by the people is limited to making laws that are not capricious. Furthermore, statutes are to apply uniformly to all including those who enact and enforce the law. S. 474 fails those standards by attempting to set some random temporal limit on the right to abortion without any evidence to support such a limit. Such an arbitrarily set limitation effectively takes the right completely away from some citizens who by no fault of their own may not have had the opportunity to access medical information or other input to assist in making an informed decision to have an abortion. In fact, because of the setting of this unconstitutional time limit on abortion, some women will not even recognize that they are pregnant before their right to an abortion is extinguished.

The court correctly cites their preference for deferring to the actions of the legislature, again with appropriate limits. But in this case, as Justice Few stated, "If the General Assembly's factual determinations are clearly erroneous, or if there is no evidence to support them, then the policy determinations and statutory enactments based on those factual determinations are not entitled to the deference we ordinarily give them." These fatal flaws exist in this Bill just as they did in prior attempts to undermine our State Constitution.

The truncated legislative process -- filing a Bill one day, polling it out of its assigned committee the next and undertaking the debate the following day obviated any opportunity to consider any evidence or engage in further fact-finding in support of this edict to the women of our State. There was absolutely no due diligence or careful deliberation given to this piece of legislation, which would render the statutory right to an abortion meaningless.

This Bill has the effect of unreasonably limiting a woman in this State from enjoying one of the most significant rights of a person: to have

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bodily autonomy and privacy from intrusion into medical decision-making. The Senate has completely ignored the balancing required between this right to an abortion with other state interests. S. 474 gives all authority to the State to set arbitrary time limits and no autonomy to the women to make an informed choice about her own body. Finally, debate and the opportunity to offer amendments was so truncated as to deprive the Senate from performing its duty to avoid passing arbitrary and capricious statutes. Individually Senators are required to take an oath to preserve, protect, and defend the Constitution of our State as well as that of the U.S. Constitution. My statement here for the written record reflects my commitment to that oath.

Statement by Senator FANNING

Ladies and gentlemen of the Senate, I rise before you today to share my disappointment with the lack of willingness to debate this Bill. This is a critical issue of great concern to the citizens of South Carolina. Yet, our South Carolina Senate repeatedly refused to respect the deliberative process. A body which prides itself in not rushing Bills through; instead, being willing to debate, listen, offer amendments, deliberate -- to insure that we listened to the public -- and presented their concerns to the Body. To make sure that we only pass something of this magnitude after careful, thoughtful debate.

Yet, at every single turn, we did the opposite on this Bill. Bypassing our very own rules and processes -- designed to insure an inclusive, thoughtful deliberative process.

The beginning point of any Bill is the subcommittee hearing. This is the only time -- yes, I said the only time -- that the public is allowed to participate in the process. At our Senate subcommittee hearings, we allow anyone and everyone with a concern or who is interested in a Bill -- to come before us and share their views. It is at these subcommittee hearings that we come together -- listen together -- all in the same room with the interested South Carolina citizens -- telling all of us, at the same time, what they want us to know about the Bill. Often times, when a Bill might be controversial, our Senate holds multiple subcommittee hearings on a Bill.

This is the fundamental process of our representative democracy that I taught in my 12th grade American Government class, when I taught High School Social Studies. Yet, the South Carolina Senate held zero subcommittee hearings on the Bill.

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The next step in our own Senate process is the full committee meeting. At this meeting, we take the public's input from the subcommittee hearing and debate the merits of the Bill. Members offer and debate possible amendments. Errors are caught in this process. Consensus and/or compromise is reached. And the full committee then reports the full Bill out favorably, with amendments to the Senate floor. This historic committee process is fundamental to ensuring a Bill has been properly vetted, mistakes addressed, compromise reached, public heard -- before it reaches the Senate floor.

Yet, this entire Senate committee process was bypassed on this Bill. Instead, we "polled out" the Bill directly to the Senate floor with no debate nor public input. None at all.

Once a Bill hits the floor, our Senate Rules require that a Bill sit on the Senate Calendar for twenty-four hours before a Bill can be taken up for debate. This is to ensure that every Senator (especially those not on the committee) get a chance to read the Bill -- talk to their constituents - - and come ready for debate with possible amendments.

Since the Senate bypassed the entire subcommittee and committee process on this Bill, this twenty-four hour rule is even more critical -- to allow for Senators to conduct research before debate occurs on the Bill.

Yet, the Senate created a make-believe day -- "going perfunctory" on an off-day -- specifically in order to get around the twenty-four hour rule.

The very next day that the Senate was physically in the body we began debate on the Bill.

And the Senate debated this Bill (a Bill that skipped both the subcommittee hearings and full committee processes) in just ten hours on February 7, 8, and 9, 2023.

Forget the topic of the Bill for a second. Who is the Senate? Are we truly a deliberative body anymore? A body that really respects and adheres to the spirit and letter of the rules. A body that listens to the public -- listens to each other. Debates and amends -- taking our time to get it right?

Or are we the House? In the Senate it used to be "better to do it right, than to do it right now."

Have we now become a body that will run things through right now -- rather than taking the time to do it right?

And it is not like we are nearing the end of a session and are rushing to get things done in the closing days. Today is February 9, 2023, just five weeks into the session. There is plenty of time. Time to hold hearings and listen to the public -- a public that cares passionately on BOTH sides of this issue. Time to listen to each other -- debate and

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amend. Instead, we move to cloture debate after only ten hours of debate on a critical issue of this magnitude.

Are we no longer the safe harbor for our Democracy? Are we no longer the deliberative body? Or are we the House?

Statement by Senator GUSTAFSON

As I stated on the South Carolina Senate floor, I support S. 474 and want to pass it. Based on the most recent data, South Carolina is quickly becoming an “abortion destination state.” The U.S. Supreme Court returned our state sovereignty, and our job is to determine restrictions on abortion in South Carolina.

Whereas there were committee and subcommittee meetings on this topic in 2021 when the S. 1, Fetal Heartbeat Bill was established as law, this current legislative session has not held similar hearings. There were no medical committee meetings to my knowledge and no opportunity for medical professionals or women to testify about additional exceptions. The few days available for floor debate in the past week were not sufficient to cover additional medical issues that might have arisen since 2021. The brevity of the debate and the swiftness of procedure did not fully allow me to bring an amendment to the Body regarding selective multifetal reduction. S. 474 does not seem to cover this specific exception, and we had a second opportunity to refine the original Heartbeat Bill. Furthermore, the set number of amendments presented a problem for me, as I sought outside sources for medical information and came to additional conclusions.

Fertility treatments have contributed significantly to the increase of multifetal pregnancies. Selective multifetal reductions are sometimes necessary to protect the lives of other fetuses in the uterus. The need for this procedure arises during the first or second trimester, but the lack of language in S. 474 may put fertility treatments and subsequent procedures in jeopardy. Traveling to another state for IVF would be practically impossible for many women seeking to be pregnant. The medical risks of multifetal pregnancies and complex ethical issues ingrained in the related decision making require us to closely scrutinize S. 474. Decisions to selectively reduce a twin or higher-order multifetal pregnancies should be between the obstetrician-gynecologist and the patient.

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Statement by Senator SENN

S. 474 is another six-week ban on abortion Bill. This one is aimed at getting a new and differing decision from the Supreme Court of South Carolina than the one handed down barely five weeks ago in a 3-2 split decision. See *Planned Parenthood v. The State of South Carolina et al.* Op. 28127 (Jan. 5, 2023).

By way of background, South Carolina enjoys a nearly all-male and nearly all Republican Legislature. Outraged that the Supreme Court dared to strike down an unconstitutional abortion law, the Legislature flexed its muscle and made short work of changing the membership on the Supreme Court in a little over a month. Now, South Carolina enjoys being the only State in the Nation with an all-male Supreme Court as well.

In addition, the South Carolina Senate advanced a hastily prepared, a flawed six-week abortion Bill the same week the new judge was elected. The House of Representatives is now chasing the Senate hoping to pass an even more restrictive abortion ban. Should either be signed into law, another appeal will undoubtedly be taken. Yet the same issues that were presented in the first six-week ban on abortion case will also need to be addressed in the second.

The new six-week abortion ban is S. 474. It was filed on February 1, 2023, read over the desk and referred to the Senate Medical Affairs Committee. The Bill contained significant differences from any other abortion Bill that the Senate had previously confronted, to include new medical definitions. It also excluded factual findings or stated interests of state, although that omission does make sense considering that the Senate never had a fact-finding session with doctors and experts on the new Bill. Instead, the Senate Medical Affairs Chairman exercised his authority to not require a fact-finding subcommittee. The Senate received no medical evidence at all. A full Medical Affairs Committee was likewise avoided because the Bill was polled out of the full committee placing this controversial Bill on the floor and in a position to be debated with no evidence in record time.

Once the Bill was on the floor of the Senate for debate, it was insufficiently “explained” to the Senate Body by the Senate Majority Leader, who was a co-author of the Bill. That Senator took the well and spent most of his thirty-nine minutes on stage lambasting the Supreme Court’s decision in the first six-week ban case. He gave little or no medical explanation of the new Bill itself. Rather, he conducted a “hit” by slamming Supreme Court Justices on their decisions then he “ran” from answering questions by his colleagues. No sponsor or Senator ever

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fully explained the Bill which screamed for medical support, but they also were not in a position to adequately explain the Bill due to the Senate's failure to seek medical advice.

Because of what I see as procedural violations and the need for the court to take up whether South Carolina Senate Rule 15 has become defunct and is unconstitutionally applied, I will also file an attachment containing a detailed timeline spent by the Senate regarding S. 474 as well as caselaw allowing this court to examine South Carolina Senate Rule 15. Suffice it to say that the new six-week abortion ban flew through the Senate in a mere six hours, seventeen minutes and twenty seconds. Most of that time was spent on necessary amendments. By way of comparison, the state's Bill allowing public funds to go to private schools lasted eight legislative days.

Therefore, Senate members could not possibly attempt to relay to the Body what their constituents wanted when two hours as defined in the Senate Rule 15 means that each Senator would get only two point six minutes of talk time should forty-six Senators want to be heard on behalf of their constituents. That amount of time should be deemed insufficient as a matter of law since it gave Senators very little time debating the Bill itself.

A cloture vote was made and passed after I had spoken only twenty-nine point five minutes. I was thus silenced on the Senate floor and other Senate members who also wanted to be heard on the new abortion Bill were silenced as well. We all had to file journal entries to set the record straight. Inasmuch as I was not able to finish my prepared remarks, and because I refuse to be silenced, I now write.

During the short S. 474 debate, Senators were left without any explanation of how the rights of the embryo were outweighed by the rights of a pregnant woman at week six of "pregnancy." In addition, the term pregnancy is facially flawed because the first sentence conflicts with the second. Finally, neither the Bill nor the definitions were supported with medical evidence.

It is true that Senator MASSEY and others attempted to explain the Bill, but they did so too late and only in a journal filing after the Senate had passed the Bill. In his journal entry Senator MASSEY and others admitted that according to the medical articles, a heartbeat can sometimes be detected at week five. That late admission, while appreciated, was also not supported by medical evidence. If true, it certainly should have been presented to the full Senate because some of my colleagues might have been convinced that denying some women an abortion at week five goes even further against the rights of the mother

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vs. the embryo. It also presents an equal protection argument because some women would be allowed an abortion up to six weeks, while other women would be denied an abortion at week five.

As a non-physician, Senator MASSEY went outside the scope of his qualifications during his short speech on the Senate floor and again in this Senate Journal. He belatedly cited to certain hospital journals on pregnancy while giving not a single salute to the true OBGYN standards set forth by the American College of Obstetricians and Gynecologists (ACOG). Written authorities aside, had medical testimony been taken, the Senators and then the court could then more easily make an informed decision, but the Senate chose a shortcut.

I was unable to ask Senator MASSEY if anyone spent the time necessary to consult with live medical professionals and not just online journals about the language in the Bill. If so, did they learn of any implications or possible everyday concerns the new law may cause for both the doctor and patient in actual practice. If so, with whom did they consult?

If passed, S. 474 will dramatically change the law in South Carolina regarding a woman's right to privacy in her health care decisions. Yet the pivotal questions will remain unanswered as they were when the Supreme Court revealed its first opinion striking down the six-week ban just five weeks ago. Those questions are -- Does a woman have a constitutional right to privacy in her health care decisions? Is an abortion considered health care, and if it is, whether a woman's medical decisions can be adequately made in a mere six weeks (or week five) if she does not even know she is pregnant? When should a woman reasonably *know* she is pregnant?

The Senate heard no evidence of why week six (or five) is not arbitrary in the new Bill when what the woman carries in her body is not even considered a fetus by medical experts at that time. Nor did the Senate address what the Bill and the politicians call a "heartbeat" may not be. Doctors in prior Bills did contest that what can be heard at week six (or five) is not a true heartbeat. These questions and others need to be weighed, balanced, and answered against state action giving the embryo a superior right of existence as compared to the pregnant woman -- and that is before the court even gets to the clearly arbitrary provisions in regarding disclosure of the woman's abortion and medical records to third parties. These issues should be decided under South Carolina's Article I, Section 10 or even Article I, Section 3 of the South Carolina Constitution as well as other federal and state constitutional provisions discussed *infra*.

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I wanted to bring to the Senate's attention what I learned through reading the full January 5th Planned Parenthood opinion (twice) but was unable to do so. I learned that the State refused to provide the court the data it requested. Justices wanted to know approximately how many women actually *know* that they are pregnant by week six (or five) in order to make an informed decision and act on their decision. I was unable to ask that question and get an answer to that question during the proceedings or why the State objected to providing the requested data being sent to the court. I thought ignoring the state's highest court's request for medical evidence was arrogant given that one hundred seventy legislators equal five Supreme Court Justices as far as a balance of power is concerned.

Given that the Legislature is a co-equal branch of government, do not we owe it to the court to provide what at least three justices expressed they needed just five weeks ago before wasting their time and the state's money again?

As for wasting the state's resources, I am unable to advise my colleagues of the cost to the State as related to recent abortion legislation and the Planned Parenthood case. My request for a cost breakdown paid by agencies and prior defendants revealed that in the past two years South Carolina has spent:

- Senate PRESIDENT Thomas Alexander - \$144,564.01
- House of Representatives, Former Speaker Jay Lucas, Speaker Murrell Smith and Dr. Maureen L. Condit - \$153,874.83
- SC Board of Medical Examiners (SC LLR) - Reported use of in-house lawyers, no extra costs
- Director Edward Simmer (SC DHEC) - Reported use of in-house lawyers, no extra costs
- Solicitor Scarlett Wilson - Reported no expenditures
- Solicitor Gipson - \$12,833
- Solicitor William W. Wilkins III - Reported costs absorbed by Attorney General
- Attorney General - Reported use of in-house lawyers, \$63.74 court filing fees
- Governor's Office - \$182,000 outside legal fees plus \$84,289.61 court filing fees, printing costs and attorney's fees
- Special Sessions House and Senate 2022 - \$175,000
- Senate costs February 7-9, 2023 related to S. 474 - \$34,802.42
- House of Representatives costs February 14-16, 2023, related to H. 3774 - \$96,362.23

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- South Carolina Law Enforcement Division (security) - \$34,502.91
- SC Department of Natural Resources (security) - \$31,688
- SC Department of Public Safety (security) - \$240,260.24
- SC Department of Probation, Parole and Pardon (security) - Report pending

Total: \$1,190,240.24

Some expenditures have not been reported yet. This list will soon be updated and amended and made available for inspection to anyone asking for the final tally.

Because of the costs related to abortion matters (which has the Legislature obsessed) the current Bill should have been made to go through proper legislative channels and vetting. Rather, we have set up yet another costly appeal which is, of course, NOT fiscally conservative.

Only in this journal and written after the Bill had passed did Senator MASSEY and others reveal that DHEC records show that *less than* half of the women who get an abortion in South Carolina do so before six weeks. I find the DHEC data useful, and I wish it had been adequately relayed during debate and not just in this journal because the flip side of the data is that *MOST* women do not get abortions before six weeks. This data supports that most women do not know they are pregnant at week six (or five) or if they do, they have not had time to arrange the medical procedure. In fact, the DHEC data shows that in 2019, 53.9% of abortions were performed between 7-13 weeks. In 2020, the results in the 7-13 week category was that 55% of abortions were conducted and again in 2021, where 51.3% of abortions were performed between weeks 7-13. Therefore, if data presented outside of the Senate floor and after debate is considered, this DHEC data weighs in favor of a determination that MOST women need more time to determine that they are pregnant and then reasonable time to make life-altering decisions thereafter.

I now cry foul that Senator MASSEY's journal filings are too late and still do not contain reliable medical evidence. But aren't I doing the same? The addition of "evidence" not considered by the full Senate falls outside of materials that should be considered by a court upon review. This problem of haste and neglect will remain so even if the House takes up the Bill and provides at least *some* medical evidence to its' body because the Senate has already voted without having sufficient information to do so.

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Before being seated, I was able to briefly discuss the West Committee Report and why a mere study committee should not be even *reflected* upon much less *relied* upon by the court. The language in Article I, Section 10 itself (both in the title and in the body of the Resolution) was clear. Yet I was not allowed due to time constraints to point out to the Senate that the two dissenting justices were misguided in concluding that the West Report was reliable evidence as to what the voters *thought* in the early 1970's. According to the dissent, the voters likely believed they were passing only a right to privacy, only in electronics a half century ago. We *know* that dissenting judges were wrong, because if true, their conclusions would lead to the absurd result that a woman would have more privacy rights to the data in her cell phone than the data in her medical records. A female would have more privacy rights to what is contained in her computer than to what is contained within her own body.

Moreover, despite Senator GARRETT's statement to the contrary, we simply cannot dig up fifty years' worth of dead voters and ask what they *really* thought they were passing via referendum a half century ago. What those voters might have thought they were voting on is wholly irrelevant in 2023 as is the West "study" Committee Report. We must now look to the actual language in the Constitutional Amendment as passed and that language is clear, despite every justice presenting arguments on punctuation. In reality the court needed to have looked no further than the word "and" which is a coordinating conjunction connecting statements or clauses of equal import. It is well-settled what "and" means in our jurisprudence. *See e.g.* the Oxford Dictionary, which defines a coordinating conjunction thus: "a conjunction placed between words, phrases, clauses or sentences of equal rank."

I was able to partially express concerns that as drafted, the new Supreme Court would necessarily have to go outside of the scant Senate record to piece together fact from fiction. I explained to my colleagues how even after reading the latest six-week ban Bill, I was confused as to the definitions and implications. I had to call an ACOG certified OBGYN, who is not an abortion doctor, but a practicing OBGYN. She told me of her concerns that the definition of pregnancy in the new Bill is conflicting and we cannot have it both ways. The first sentence is contrary to the second. We discussed other definitional problems and probable life-threatening issues that will likely arise in her practice as a result of the latest language in the Bill. One thing the doctor told me was crystal clear. She said, "Most women I deal with in my busy practice do not know they are pregnant until the 8th week." I should not have had to call a medical professional to ask her to explain the Bill and the

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definitions and how the Bill will impact her quite typical OBGYN practice (not abortion practice). Thus, a reviewing court will necessarily have to go on a similar fact-finding mission or will need to send the case back down for proper consideration by all of the elected officials.

I raised the point that there was not a fiscal impact statement attached to the Bill and the ruling of timeliness was incorrect. The request for a fiscal impact study was timely and needed both then and now because citizens and Legislators deserve answers to the questions of how much the abortion ban will cost if it is upheld. For instance, how many investigators will be needed for DHEC to verify that the law is followed? How many local dollars will need to be spent in law enforcement hours to investigate alleged rapes? How many state dollars or private dollars will medical professionals have to spend to comply with reporting requirements in both state and privately owned hospitals and practices?

Also left not fully debated due to Rule 15's unduly harsh halt to amendments during the debate was the issue of selective reduction options for a woman who is heavily pregnant with many babies which often happens as a result of *in vitro* fertilization (IVF). This Bill would disallow women needing to have some of the embryos reduced in order to preserve the health and safety of at least some of her babies. This issue is clearly a problem and was not amended. By the time I thought about it, I was not allowed any more amendments. Should the House take up the Bill, I hope they will fix the Senate's error lest every woman who is pregnant with multiple babies as a result of IVF risks losing them all and risks her own life as well.

Turning to women who claim to be raped, I was not able to argue that the Bill demands that doctors not only provide information about an alleged rape to the sheriff, but demands that doctors scare the pregnant woman by telling her that law enforcement will be called in to investigate. That provision is in the Bill only because my colleagues think that women may lie to get an abortion and I do not doubt that a few desperate women will do just that. Any woman determined to have an abortion will get one, even if it is an unsavory way to get herself out of what she perceives is not tenable in her current life situation. A woman who feels a desperate need to have an abortion cannot be understood by forty-one male Senators or any of the members of the current Supreme Court. But surely no one believes that *all* women lie, do they? I can think of no state interest in forcing a doctor to commit a federal and state privacy violation by calling in police. Said provision should be stricken from the Bill.

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Rape is another reality that the forty-one of my male colleagues cannot fully understand because rape is far less common on men than on women. Because men have no womb, even when raped, men cannot get pregnant. Regardless, would a raped man appreciate the insinuation that he was lying about an assault and then being told via legislation that the sheriff will be called even if the man wanted no one to know what had happened to him and was only seeking medical aid?

A rape victim would know and realize that providing such personal information to third parties indeed discloses the very personal and often humiliating circumstances of precisely how she or he got raped. As for females, they often get pregnant by date rape. If men are date raped, their secrets can stay safe with their doctors but the same does not hold true for a pregnant woman should this Bill stand. How does such disparate treatment comport with equal protection of the laws?

If law enforcement were to truly investigate whether a pregnant patient was raped by someone she knows, the investigation would necessarily involve disclosure to the offending male whom the female accused of raping even if she wanted no legal action taken, even if she just wanted to be left alone. The fact that a woman who dated the wrong guy and who raped her causing her to become pregnant could then be made known to the assailant according to S. 474. Her abortion would then be discovered by her assailant/acquaintance after-the-fact so what is the point and what is the state interest?

S. 474 forces doctors to disclose a rape and forces the criminalization of doctors if they do not follow the law which conflicts with other federal privacy laws. If a woman does not have a right to tell only whomever she is comfortable telling about her rape, how is that any privacy at all? Moreover, how does telling the police, and by extension the rapist, help “save babies?” And exactly how far are law enforcement officers allowed to go when investigating rapes and date rapes? How many witnesses can be interviewed about the woman’s most intimate secrets of the assault?

Regarding investigating and researching medical records of the doctors, it is not far-fetched that the state’s only abortion provider, Planned Parenthood, will be under heavy scrutiny from those who would prefer they leave the State. Abortion foes frequently demonstrate in front of abortion facilities. There is no doubt heavy surveillance and scrutiny of abortion providers will continue even if/when this ill-conceived Bill becomes law. The call for regular examination of abortion providers’ records will no doubt be made and be made often. Investigative requests will be arbitrary and harassing.

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So, the question becomes: Who, then, gets to look at the patient's medical records during an investigation of the doctor's record-keeping practices? How far can the investigation into just a records violation go? How will it be limited only to what the law prohibits? If a records violation is suspected, won't the patient's abortion records be confiscated as evidence and reviewed? By whom? Can abortion patients be called as a witness to disclose their secrets because her doctor may have made documentary errors?

I wish men could imagine having been violently raped, and after seeking medical treatment, he learns that his deepest darkest secret must be revealed by his own doctor to the police even if he does not want the disclosure. Worse yet, imagine that the records are to be kept for up to seven years lest the doctors can be forced to defend felony charges. Thus, his rape may be discoverable up to seven years later. And what if the sad secret is discovered by an officer whom he knows personally or who knows him by reputation? How terrible would it be for anyone who is raped, male or female, to learn that seven years later the embarrassing details of one of the worst nights of his or her life have been outed by his or her own doctor pursuant to over-reaching legislation with no adequate state interest in such revelation? In that instance, would the men think their privacy had been breached?

I was not able to ask for the co-sponsors of the Bill to explain why there had been no attempt to appeal the three or four state cases cited by the Supreme Court wherein Article I, Section 10 was examined. All five justices dissected those cases and came to differing conclusions on all but one wherein Article I, Section 10 was utilized to have upheld a privacy right. Again, Rule 15 as well as the author's own refusal to answer questions about the intent of their Bill was denied. This denial, if upheld, could easily be repeated forcing guesswork on both Senators who are needing information on the Bill and any reviewing court as well.

My sister Senators and I know that it is NOT true that if we object to language in abortion Bills that we should be considered "pro-abortion" rather than "pro-life." All five females in the Senate are what people have termed pro-life. I have said before and will say again, I believe that I can be pro-life, yet also give a woman through first trimester to determine her own fate. I hope she finds the strength and the necessary support to have the baby.

On the other hand, I support shutting down abortion options after the first trimester (with exceptions) and that is a full eight weeks shorter than the law currently allows. That DOES NOT make me pro-abortion. That makes me have common sense.

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Interestingly, post the Senate's vote, a constituent told me that her college professor stated that people who define abortion with only two words are ignorant of the issues. I agree with the professor.

Finally, when my own colleagues try to turn social and religious issues into state issues, it always ends up violating the separation between church and state. One colleague has already publicly said that "alphabet soup" will be addressed another day (referencing the LGBTQ+ community issues). No doubt some anti-gay Bill will be considered soon and will take less than a week before debate ends.

This Bill is arbitrary, not supported by medical evidence and violative of a pregnant female's constitutional rights.

Enclosure: Rule 15 1997-2021 and timeline/caselaw.

The court can and should take up whether the Senate's Rules are unconstitutional as applied -- a link of rule changes over the years to South Carolina Senate Rule 15. Rule 15 is akin to United States Senate Rule 22 and is commonly known as the cloture rule. The list represents the period of time since Democrats lost power in the South Carolina Senate from 2001 to present. It was not until 2021, however, that the rules were amended by the overwhelmingly Republican Legislature to the point that elected officials could not be heard and relay the concerns of their constituency and where minority party members have no voice at all.

To be sure, the Senate is entitled to create its own rules, yet when those rules violate the constitution, it is the court's responsibility to review whether the application of the rules should be stricken.

See e.g. *Citizens United v. Federal Election Comm'n*, 558 U.S. 310 (2010); *Yellin v. United States*, 374 U.S. 109 (1963); *Christoffel v. United States*, 338 U.S. 84 (1949); *United States v. Ballin*, 144 U.S. 1 (1892).

Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), was a 5-4 split decision of the United States Supreme Court involving the first amendment and election laws. Chief Justice Roberts and Justice Alito wrote separately "to address the important principles of judicial restraint and stare decisis implicated in this case." C.J. Roberts explained that "there is a difference between judicial restraint and judicial abdication." Roberts opined that it was necessary for the court

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to sometimes overrule prior precedent because in years past, if they had not re-examined the law: "segregation would be legal, minimum wage laws would be unconstitutional, and the Government could wiretap ordinary criminal suspects without first obtaining warrants." Roberts' concurrence argued that "stare decisis ... counsels deference to past mistakes, but provides no justification for making new ones." The same wisdom should apply here.

A timeline of the Senate's short work in handling S. 474 is as follows:

February 1, 2023, S. 474 was read over the desk. It was an all-new and evidently hastily prepared Bill with unusual and unexplained medical definitions and no findings of fact.

On February 2, 2023, the Chair of Medical Affairs exercised his authority not to refer the new Bill to a subcommittee and he polled this controversial abortion Bill out of full committee as well. In addition, the Senate majority leader moved for perfunctory session to be held on Friday, February 3, 2023, and the contested motion carried. This parliamentary move was made to get S. 474 onto the Senate Calendar when no one was present on Friday, February 3rd and thus, it would avoid Senate Rule 39 (known as the 24-hour Rule). The rule requires Bills to be placed on the Senate Calendar a minimum of 24 legislative hours before debate so that Senators know what will be before them. It is often invoked to prevent the body from taking up a Bill that had just reached the calendar.

On February 3, 2024, S. 474 was indeed placed on the Senate Calendar, though it was not timely filed with the Clerk, rendering it violative of the 24-hour Rule.

On February 7, 2023, the 24-hour motion was made by the minority leader, which he lost when it was argued that the 24-hour Rule meant only that a "vote" could not be had, but debate could begin. To my recollection, which could be flawed, the Bill proceeded to debate over the Rule 39 objection. This has rarely, if ever, happened without unanimous consent since my election in 2016. Therefore, on February 7, 2023, debate began over the Rule 39 objection.

On February 7th, we were in session from 12:00 P.M.-3:39 P.M. total which included time not spent on Bill S. 474. S. 474 at 1:16 P.M. started when the Bill's co-sponsor, Senator MASSEY, ostensibly rose to explain the Bill from 1:16 P.M.-1:53 P.M. He spoke for approximately thirty-seven minutes. The Senator devoted most of the time to further berating

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the judicial decision in the overruled Bill, while exalting the dissenting opinions. Senator MASSEY then proceeded to be seated without taking questions on anything, to include the Bill itself and the medical questions it presented. After the Senator was seated, the Senate began the debate on the amendments. After subtracting time for court recesses, the full amount of time spent on S. 474 on February 7th was one hour, twenty-six minutes, forty-seven seconds.

On Wednesday, February 8th -- caucus meetings -- judicial elections and session debates were conducted on S. 474. After Justice Hill's election, the Senate convened from 3:50-7:12 P.M. and continued debating amendments to S. 474, although breaks were taken. The full time spent on S. 474 on February 8th was two hours, fifty-four minutes forty-six seconds.

On Thursday, February 9th, debate on S. 474 began for the final day. Amendments were argued from 11:32 A.M. until approximately 1:55 P.M. There were only sixteen total amendments, and none were dilatory. Of those amendments, six passed, three were withdrawn, and seven were tabled. Those amendments were necessary, as the Bill was hastily presented and in need of amendment. S. 474 was not truly debated apart from amendments from 1:55 P.M. until 3:17 P.M., whereupon cloture was invoked, ending the debate. I made a parliamentary inquiry about allowing the journal to be updated by any Senator who did not get time to speak or who had concerns. Said journal updates were allowed. Thereafter, the measure passed twenty-eight to twelve. The total time spent in true debate on S. 474 on February 9th was one hour, fifty-five minutes, forty-seven seconds.

Thus, as applied, the people could not be heard through their elected representatives in such a short amount of time. This application of the rules not only is capable of repeating itself, it most definitely will repeat itself with such a supermajority of Republicans in the Senate. It operates to silence the minority too quickly so as to violate the First Amendment as well as Due Process.

2001

RULE 15.

Fixing a Time Certain to Vote

A.

Except for any Reapportionment Bill, the debate on any Bill, motion, or other matter which has been pending before the Senate for a minimum of four (4) hours and the time such Bill, motion, or other matter pending shall be voted upon may be fixed by a vote of twenty-eight (28) members

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of the Senate. Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (*seriatim*) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment.

2005

RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote that must be at least fifteen (15) minutes after the motion is made. However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die*

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adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (*seriatim*) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment.

2009

RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote. Any Senator may request a call of the Senate prior to the vote being ordered.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die* adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

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Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (*seriatim*) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment.

2016 RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote. Any Senator may request a call of the Senate prior to the vote being ordered.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die* adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as

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set under this rule, the Senate shall proceed to a consideration (seriatim) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment. Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the uncontested local calendar.

2019 RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote. Any Senator may request a call of the Senate prior to the vote being ordered.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for sine die adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

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Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (seriatim) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment. Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the uncontested local calendar.

2021

RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after two (2) hours of debate on the current legislative day.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die* adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote, a time when no further amendments may be placed on the desk, the

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limitations on amendments sponsored by each Senator, and/or the limitations on consideration and debate of each amendment and the main question. Any Senator may request a call of the Senate prior to the vote being ordered.

When the time arrives, the Senate shall proceed to a consideration (*seriatim*) of the amendments and the main question as provided by the motion adopted under the provisions of the rule.

When a motion is adopted under the provisions of this rule, no further amendments may be received unless provided by the motion, except that the Majority Leader and the Minority Leader may each offer one additional amendment and the Clerk may authorize an amendment necessary to correct some technical error or omission or to conform the language of an amendment to a previous action of the Senate.

Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the Uncontested Local Calendar.

Expression of Personal Interest

Senator PEELER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Arthur Arnold Murphy of Estill, S.C. Arthur was the owner and operator of Repo Graphics Printing for over twenty years. He was a civic leader who was a member of the NAACP and served as Chairman of the Jasper County Democratic Party. Arthur received the Dr. Martin Luther King, Jr. Garden of Light Award, the NAACP Service Award, and a dedicated service award at Bethel Baptist Church where he was a faithful member. Arthur was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 3:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 10, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:
S. 518 Sens. Gambrell and K. Johnson

THIRD READING BILL

The following Bill was read the third time and ordered sent to the House.

S. 454 -- Senator Stephens: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED BY ACT 254 OF 2022, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICT 4.

On motion of Senator STEPHENS.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3254 -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4 IN FISCAL YEARS 2023-2024 AND 2024-2025.

On motion of Senator STEPHENS.

FRIDAY, FEBRUARY 10, 2024

ADJOURNMENT

At 11:04 A.M., on motion of Senator McLEOD, the Senate adjourned to meet next Tuesday, February 14, 2023, at 12:00 P.M.

Tuesday, February 14, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

John 15:17

Our Lord Himself declared so pointedly: "This is my command: Love each other."

Bow in prayer with me, my friends: Holy and gracious Lord, how appropriate is our scripture text today about "love." We all readily acknowledge that, of course. But that itself is the point of this particular prayer: that this Body itself embrace a sense of honest-to-goodness loving and caring, that these Senate leaders do all that is possible to make certain the people of South Carolina know that they are all genuinely "loved." And there's nothing shallow or naive about this prayer. Indeed, Lord, how marvelous and meaningful would such a spirit of love bring to all of the debates, each resolution, and every action this Senate might take on behalf of our citizens. And what great honor would come to each of these leaders -- if only. We so pray in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:06 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hutto

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<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator SETZLER introduced Dr. Greg Squires of West Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:06 P.M., Senator HARPOOTLIAN was granted a leave of absence for the week.

Leave of Absence

On motion of Senator SETZLER, at 12:11 P.M., Senator WILLIAMS was granted a leave of absence until 2:00 P.M.

Leave of Absence

On motion of Senator TURNER, at 12:11 P.M., Senator HEMBREE was granted a leave of absence for today.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 1	Sen. Campsen
S. 33	Sen. Kimpson
S. 36	Sens. Young and Campsen
S. 109	Sen. Climer
S. 120	Sen. Campsen
S. 134	Sens. Climer and Campsen
S. 153	Sen. Campsen
S. 239	Sen. Garrett
S. 303	Sen. Gustafson
S. 456	Sens. Kimbrell and Garrett
S. 483	Sen. Gustafson

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S. 492 Sen. Hutto
S. 506 Sen. Rice
S. 508 Sen. Senn
S. 520 Sens. Allen, Davis, Fanning, McElveen, Stephens, Goldfinch
and Climer

RECALLED

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3783 -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

Senator DAVIS asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Labor, Commerce and Industry and further to waive the provisions of Rule 39.

The Joint Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey,

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Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE COMMITTED LABORS OF OUR WATER PROFESSIONALS, WHO SERVE AS GUARDIANS OF OUR WATER, AND TO DECLARE MONDAY, MARCH 6, 2023, AS "WATER PROFESSIONALS DAY" IN SOUTH CAROLINA.

Senator CLIMER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Agriculture and Natural Resources.

The Concurrent Resolution was recalled from the Committee on Agriculture and Natural Resources and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 528 -- Senator Alexander: A SENATE RESOLUTION TO COMMEND TAIWAN FOR ITS RELATIONS WITH THE UNITED STATES AND SOUTH CAROLINA.

sr-0268km-vc23.docx : a11060b3-2c98-41f8-905f-a46bdf2fdcbe

The Senate Resolution was adopted.

S. 529 -- Senators Bennett, Setzler, Alexander and Malloy: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE PROFESSIONAL ENGINEERS WHO LIVE AND WORK IN THE GREAT STATE OF SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO HONOR OUR ENGINEERS FOR

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THEIR MANY CONTRIBUTIONS TO THE PALMETTO STATE'S QUALITY OF LIFE, AND TO DECLARE WEDNESDAY, FEBRUARY 22, 2023, AS "PROFESSIONAL ENGINEERS DAY" IN SOUTH CAROLINA.

lc-0153dg-jn23.docx : ee123832-0a43-420a-b2b5-61971245e4e3

The Senate Resolution was adopted.

S. 530 -- Senator Alexander: A SENATE RESOLUTION TO HONOR CANCER PATIENTS, SURVIVORS, AND THEIR FAMILIES BY RECOGNIZING FEBRUARY 15, 2023, AS "SUITS AND SNEAKERS DAY" IN THE SOUTH CAROLINA SENATE.

sr-0264km-hw23.docx : 6018ccdf-69e2-4363-872e-e6cea8112a68

The Senate Resolution was adopted.

S. 531 -- Senators Setzler, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA AND THE ENTIRE USC SYSTEM FOR ITS MANY AND SIGNIFICANT CONTRIBUTIONS TO THE EDUCATION AND CULTURE OF OUR CITIZENS AND TO DECLARE FEBRUARY 14, 2023, "CAROLINA DAY" AT THE STATE HOUSE.

lc-0116dg-gm23.docx : 315e44e1-cb57-4347-ba5c-d370e2c2ab65

The Senate Resolution was adopted.

S. 532 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-680, RELATING TO THE UNLAWFUL ALTERATION OR REMOVAL OF BOUNDARY LANDMARKS, SO AS TO CLARIFY THAT THE SECTION PROHIBITS MOVING, ALTERING, DESTROYING, OR REMOVING GEODETIC CONTROL MONUMENTS OR CERTAIN LAND SURVEYING MONUMENTS, TO UPDATE THE PENALTIES FOR VIOLATIONS OF THIS SECTION, AND TO DEFINE NECESSARY TERMS.

lc-0144hdb23.docx : 430d8c8a-652b-42b8-ba33-252a48922a4e

Read the first time and referred to the Committee on Judiciary.

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S. 533 -- Senators Alexander, Peeler, Cromer, Davis, Bennett, Grooms, Hembree, Verdin, Massey, Climer, Martin, Shealy, Turner, Kimbrell, Gambrell, Rice, Loftis, Reichenbach, Cash and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 15-38-15, 15-38-20(A), 15-38-40(B), AND 15-38-50, ALL RELATING TO THE SOUTH CAROLINA CONTRIBUTION AMONG TORTFEASORS ACT, TO INCLUDE PERSONS OR ENTITIES FOR THE PURPOSES OF ALLOCATION OF FAULT AND TO MAKE CONFORMING CHANGES.

sr-0270km23.docx : 4b604973-6b21-4e14-89e4-b816081f2e7f

Read the first time and referred to the Committee on Judiciary.

S. 534 -- Senator Talley: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF ATLEE SEBASTION BROWN AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0058jg-hw23.docx : a7c13424-6a44-41d4-8c79-712b02a65654

The Senate Resolution was adopted.

REPORT OF STANDING COMMITTEE

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE

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FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**AMENDED, AMENDMENT PROPOSED
CARRIED OVER**

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator SENN proposed the following amendment (SR-304.JG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty-five~~one hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Seventy-five percent of each fine collected pursuant to this section shall be credited to the ticketing agency. Notwithstanding Section 56-1-640, a violation of this section must not be:

- (a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;
- (b) included in the criminal records maintained by SLED; or
- (c) reported to the offender's motor vehicle insurer.

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Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (SR-304.JG0004S):

Amend the bill, as and if amended, SECTION 1, Section 56-5-1885(E), by adding an item to read:

(2)(a) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(b) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subitem (a) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

(c) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(d) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2024 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2024 Session.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

On motion of Senator CORBIN, the Bill was carried over.

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READ THE SECOND TIME

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

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READ THE SECOND TIME

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Young

Total--39

NAYS

Corbin	Hutto
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Total--2

The Bill was read the second time, passed and ordered to a third reading.

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OBJECTION

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Senator SENN objected to consideration of the Bill.

AMENDMENT FAILED, CARRIED OVER

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-1.BM0004S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80.(A) A person who knowingly and unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or

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fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question then being the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 14; Nays 28

AYES

Allen	Fanning	Goldfinch
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Stephens	

Total--14

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

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The Senate refused to adopt the amendment.

On motion of Senator MASSEY, the Bill was carried over.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

AMENDED, CARRIED OVER

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-153.AA0007S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-393. Notwithstanding any provision of law to the contrary, the term "drug paraphernalia" as defined in Section 44-53-110 shall not include rapid fentanyl test strips or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 33 -- Senators Hutto and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-33.BC0005S), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, and 4.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 50-21-10 (20) through (29) of the S.C. Code are amended to read:

(20) “Personal watercraft” means a vessel, usually less than sixteen feet in length, that uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull. Personal watercraft include a vessel commonly known as a “jet ski”.

(21) “Reportable boating accident” means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

(21)(22) “Serial number” means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft

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manufactured after November 1, 1972, is part of the hull identification number.

(23) “Specialty propcraft” means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

~~(22)~~(24) “Temporary certificate of number” is a temporary registration assigned to a vessel to allow operation for a limited purpose.

~~(23)~~(25) “Tender” means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

~~(24)~~(26) “Use” means operate, navigate, or employ.

~~(25)~~(27) “Vessel” means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

~~(26)~~(28) “Water device” means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

~~(27)~~(29) “Waters of the State” means waters within the territorial limits of the State but not private lakes or ponds.

~~(28)~~(30) “Watercraft” means any thing used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or any thing that does not meet construction or operational requirements of the state or federal government for watercraft.

~~(29)~~(31) “Wake surf” means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 3

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AYES

Adams	Allen	Campsen
Cash	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

Total--38

NAYS

Climmer	Corbin	Loftis
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Total--3

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 96 -- Senators Campsen, Davis, McElveen, Cromer and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF

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A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-96.BC0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-21-10~~(22)~~ through ~~(29)~~ and inserting:

(23) "Specialty propcraft" means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

~~(22)~~(24) "Temporary certificate of number" is a temporary registration assigned to a vessel to allow operation for a limited purpose.

~~(23)~~(25) "Tender" means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

~~(24)~~(26) "Use" means operate, navigate, or employ.

~~(25)~~(27) "Vessel" means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

~~(26)~~(28) "Water device" means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

~~(27)~~(29) "Waters of the State" means waters within the territorial limits of the State but not private lakes or ponds.

~~(28)~~(30) "Watercraft" means anything used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft.

~~(29)~~(31) "Wake surf" means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

Amend the bill further, by striking SECTION 4 and inserting:

SECTION X. Section 50-21-870(A) of the S.C. Code is amended to read:

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(A) As used in this section:

(1)(a) ~~“Personal watercraft” means a boat less than sixteen feet in length which:~~

~~—— (i) has an outboard motor or an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;~~

~~—— (ii) is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;~~

~~—— (iii) has the probability that the operator and passenger, in the normal course of use, may fall overboard.~~

~~—— (b) Personal watercraft includes, without limitation, a vessel where the operator and passenger ride on the outside surfaces of the vessel, even if the primary source of motive propulsion is a propeller, and a vessel commonly known as a “jet ski”.~~

~~(2) “Specialty propercraft” means a vessel which is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller driven motor.~~

~~—— (3) “Class ‘A’ boat” means a motorboat which is less than sixteen feet in length.~~

~~(4)(2) “Floating device” includes kneeboards, aqua planes, surfboards, saucers, inner tubes, and other similar equipment.~~

SECTION X. Section 50-21-870(B)(9) and (10) of the S.C. Code are amended to read:

~~(9)(a) operate a personal watercraft, specialty propercraft, or vessel if he is younger than sixteen years of age, unless accompanied by an adult, eighteen years or older, who is not under the influence of alcohol, drugs, or a combination of them. However, a person younger than sixteen years of age may operate a personal watercraft, specialty propercraft, or vessel without being accompanied by an adult if one or more of the following applies:~~

~~—— (i) the person completes a boating safety program as administered by the Department of Natural Resources; or~~

~~—— (ii) the person completes a boating safety program approved by the Department of Natural Resources;~~

~~—— (iii) anyone operating a vessel with less than fifteen horsepower engine will not be required to take the boating safety program.~~

~~—— (b) It is unlawful for a person who has temporary or permanent responsibility for a child to knowingly or wilfully violate item (9) of subsection (B).~~

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~~—(e) The Department of Natural Resources shall promulgate regulations relating to boating safety programs administered by the department or subject to its approval.~~

~~—(10) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senators CAMPSSEN and DAVIS proposed the following amendment (SFGF-96.BC0007S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-21-10(20) and inserting:

(20) “Personal watercraft” means a vessel, usually less than sixteen feet in length, that uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull.

Amend the bill further, SECTION 2, Section 50-21-90, by adding a subsection to read:

(C) The department must approve of one or more boat rental safety education courses to be taken by persons renting a vessel, personal watercraft, or specialty propcraft from businesses engaged in the renting of vessels, personal watercrafts, or specialty propcrafts. A person who completes a boat rental safety education course approved by the department must be issued a boat rental safety certificate in either electronic or physical form in the person’s name. A boat rental safety certificate is valid for thirty days from the date of issuance and only while operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts.

Amend the bill further, SECTION 3, by striking Section 50-21-95(A)(5) and inserting:

(5) is operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts and is in possession of a valid boat rental safety certificate issued in the person’s name; or

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Amend the bill further, SECTION 3, by striking Section 50-21-95(A)(6)(b) and inserting:

(b) meets one of the criteria in items (1) through (4) of this subsection.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator CAMPSSEN explained the Resolution.

On motion of Senator CAMPSSEN, the Resolution was carried over.

CARRIED OVER

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator CAMPSSEN explained the Resolution.

On motion of Senator CAMPSSEN, the Resolution was carried over.

READ THE SECOND TIME

S. 134 -- Senators Hembree, Gustafson, Verdin, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED

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REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

The Senate proceeded to the consideration of the Bill.

Senator TURNER explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE

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COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

The Senate proceeded to the consideration of the Bill.

Senator M. JOHNSON explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20,

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RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-317.JG0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 25-21-20(A) and (B) and inserting:

(A) There is created the Board of Trustees for the Veterans' Trust Fund of South Carolina composed of ~~nineteen~~ eleven voting members. The Governor, with the advice and consent of the Senate, shall appoint the board consisting of seven members selected at large, two members currently serving as county veterans' affairs officers, and two members who represent veterans' service organizations. Of the eleven appointed members, at least six must be United States Armed Forces veterans. Any veteran who serves on the board, must have been honorably discharged from the armed services. The Secretary of the Department of Veterans' Affairs shall serve as the Executive Director of the Trust Fund and an ex officio non-voting member of the board. The board shall utilize the staff of the Veterans' Affairs Department in order to carry out its duties, as provided in Section 25-21-30. One member of the board of trustees must be the Director of the Department of Veterans' Affairs. The Governor, with the advice and consent of the Senate, shall appoint individuals to fill the remaining positions on the board of trustees. Of the eighteen remaining positions filled by gubernatorial appointment, four must be county veterans' affairs officers and five must represent veterans' service organizations. At least eleven of the members of the board of trustees must be United States Armed Forces veterans who were honorably discharged; the remaining members are not required to be veterans; however, if any are veterans, they also must have been honorably discharged from the armed services. The members of the board shall elect officers from among themselves as necessary and shall utilize the staff of the Veterans' Affairs Department in order to carry out its duties, as provided in Section 25-21-30.

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(B) Individuals appointed at large by the Governor shall serve four-year terms, and the remaining initial appointees shall serve two-year terms. Upon the expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves; however, no member may serve more than two consecutive terms or eight continuous years, whichever is greater. A member shall not serve on the board in a hold-over capacity at the conclusion of his term for more than 180 days. Vacancies on the board must be filled in the same manner as the initial appointment for the unexpired term, at the pleasure of the Governor and may be removed by the Governor at any time.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 242 -- Senators Garrett and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

The Senate proceeded to the consideration of the Bill.

Senator M. JOHNSON explained the Bill.

On motion of Senator LOFTIS, the Bill was carried over.

READ THE SECOND TIME

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE

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THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-380.JG0001S), which was carried over:

Amend the bill, as and if amended, SECTION 5, by striking Section 63-7-1705(B)(3) and inserting:

(3) the child's guardian ad litem;

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

On motion of Senator MALLOY, the amendment was carried over.

The question being the second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

On motion of Senator MARTIN, the Bill was carried over.

CARRIED OVER

S. 502 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WIC VENDORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5120, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator SHEALY explained the Resolution.

On motion of Senator SHEALY, the Resolution was carried over.

CARRIED OVER

S. 503 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

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Senator SHEALY explained the Resolution.

On motion of Senator SHEALY, the Resolution was carried over.

CARRIED OVER

S. 509 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF FAMILY FOSTER HOMES AND APPROVAL OF ADOPTIVE HOMES FOR CHILDREN IN FOSTER CARE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator SHEALY explained the Resolution.

On motion of Senator SHEALY, the Resolution was carried over.

POINT OF ORDER

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER, OBJECTION

S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Senator MARTIN spoke on the Bill.

Senator GROOMS objected to further consideration of the Bill.

ADOPTED

S. 451 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:43 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:47 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, February 15, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 14:21

We read in Exodus: "Then Moses stretched out his hand over the sea, and all that night the Lord drove the sea back with a strong east wind and turned it into dry land."

Let us pray: Dear God, through the centuries You have unfailingly done what had to be done for Your people. And today we also are aware that -- as others have done -- we likewise are to trust completely in You. So we fervently pray that You will once again use Your powers for good on behalf of these servants of the people, O Lord. By Your grace bless each Senator and every staff aide. Allow them to clearly sense Your presence while You lead them as they accomplish great good for South Carolina during this period of ongoing hardships and struggles. And may we all remember to give You the glory. In Your name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 1:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hutto
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Malloy	Martin	Massey
Peeler	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Leave of Absence

On motion of Senator MASSEY, at 1:07 P.M., Senator HEMBREE was granted a leave of absence for today.

Leave of Absence

On motion of Senator SENN, at 1:07 P.M., Senator VERDIN was granted a leave of absence until 2:00 P.M.

Leave of Absence

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator RANKIN was granted a leave of absence until 3:00 P.M.

Leave of Absence

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator CLIMER was granted a leave of absence until 2:30 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 1	Sen. Kimbrell
S. 96	Sen. Hutto
S. 109	Sen. Loftis
S. 256	Sen. Grooms
S. 282	Sen. Hutto
S. 303	Sen. Talley
S. 483	Sens. Campsen and Bennett
S. 484	Sen. Hutto
S. 533	Sen. Campsen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

WEDNESDAY, FEBRUARY 15, 2023

S. 535 -- Senators M. Johnson and Climer: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF GENE REED ESAROVE, SR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0277km-vc23.docx : b758124f-562b-44f0-81f9-5231f95ee6ba

The Senate Resolution was adopted.

S. 536 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE ROGER WILLIAMS UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-THREE YEARS OF DEDICATED SERVICE WITH THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0278km-hw23.docx : c09d85a9-496d-4ab5-a5e3-e78005a9e28b

The Senate Resolution was adopted.

S. 537 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-5-25 SO AS TO PROVIDE THAT A HEALTH CARE SHARING MINISTRY IS A NONPROFIT, TAX-EXEMPT ORGANIZATION THAT ESTABLISHES CRITERIA AND PROCEDURES TO FACILITATE MATCHING PARTICIPANTS HAVING FINANCIAL OR MEDICAL NEEDS WITH OTHER PARTICIPANTS WHO ARE ABLE TO ASSIST IN MEETING THOSE NEEDS OR THAT HELPS PROVIDE FOR THE FINANCIAL OR MEDICAL NEEDS OF A PARTICIPANT THROUGH CONTRIBUTIONS OF ANOTHER PARTICIPANT AND TO FURTHER PROVIDE THAT SUCH A HEALTH CARE SHARING MINISTRY IS NOT INSURANCE.

sr-0054jg23.docx : 4d5a13b6-a6bd-4889-9e58-d494796380b5

Read the first time and referred to the Committee on Banking and Insurance.

S. 538 -- Senators Kimbrell, M. Johnson, Adams, Reichenbach and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-15 SO AS TO LIMIT TENURE AND TO PROVIDE THAT INSTITUTIONS OF HIGHER LEARNING MUST CREATE A TENURE REVIEW PROCESS.

sr-0010km23.docx : bebf60c9-a1db-49cb-a0da-af8223576e85

Read the first time and referred to the Committee on Education.

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S. 539 -- Senators Matthews, Kimpson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-13-40, RELATING TO THE AUTHORIZATION TO PRACTICE IN REGISTERED SALONS, SO AS TO ADD A REFERENCE TO ANY LOCATION LISTED IN SECTION 40-13-110; BY AMENDING SECTION 40-13-110, RELATING TO GROUNDS FOR THE STATE BOARD OF COSMETOLOGY TO REVOKE, SUSPEND, OR RESTRICT A LICENSE, SO AS TO PROVIDE EXEMPTIONS FOR CERTAIN LOCATIONS TO PRACTICE OR ATTEMPT TO PRACTICE COSMETOLOGY.

lc-0065ha23.docx : b4ed47c5-4826-4d81-8bb5-44019b45ea8a

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 540 -- Senators Kimbrell, M. Johnson, Adams, Garrett and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 63-3-660 SO AS TO PROVIDE MANDATORY IMPRISONMENT FOR A PARTY TO A PROCEEDING IN FAMILY COURT WHO COMMITS PERJURY; AND BY AMENDING SECTION 63-15-220, RELATING TO PARENTING PLANS, SO AS TO PROVIDE A PRESUMPTION, REBUTTABLE BY A PREPONDERANCE OF THE EVIDENCE, THAT JOINT CUSTODY IS IN THE BEST INTEREST OF THE CHILD WHERE CUSTODY IS CONTESTED.

sr-0030jg23.docx : 54d0cbd2-f9c0-4e56-9d93-285456584313

Read the first time and referred to the Committee on Judiciary.

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

lc-0004ph23.docx : a27113fe-4b0c-4121-9ade-330591a54ee6

Read the first time and referred to the Committee on Fish, Game and Forestry.

REPORTS OF STANDING COMMITTEE

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 282 -- Senators Campsen, Davis, Goldfinch and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING

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CHAPTER 25 TO TITLE 51, SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT FOR THE FUND ANNUALLY, TO PROVIDE THAT FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND; AND TO REPEAL CHAPTER 40 OF TITLE 48, RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 484 -- Senators Campsen and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

S. 33 -- Senators Hutto and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

Senator MASSEY spoke on the Bill.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the third reading of the Bill.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The Senate proceeded to the consideration of the Bill.

The question being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey

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McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 134 -- Senators Hembree, Gustafson, Verdin, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

Senator SHEALY spoke on the Bill.

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S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME, SENT TO THE HOUSE**

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF

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DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-380.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 63-7-1705(B)(3) and inserting:

(3) the child's guardian ad litem;

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens

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Talley
Williams

Turner
Young

Verdin

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

AMENDMENT PROPOSED, OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SR-304.JG0004S):

Amend the bill, as and if amended, SECTION 1, Section 56-5-1885(c), by adding an item to read:

(2)(a) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(b) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subitem (a) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

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(c) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(d) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2024 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2024 Session.

Renumber sections to conform.

Amend title to conform.

Senator CORBIN objected to further consideration of the Bill.

RECOMMITTED

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO BENEFIT RATIO FOR ZERO TAXABLE WAGES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 467 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO CONTRIBUTIONS: INTEREST, DESIGNATED AS REGULATION DOCUMENT NUMBER 5147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 468 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO FILING CLAIMS FOR BENEFITS AND

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REGISTRATION FOR WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 469 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO OFFERS OF WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5163, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 470 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

AMENDMENT PROPOSED, OBJECTION

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING

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SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senators KIMBRELL and ADAMS proposed the following amendment (SR-1.JG0006S):

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully and wilfully delivers, dispenses, or otherwise provides fentanyl, a narcotic, or any controlled or noncontrolled substance as defined in Section 44-53-110 that also contains fentanyl, or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

Senator HUTTO objected to further consideration of the Bill.

READ THE SECOND TIME

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

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Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Senator HEMBREE objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

The Senate proceeded to the consideration of the Bill.

Senator M. JOHNSON proposed the following amendment (SR-342.JG0002S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 63-1-40 of the S.C. Code is amended to read:

Section 63-1-40. When used in this title and unless otherwise defined or the specific context indicates otherwise:

(1) "Child" means a person under the age of eighteen.

(2) "Court" means the family court.

(3) "Guardian" means a person who legally has the care and management of a child.

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(4) “Judge” means the judge of the family court.

(5) “Parent” means biological parent, adoptive parents, step-parent, or person with legal custody.

(6) “Status offense” means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.

(7) “Child caring facility” means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.

(8) “Foster home” means a household of one or more persons who are licensed or approved to provide full-time care for one to five children living apart from their parents or guardians.

(9) “Residential group care home” means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis.

SECTION 2. Chapter 1, Title 63 of the S.C. Code is amended by adding:

Section 63-1-45. For purposes of developing an accurate statewide count of homeless children and youth in this State, the following statewide definitions shall be used:

(1) “Unaccompanied homeless youth” means an unaccompanied individual twenty-four years of age or younger who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings; or

(c) children and youth who live in a supervised publicly- or privately-owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing.

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(d) “Unaccompanied homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or fewer and meets the criteria in subsections (a), (b), or (c) immediately prior to entering the institution.

(2) “Homeless child or youth” means children and youth from birth through twenty-one years of age who lack a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings;

(c) children and youth who live in a supervised publicly- or privately-owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing; or

(d) migratory children as defined in 20 U.S.C. Section 6399, who are legally in the United States, and who qualify as homeless because they are living in circumstances described in subsections (a) through (c).

(e) “Homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or less and met the criteria in subsections (a), (b), or (c) immediately prior to entering the institution.

(3) “Youth at risk of homelessness” means an individual twenty-four years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future and includes:

(a) children and youth exiting a publicly-funded institution or system of care;

(b) children and youth who have previously experienced homelessness;

(c) children and youth whose primary caregivers are currently homeless or have previously been homeless; or

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(d) children and youth who experience serious or sustained conflict with the individual's caregivers that is likely to result in family separation.

SECTION 3. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS

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TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

On motion of Senator TURNER, the Bill was carried over.

CARRIED OVER

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

On motion of Senator MASSEY, the Bill was carried over.

POINT OF ORDER

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT

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PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

READ THE SECOND TIME

H. 3783 -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

The Senate proceeded to the consideration of the Joint Resolution.

Senator DAVIS explained the Joint Resolution.

The question then being the second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Garrett	Goldfinch	Grooms
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Joint Resolution was read the second time, passed and ordered to a third reading.

ADOPTED

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel,

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McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE COMMITTED LABORS OF OUR WATER PROFESSIONALS, WHO SERVE AS GUARDIANS OF OUR WATER, AND TO DECLARE MONDAY, MARCH 6, 2023, AS "WATER PROFESSIONALS DAY" IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 16, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Job 27:5b

In his own defense, Job reaffirms that: “ ‘ . . . until I die I will not put away my integrity from me.’ ”

Join me as we bow in prayer: Holy God, all across this wonderful country of ours there is an enormous need for leaders who are honorable and decent individuals, for those of good character and noble wisdom who more than anything else want to do what is right and just. So all the more do we thank You, dear Lord, for these Senators and staff members whose words and actions define them as true and noble leaders and who know full well what integrity is all about. Continue to uphold them as they lead the people of our State. Moreover, O God, we pray yet again that You also hold in Your care those hundreds of thousands of individuals in war-torn and earthquake ravaged countries. We pray as always in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Department of Transportation Commission, with the term to commence February 15, 2020, and to expire February 15, 2024

1st Congressional District:

Thomas J. Johnson, 1303 Kings Court, Mt. Pleasant, SC 29464 *VICE*
Robert D. Robbins

Referred to the Committee on Transportation.

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Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2020, and to expire July 27, 2023

4th Congressional District:

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607 *VICE*
Stephen Mudge

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2023, and to expire July 27, 2026

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 20, 2023, and to expire September 20, 2026

Occupational Therapist:

Nadine Hanner, 1797 Central Ave., Summerville, SC 29483-9323

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2021, and to expire May 19, 2025

2nd Congressional District

Daniel P. Hanfland, 105 Woodcock Trail, West Columbia, SC 29169
VICE Judith E. Johnson

Referred to the Committee on Family and Veterans' Services.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2021, and to expire March 20, 2025

Nail Technician:

Melanie C. Thompson, 3251 Plattmoor Dr., Myrtle Beach, SC 29588

Referred to the Committee on Labor, Commerce and Industry.

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Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2021, and to expire April 6, 2027

7th Congressional District:

Todd Christopher Brown, 5010 Big Bear Court, Myrtle Beach, SC 29579-5183 *VICE* Bethany M. Tapp

Referred to the Committee on Agriculture and Natural Resources.

Doctor of the Day

Senator GARRETT introduced Dr. George Pursely of Richland, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 11:26 A.M., Senator HUTTO was granted a leave of absence for today.

Leave of Absence

On motion of Senator BENNETT, at 12:06 P.M., Senator ADAMS was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 282 Sen. Senn
S. 405 Sen. Kimbrell
S. 406 Sen. Kimbrell
S. 407 Sen. Senn
S. 449 Sen. Campsen
S. 484 Sens. Davis and Senn

RECALLED AND ADOPTED

S. 426 -- Senators Shealy, Matthews, Gustafson, Senn and McLeod:
A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTH CAROLINA SECTION OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS FOR ITS NEARLY SEVENTY YEARS OF SERVING AS A TRUSTED RESOURCE FOR MEDICAL INFORMATION RELATING TO WOMEN'S HEALTH

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AND TO DECLARE TUESDAY, FEBRUARY 21, 2023, AS ACOG DAY IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Medical Affairs.

The Senate Resolution was recalled from the Committee on Medical Affairs.

Senator SHEALY asked unanimous consent to make a motion to take the Senate Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Senate Resolution. The question then was the adoption of the Senate Resolution.

On motion of Senator SHEALY, the Senate Resolution was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 541 -- Senators Young and Massey: A CONCURRENT RESOLUTION TO CONGRATULATE THE NORTH AUGUSTA HIGH SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA HIGH SCHOOL LEAGUE CLASS 4A STATE CHAMPIONSHIP.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 542 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT"; AND BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

lc-0193ph23.docx : 90cabd1a-f504-46e6-a449-1de77e49d112

Read the first time and referred to the Committee on Finance.

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S. 543 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-11-140, RELATING TO AUTHORIZATION OF FISCAL ACCOUNTABILITY AUTHORITY THROUGH THE OFFICE OF INSURANCE RESERVE FUND, SO AS TO PROVIDE FOR EXTENSION OF COVERAGE TO EMPLOYEES OF ENTITIES INSURED BY THE INSURANCE RESERVE FUND PROVIDED THAT EMPLOYEES ACTED IN GOOD FAITH AND WITHIN THE SCOPE OF EMPLOYMENT.

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Read the first time and referred to the Committee on Judiciary.

S. 544 -- Senators Davis, Gambrell and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

lc-0188ph23.docx : 21231def-0a09-43bf-834c-190c3803e9dd

Read the first time and referred to the Committee on Banking and Insurance.

S. 545 -- Senators Massey and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS TO REPEAL THE ECONOMIC INCENTIVES CONTAINED IN ACT 83 OF 2019 FOR THE PROPOSED CAROLINA PANTHERS PRACTICE FACILITY IN YORK COUNTY.

sr-0276km23.docx : 967bb8aa-e65c-4dbc-b59b-8f5ea8bd720e

Read the first time and referred to the Committee on Finance.

S. 546 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27,

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TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 547 -- Senators Reichenbach, Gambrell, Williams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-3-470, RELATING TO LOWERING FLAGS UPON DEATH IN LINE OF DUTY, SO AS TO ADD AN EMERGENCY MEDICAL TECHNICIAN; BY AMENDING SECTIONS 9-1-1770 AND 9-11-120, RELATING TO THE PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR EMERGENCY MEDICAL TECHNICIANS, LAW ENFORCEMENT OFFICERS, AND FIREFIGHTERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY ADDING SECTION 12-6-1172 SO AS TO ALLOW A SOUTH CAROLINA INCOME TAX DEDUCTION OF ALL MILITARY RETIREMENT OR FIRST RESPONDER RETIREMENT INCOME; BY AMENDING SECTION 12-6-1170, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-37-220, RELATING TO GENERAL EXEMPTION FROM TAXES, SO AS TO PROVIDE THAT A QUALIFIED SURVIVING SPOUSE ALSO MEANS CERTAIN SURVIVING SPOUSES OF EMERGENCY MEDICAL TECHNICIANS; AND BY AMENDING SECTION 59-111-110, RELATING TO WAIVED TUITION, SO AS TO PROVIDE THAT THE CHILDREN OF CERTAIN EMERGENCY MEDICAL TECHNICIANS ALSO QUALIFY FOR CERTAIN WAIVED TUITION.

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Read the first time and referred to the Committee on Finance.

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H. 3774 -- Reps. McCravy, G. M. Smith, Hiott, W. Newton, Pope, Yow, M. M. Smith, Hardee, J. E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B. L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B. J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT

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REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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Read the first time and referred to the Committee on Medical Affairs.

REPORTS OF STANDING COMMITTEE

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 414 -- Senators Gambrell, Massey, Turner, Bennett, Grooms and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO

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INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

ORDERED ENROLLED FOR RATIFICATION

The following Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3783 -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S

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CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

OBJECTION

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-418.DB0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(3), (4), and (5) and inserting:

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the ~~add-on~~ certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department ~~for the add-on~~. During the six-year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall

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identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add-on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

~~(4) Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required~~

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for the literacy teacher add-on certificate. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to educators. Inservice hours earned through professional development must be used for renewal of teaching certificates in all subject areas. The total number of hours required shall not exceed 60 of the 120 hours required during a teacher's five-year recertification cycle.

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The~~

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objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

Amend the bill further, SECTION 1, by striking Section 59-155-180(C)(7) and (8) and inserting:

(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add-on endorsement. Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.

(8) Annually by August first, the department shall publish the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher endorsement. Annually by January first, the department shall publish the approved courses and approved professional development leading to the literacy teacher endorsement.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

Senator MATTHEWS objected to further consideration of the Bill.

READ THE SECOND TIME

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND

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PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

The Senate proceeded to the consideration of the Bill.
Senator CLIMER explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 449 -- Senators Climer and Campsen: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

The Senate proceeded to the consideration of the Bill.

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Senators CLIMER, KIMBRELL, GARRETT, GOLDFINCH, GUSTAFSON, FANNING, REICHENBACH, M. JOHNSON and SABB proposed the following amendment (SR-449.KM0003S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. SECTION 4 of Act 71 of 2021 is repealed.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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Motion Adopted

On motion of Senator CLIMER, with unanimous consent, Senator CLIMER was granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony until 1:30 P.M.

CARRIED OVER

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

On motion of Senator PEELER, the Bill was carried over.

POINT OF ORDER

S. 282 -- Senators Campsen, Davis, Goldfinch, Hutto and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 25 TO TITLE 51, SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST

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FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT FOR THE FUND ANNUALLY, TO PROVIDE THAT FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND; AND TO REPEAL CHAPTER 40 OF TITLE 48, RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

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The PRESIDENT sustained the Point of Order.

Motion Adopted

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

On motion of Senator MASSEY, with unanimous consent, the Bill was placed in the status of Interrupted Debate.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Renell Frye Futch of Irmo, S.C. Renell was a graduate of Batesburg Leesville High School and Midlands Technical College. She worked for BP Barber and Associates before retiring from a long career with Lexington Medical Center. Renell was a patient, kind and loving woman who enjoyed animals, spending time at the beach, boating on Lake Murray and watching the Gamecocks and her family play sports. Renell was a loving wife, devoted mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 12:15 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 17, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McLEOD.

ADJOURNMENT

At 11:05 A.M., on motion of Senator McELVEEN, the Senate adjourned to meet next Tuesday, February 21, 2023, at 12:00 P.M.

* * *

Tuesday, February 21, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 25:4-5

The Psalmist tells us: "Make me to know your ways, O Lord; teach me your paths. Lead me in your truth, and teach me, for you are the God of my salvation."

Please, bow in prayer with me: O Glorious God, we gather today in full awareness that another Presidents Day has now come and gone, giving us the opportunity as a Nation to reflect upon those who have led us. And truly, we are grateful for those individuals who have served in our land's highest office and blessed us in many diverse ways. Yet not only are we grateful for those leaders, O Lord, but also we give our heartfelt thanks for these who currently lead our State here in the Senate of South Carolina, May these Senators and their aides always follow Your ways, Lord, as they work diligently to achieve the highest goals and meet the greatest needs for our people as they wrestle with the challenges before them today. How grateful we are for each of these modern-day servants. In Your name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Garrett
Goldfinch	Grooms	Gustafson

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Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Peeler	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator SHEALY introduced Dr. Carol Alan of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GOLDFINCH, at 12:07 P.M., Senator GAMBRELL was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 12:12 P.M., Senator HARPOOTLIAN was granted a leave of absence for the week.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 36	Sen. Grooms
S. 92	Sen. Senn
S. 95	Sens. Senn, Verdin, M. Johnson, Gustafson and Kimbrell
S. 109	Sen. Verdin
S. 123	Sen. Malloy
S. 139	Sen. Rice
S. 143	Sen. Senn
S. 153	Sen. Alexander
S. 234	Sen. Davis
S. 304	Sen. Kimbrell
S. 355	Sen. Grooms
S. 406	Sen. Senn
S. 456	Sen. Gustafson
S. 527	Sen. Grooms
S. 423	Sen. Kimpson
S. 424	Sen. Davis
S. 484	Sen. Alexander

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S. 527 Sens. Kimbrell and Loftis

S. 548 Sen. Kimbrell

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 548 -- Senators Hembree and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-15-220, RELATING TO PARENTING PLANS, SO AS TO CREATE A REBUTTABLE PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO SPEND APPROXIMATELY AN EQUAL AMOUNT OF TIME WITH EACH PARENT WHEN BOTH PARENTS ARE WILLING, ABLE, AND FIT; AND BY AMENDING SECTION 63-15-240, RELATING TO CHILD CUSTODY ORDERS, SO AS TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION CERTAIN FACTORS WHEN DETERMINING WHAT IS IN THE BEST INTEREST OF A CHILD, TO REQUIRE THAT A CHILD CUSTODY ORDER INCLUDE FINDINGS OF FACT IF THE TIME-SHARING SCHEDULE DOES NOT ALLOCATE APPROXIMATELY EQUAL PARENTING TIME TO EACH PARENT, AND TO PROVIDE REQUIREMENTS TO MODIFY CHILD CUSTODY ORDERS.

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Read the first time and referred to the Committee on Judiciary.

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING

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SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE

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REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE; FEES; AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER

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LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM

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AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

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Read the first time and referred to the Committee on Transportation.

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH

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CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

lc-0151hdb-rm23.docx : 7325874b-9353-4533-99b5-372debc3c9a7

The Concurrent Resolution was introduced and referred to the Committee on Operations and Management.

S. 551 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE FEBRUARY 28, 2023, AS "371ST INFANTRY DAY" IN SOUTH CAROLINA.

sr-0284km-hw23.docx : b3f7009e-1d4f-4026-8997-ce06f133473f

The Senate Resolution was introduced and referred to the Committee on Family and Veterans' Services.

Recalled and Adopted

S. 551 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE FEBRUARY 28, 2023, AS "371ST INFANTRY DAY" IN SOUTH CAROLINA.

Senator SCOTT asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services.

Senator SCOTT asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator SCOTT, the Resolution was adopted.

S. 552 -- Senators Massey and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-150, RELATING TO PAID PARENTAL LEAVE, BIRTH OF A CHILD, AND PLACEMENT OF A FOSTER CHILD, AND SECTION 8-11-155, RELATING TO PAID PARENTAL LEAVE AND ADOPTION, SO AS TO INCLUDE STATE PUBLIC SCHOOL TEACHERS AS ELIGIBLE STATE EMPLOYEES WHO ARE GRANTED PAID PARENTAL LEAVE; AND BY AMENDING SECTION 59-25-47, RELATING TO UNUSED LEAVE PAYMENTS, SO AS TO PROVIDE THAT UNUSED PAID PARENTAL LEAVE IS

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NOT INCLUDED IN UNUSED LEAVE PAYMENTS AS THEY APPLY TO PUBLIC SCHOOL TEACHERS.

sr-0280km23.docx : af817157-15af-49c8-b2c6-ac3da927b56d

Read the first time and referred to the Committee on Finance.

S. 553 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-33-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE SCOPE OF PRACTICE OF MEDICAL ACTS FOR A LICENSED APRN, TO PROVIDE A MEANS FOR A CERTIFIED NURSE MIDWIFE TO OBTAIN AN APRN LICENSE, TO DEFINE FULL PRACTICE AUTHORITY, TO DEFINE GRADUATE REGISTERED NURSE-MIDWIFE, TO PROVIDE CONFORMING CHANGES; BY AMENDING SECTION 40-33-34, RELATING TO THE PERFORMANCE OF MEDICAL ACTS, QUALIFICATIONS, PRACTICE AGREEMENTS, PRESCRIPTIVE AUTHORIZATION, ANESTHESIA CARE, AND DEFINITIONS, SO AS TO PROVIDE FOR SCOPE OF PRACTICE TO INCLUDE PRESCRIBING MEDICATIONS AND CONTROLLED SUBSTANCES AND TO PROVIDE CONFORMING DEFINITIONS; BY AMENDING SECTION 40-33-42, RELATING TO THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL, SO AS TO PROVIDE FOR THE ADMINISTRATION OF MEDICATIONS AS THE RESPONSIBILITY OF A LICENSED NURSE AS PRESCRIBED BY THE ADVANCED PRACTICE REGISTERED NURSE; BY AMENDING SECTION 40-33-110, RELATING TO GROUNDS FOR DISCIPLINE OF LICENSEES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-10, RELATING TO MEMBERSHIP OF THE STATE BOARD OF MEDICAL EXAMINERS, SO AS TO ADD TWO PHYSICIAN ASSISTANTS TO THE BOARD AND TO PROVIDE FOR THEIR APPOINTMENT; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS FOR PHYSICIANS AND RELATED HEALTH CARE PROFESSIONALS, SO AS TO PROVIDE FOR A DIFFERENT DEFINITION FOR APPROVED WRITTEN SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, TO ADD PHYSICIAN ASSISTANTS TO THE DEFINITION OF "MEDICAL STAFF", AND TO INCLUDE PHYSICIAN ASSISTANTS IN THE DEFINITION OF "PRACTICE OF MEDICINE"; BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE AND REQUIREMENTS, SO AS TO PROVIDE

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FOR THE SCOPE OF PRACTICE OF AN APRN TO INCLUDE
TELEMEDICINE; BY AMENDING SECTION 40-47-110,
RELATING TO MISCONDUCT CONSTITUTING GROUNDS FOR
DISCIPLINARY ACTION, TEMPORARY SUSPENSIONS, REVIEW
OF FINAL ACTIONS, CONDUCT SUBVERTING SECURITY OR
INTEGRITY OF MEDICAL LICENSING EXAMINATION
PROCESS, SO AS TO MAKE CONFORMING CHANGES; BY
AMENDING SECTION 40-47-113, RELATING TO THE
ESTABLISHMENT OF A PHYSICIAN-PATIENT RELATIONSHIP
AS A PREREQUISITE TO PRESCRIBING DRUGS, SO AS TO
EXPAND THE PHYSICIAN-PATIENT RELATIONSHIP TO
INCLUDE OTHER HEALTH CARE PROFESSIONS AND TO
CHANGE THE TERMINOLOGY TO "PRACTITIONER-PATIENT
RELATIONSHIP"; BY AMENDING SECTION 40-47-196,
RELATING TO DELEGATION OF TASKS AMONG CERTAIN
HEALTH CARE PROFESSIONALS, SO AS TO MAKE
CONFORMING CHANGES; BY AMENDING SECTION 40-47-195,
RELATING TO SUPERVISING PHYSICIANS AND SCOPE OF
PRACTICE GUIDELINES, SO AS TO MAKE CONFORMING
CHANGES; BY AMENDING SECTION 40-47-910, RELATING TO
DEFINITIONS IN THE PHYSICIANS ASSISTANT PRACTICE ACT,
SO AS TO DEFINE "ATTESTATION STATEMENT" AND TO
REVISE DEFINITIONS FOR "NCCPA", "SUPERVISING", AND
"PHYSICIAN ASSISTANT"; BY AMENDING SECTION 40-47-915,
RELATING TO THE APPLICATION OF THE PHYSICIAN
ASSISTANT PRACTICE ACT, SO AS TO EXCLUDE CERTAIN
PHYSICIAN ASSISTANTS FROM THE SCOPE OF THE
PHYSICIAN ASSISTANT PRACTICE ACT; BY AMENDING
SECTION 40-47-935, RELATING TO ACTS AND DUTIES
PHYSICIAN ASSISTANTS ARE AUTHORIZED TO PERFORM, SO
AS TO REVISE THE ACTS AND DUTIES THAT PHYSICIAN
ASSISTANTS MAY PERFORM; BY ADDING SECTION 40-47-937
SO AS TO PROVIDE A DIFFERENT SCOPE OF PRACTICE FOR
CERTAIN EXPERIENCED PHYSICIAN ASSISTANTS AND TO
PROVIDE FOR PROTECTIONS FROM LIABILITY FOR
PHYSICIAN ASSISTANTS PROVIDING MEDICAL ASSISTANCE
IN CERTAIN EMERGENCY SITUATIONS; BY AMENDING
SECTION 40-47-965, RELATING TO REQUIREMENTS FOR
WRITING PRESCRIPTIONS FOR DRUGS, CONTROLLED
SUBSTANCES, AND MEDICAL DEVICES, SO AS TO REVISE THE
CIRCUMSTANCES UNDER WHICH A PHYSICIAN ASSISTANT

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MAY PRESCRIBE DRUGS; BY AMENDING SECTION 40-47-1000, RELATING TO UNLICENSED PERSONS HOLDING THEMSELVES OUT AS PHYSICIAN ASSISTANTS, SO AS TO REVISE THE PENALTY FOR VIOLATIONS; BY AMENDING SECTION 40-47-1005, RELATING TO MISCONDUCT MANDATING REVOCATION OR DENIAL OF LICENSE FOR A PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT THE BOARD MAY DISCIPLINE PHYSICIAN ASSISTANTS FOR MISCONDUCT, REVISE WHAT CONSTITUTES MISCONDUCT, AND REVISE THE ACTIONS THAT MAY BE TAKEN BY THE BOARD; BY AMENDING SECTION 40-47-1020, RELATING TO THIRD PARTY REIMBURSEMENT TO PHYSICIAN ASSISTANTS, SO AS TO PROVIDE THAT PHYSICIAN ASSISTANTS MAY BE REIMBURSED BY THIRD PARTY PAYORS; BY AMENDING SECTION 44-80-120, RELATING TO PERMISSION FOR PHYSICIAN ASSISTANTS TO CREATE, EXECUTE, AND SIGN POST FORMS UNDER CERTAIN CIRCUMSTANCES, SO AS TO REVISE THE CIRCUMSTANCES UNDER WHICH A PHYSICIAN ASSISTANT MAY CREATE, EXECUTE, AND SIGN A POST; BY AMENDING SECTION 44-99-10, RELATING TO DEFINITIONS FOR THE INSECT STING EMERGENCY ACT, SO AS TO REVISE THE DEFINITION OF "HEALTH CARE PRACTITIONER"; BY AMENDING SECTION 59-63-75, RELATING TO CONCUSSION PROTOCOL FOR STUDENT ATHLETES, SO AS TO EXPAND PHYSICIAN ASSISTANTS' ROLES IN REGARD TO THE CONCUSSION PROTOCOL; AND BY AMENDING SECTION 59-63-95, RELATING TO EPINEPHRINE AUTO-INJECTORS, SO AS TO REVISE THE DEFINITION OF "PHYSICIAN ASSISTANT" AND TO MAKE CONFORMING CHANGES.

sr-0285km23.docx : d18d0d59-babb-48a6-8617-9401a96e88ed

Read the first time and referred to the Committee on Medical Affairs.

S. 554 -- Senators Davis and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO APPOINTMENT

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OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

lc-0161dg23.docx : b94fecb8-1f00-469a-8560-3a9e60938b21

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 555 -- Senators Young and Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-3-20, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THAT A HAND-COUNT AUDIT BE CONDUCTED PUBLICLY.

sj-0026pb23.docx : a5378701-6388-4332-bed5-ad4d3ca3582d

Read the first time and referred to the Committee on Judiciary.

S. 556 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE THAT PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE THAT SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE THAT PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE THAT AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

lc-0239wab23.docx : d3268090-08c9-4687-8b97-64fb4db3ea4a

Read the first time and referred to the Committee on Education.

H. 3961 -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: A BILL TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF

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DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT- LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.

lc-0146hdb23.docx : b2e8e78d-7dd4-4a91-b0a2-0a9a273e7d8f

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3972 -- Reps. Erickson, McGinnis, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM ON "SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM DAY" ON MARCH 29, 2023, FOR ITS OUTSTANDING CONTRIBUTIONS IN EDUCATING AND TRAINING SOUTH CAROLINA'S WORKFORCE FOR COMPETITIVE, HIGH-DEMAND JOBS IN OUR STATE.

lc-0232wab-wab23.docx : 016509b7-68fd-450b-ac37-4ceaa4c2fd44

The Concurrent Resolution was adopted, ordered returned to the House.

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H. 3973 -- Rep. Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE MARCH 2023 AS "CHRONIC KIDNEY DISEASE AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS FOR THE NEED FOR RESEARCH, SCREENING PROGRAMS, AND ACCESS TO CARE FOR INDIVIDUALS WHO SUFFER FROM CHRONIC KIDNEY DISEASE.

lc-0232sa-gm23.docx : 7cb4992e-e519-4e09-bd22-3fb8696fa385

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

H. 3975 -- Reps. Sessions, King, West, Felder, Hewitt, Pedalino, W. Newton, O'Neal, Hiott, Lawson, A. M. Morgan, B. Newton, Ligon, Harris, Guffey, Murphy, Williams, Chapman, Mitchell, Connell, Schuessler, Brewer, Wetmore, B. J. Cox, Vaughan, T. A. Morgan, J. L. Johnson, Moss, Robbins and Thayer: A CONCURRENT RESOLUTION TO RECOGNIZE THE RIGHTS OF CITIZENS WITH DOWN SYNDROME, TO PROMOTE THEIR INCLUSION AND WELL-BEING, AND TO DECLARE MARCH 21, 2023, AS "DOWN SYNDROME DAY" IN SOUTH CAROLINA.

lc-0073ha-rm23.docx : 29070fab-2b2a-43e8-91da-059cd317e243

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

H. 3999 -- Reps. Forrest, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CELEBRATE THE THIRTY-

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SEVENTH ANNIVERSARY OF THE SOUTH CAROLINA POULTRY FESTIVAL, TO BE HELD MAY 11 - 13, 2023, IN BATESBURG-LEESVILLE AND TO HONOR THOSE PLANNING AND PARTICIPATING IN THE FESTIVAL.

lc-0239cm-rm23.docx : b6065e58-3184-4194-86b5-9ca96fe67a3c

The Concurrent Resolution was adopted, ordered returned to the House.

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Wednesday, March 1, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SC HUMAN SERVICE PROVIDERS**

Wednesday, March 1, 2023 - 11:30 a.m. - 2:00 p.m.

Members and Staff, Luncheon, 112 Blatt Building, by **SOUTH CAROLINA BIO**

Wednesday, March 1, 2023 - 5:30 p.m. - 7:00 p.m.

Members, Reception, Palmetto Club, by the **SOUTH CAROLINA RETAIL ASSOCIATION**

Wednesday, March 1, 2023 - 6:00 p.m. - 8:00 p.m.

Members, Reception, Columbia Convention Center, by the **TRANSPORTATION ASSOCIATION OF SOUTH CAROLINA**

Thursday, March 2, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION**

Tuesday, March 7, 2023 - 6:00 p.m. - 8:00 p.m.

Members and Staff, Reception, The Hall at Senate's End - 320 Senate Street, by **CLEMSON UNIVERSITY**

Wednesday, March 8, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **COALITION FOR ACCESS TO HEALTH CARE**

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Wednesday, March 8, 2023 - 8:00 a.m. - 9:30 a.m.

Members, Breakfast, Marriott Hotel - 1200 Hampton Street, by
TOGETHER SC

Wednesday, March 8, 2023 - 11:30 a.m. - 2:00 p.m.

Members and Staff, Luncheon, State House Grounds, by the
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Wednesday, March 8, 2023 - 11:45 a.m. - 1:00 p.m.

Members, Luncheon, SC Public Radio's 50th Anniversary Luncheon -
1041 George Rogers Boulevard, by **SC PUBLIC RADIO**

Wednesday, March 8, 2023 - 5:30 p.m. - 7:00 p.m.

Members and Staff, Reception, Columbia Museum of Art, by
TOGETHER SC

Thursday, March 9, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the
ASSOCIATION OF COSMETOLOGY SALON PROFESSIONALS

Tuesday, March 28, 2023 - 6:00 p.m. - 8:00 p.m.

Members, Staff and Families, Reception, Museum Family Night - SC
State Museum, by the **SOUTH CAROLINA STATE MUSEUM FOUNDATION**

Tuesday, March 28, 2023 - 5:00 p.m. - 7:00 p.m.

Members, Reception, Columbia Hilton - 924 Senate Street, by the
PUBLIC CHARTER SCHOOL ALLIANCE

Wednesday, March 29, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by **STATE FARM INSURANCE**

Wednesday, March 29, 2023 - 11:30 a.m. - 2:00 p.m.

Members, Luncheon, State House Grounds, by the **SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM**

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Wednesday, March 29, 2023 – 5:00 p.m. – 8:00 p.m.

Members, Staff and Families, Reception and Legislative Softball Game,
Segra Park, by **BLUECROSS BLUESHIELD OF SOUTH
CAROLINA**

Thursday, March 30, 2023 – 8:00 a.m. – 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by **LEADERSHIP
SOUTH CAROLINA**

REPORT OF STANDING COMMITTEE

Senator VERDIN from the Committee on Medical Affairs polled out
S. 423 favorable:

S. 423 -- Senators Davis, Hutto, Grooms and Kimpson: A BILL TO
AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO
ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE
ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C.
CODE, RELATING TO POISONS, DRUGS, AND OTHER
CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS
TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS
PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE
CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO
PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR
VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED
IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR
VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING
ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO
CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND
TO DEFINE NECESSARY TERMS.

Poll of the Medical Affairs Committee

Polled 17; Ayes 9; Nays 8

AYES

Verdin	Hutto	Martin
Scott	Davis	Kimpson
Matthews	Gambrell	McLeod

Total--9

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NAYS

Peeler	Alexander	Kevin Johnson
Corbin	Senn	Cash
Loftin	Garrett	

Total--8

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 541 -- Senators Young and Massey: A CONCURRENT RESOLUTION TO CONGRATULATE THE NORTH AUGUSTA HIGH SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA HIGH SCHOOL LEAGUE CLASS 4A STATE CHAMPIONSHIP.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

READ THE THIRD TIME

SENT TO THE HOUSE

The following Bills were read the third time and ordered sent to the House:

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO

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CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

Senator CLIMER explained the Bill.

S. 449 -- Senators Climer and Campsen: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

AMENDED, CARRIED OVER

S. 304 -- Senators Turner, Climer, Verdin and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SR-304.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 56-5-1885(E), by adding an item to read:

(2)(a) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(b) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subitem (a) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

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(c) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(d) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2024 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2024 Session.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

On motion of Senator SETZLER, the Bill was carried over.

CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator BENNETT, the Bill was carried over.

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RECOMMITTED

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

RECOMMITTED

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT

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CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

COMMITTED

S. 282 -- Senators Campsen, Davis, Goldfinch, Hutto and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 25 TO TITLE 51, SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT FOR THE FUND ANNUALLY, TO PROVIDE THAT FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND; AND TO REPEAL CHAPTER 40 OF TITLE 48, RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

On motion of Senator PEELER, the Bill was committed to the Committee on Finance.

CARRIED OVER

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE

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THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-484.BC0002S):

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(A) and inserting:

(A) The South Carolina Waterways Protection Fund is created for the purpose of receiving the three-dollar waterways protection fee that is attached to each tax notice for a watercraft, as provided in Section 12-37-3215.

Amend the bill further, SECTION 2, by striking Section 50-9-975(B)(2) and inserting:

(2) identification, marking, and lighting of hazards to navigation in accordance with applicable rules governing aids to navigation; and

Amend the bill further, by deleting SECTIONS 3 and 4.

Amend the bill further, SECTION 5, by striking Section 12-37-3215 and inserting:

Section 12-37-3215. A tax notice for a watercraft must include a waterways protection fee of three dollars. The fee must be deposited by the county treasurer into the South Carolina Waterways Protection Fund, as established in Section 50-9-975. The issuance or renewal of a certificate of number by the Department of Natural Resources is not contingent on the payment of the waterways protection fee.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, the Bill was carried over.

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POINT OF ORDER

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

S. 414 -- Senators Gambrell, Massey, Turner, Bennett, Grooms and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL

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SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Senator KIMPSON objected to consideration of the Bill.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 120 -- Senators Hembree and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE

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ABSOLUTE CONFIDENTIALITY OF IDENTIFYING
INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE
PLANNING OR EXECUTION OF A DEATH SENTENCE.

Senator MASSEY moved that the Bill be made a Special Order.

Senator MASSEY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 10

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--33

NAYS

Allen	Fanning	Hutto
<i>Johnson, Kevin</i>	Kimpson	Matthews
McLeod	Sabb	Scott
Stephens		

Total--10

The Bill was made a Special Order.

MOTION ADOPTED

At 1:27 P.M., on motion of Senator MASSEY, the Senate agreed to
dispense with the balance of the Motion Period.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 2

Senator HUTTO proposed the following amendment (SJ-153.BM0010S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking the following subitems and inserting:

() ~~four-eight~~ grams or more of any fentanyl or fentanyl-related substance, as described in Section 44-53-190 or 44-53-210, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as "trafficking in fentanyl" and, upon conviction, must be punished as follows if the quantity involved is:

(a) ~~four-eight~~ grams or more, but less than fourteen grams:

Amend the bill further, SECTION 3, by striking Section 44-53-370(d)(4) and inserting:

(4) possession of more than: one gram of cocaine, one hundred milligrams of alpha- or beta-eucaine, four grains of opium, four grains of morphine, two grains of heroin, four grains of fentanyl or a fentanyl-related substance as described in Section 44-53-190 or 44-53-210, one hundred milligrams of isonipecaine, twenty-eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4-methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance

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analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44-53-450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of Sections 17-22-10 through 17-22-160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator MALLOY spoke on the amendment.

RECESS

At 2:23 P.M., on motion of Senator MALLOY, with unanimous consent and Senator MALLOY retaining the floor, the Senate recessed from business until 2:25 P.M.

At 2:24 P.M., the Senate resumed.

On motion of Senator HUTTO, Amendment No. 2 was withdrawn.

Amendment No. 4

Senator MALLOY proposed the following amendment (SJ-153.BM0014S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 44-53-370, by striking the third undesignated paragraph, (a)1., and inserting:

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1. for a first offense, a term of imprisonment of not less than ~~ten~~ seven years nor more than twenty-five years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars; or

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Recorded Vote

Senator CLIMER desired to be recorded as voting against the adoption of the amendment.

Amendment No. 5

Senator GOLDFINCH proposed the following amendment (SEDU-153.DB0013S), which was adopted:

Amend the bill, as and if amended, SECTION 3, after Section 44-53-370(d)(3), by adding an item to read:

() more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than 5 years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than 15 years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits and good conduct credits;

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**THE SENATE PROCEEDED TO A CALL OF THE CONTESTED
LOCAL AND STATEWIDE CALENDAR.**

CARRIED OVER

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING

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SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS
TO ADD FENTANYL-RELATED SUBSTANCES.

On motion of Senator MASSEY, with unanimous consent, the Senate
proceeded to S. 1.

Having voted on the prevailing side, Senator MASSEY moved to
reconsider the vote whereby Amendment No. 2 (SJ-1. BM0004S) was
not adopted on February 14, 2023.

Senator MASSEY moved to carry over the motion to reconsider.

On motion of Senator MASSEY, the Bill was carried over.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:43 P.M., on motion of Senator MASSEY, the Senate adjourned
to meet tomorrow at 1:00 P.M.

* * *

Wednesday, February 22, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Matthew 6:21

We read that the Lord himself proclaims: “ ‘For where your treasure is, there your heart will be also.’ ”

Let us pray. We recognize that today is Ash Wednesday, O Lord, a day of repentance when many cannot help but ponder how it is that we so typically live in ways that are light-years from the manner You would have us all live. In the face of that reality we pray that You will give each of us the strength we need to change our ways, dear God, the courage to admit our shortcomings, and the willing desire to choose to live as You, Lord, would have us live, day by day. And as always, we ask that You will strengthen each of these Senators as You alone can, and give them the peace of heart and mind they need in order to carry out Your will for all of the people of South Carolina. In Your name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 1:05 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Cromer	Davis	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis

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Malloy	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

1st Congressional District:

Ronald L. Coleman, 214 Calhoun Street, Apt. 2, Charleston, SC 29401-1315 *VICE* Mr. Peter Smith

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Department of Veterans' Affairs, with term coterminous with Governor

Secretary:

Todd B. McCaffrey, 3908 Kilbourne Road, Columbia, SC 29205
VICE Major General William F. Grimsley

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2018, and to expire July 1, 2024

7th Congressional District:

Kathleen Richardson, 5251 Mount Pleasant Dr., Myrtle Beach, SC 29579-8529 *VICE* Philip G. Homan

Referred to the Committee on Education.

Doctor of the Day

Senator CAMPSSEN introduced Dr. Joel Sirianni of Charleston, S.C., Doctor of the Day.

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Leave of Absence

On motion of Senator SETZLER, at 1:03 P.M., Senator HUTTO was granted a leave of absence until 1:30 P.M.

Leave of Absence

On motion of Senator KIMPSON, at 2:29 P.M., Senator SABB was granted a leave of absence until 3:15 P.M.

Leave of Absence

On motion of Senator SETZLER, at 4:40 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Young
S. 120 Sen. Martin
S. 125 Sen. Setzler
S. 142 Sens Campsen and McLeod
S. 143 Sen. McLeod
S. 145 Sens. Campsen and McLeod
S. 147 Sen. Campsen
S. 148 Sen. McLeod
S. 208 Sens. Fanning and Kimbrell
S. 304 Sen. Cromer
S. 305 Sens. M. Johnson, Kimbrell, Turner and Fanning
S. 423 Sen. Malloy
S. 527 Sen. Davis
S. 548 Sens. Goldfinch and Verdin
S. 559 Sen. Adams

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin and Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

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Read the first time and referred to the Committee on Finance.

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S. 558 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-31-40 SO AS TO PROVIDE THE PROCEDURE FOR THE TUBERCULOSIS TESTING OF APPLICANT RESIDENTS AND NEWLY-ADMITTED RESIDENTS OF NURSING HOMES IN THIS STATE.

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Read the first time and referred to the Committee on Medical Affairs.

S. 559 -- Senators Kimbrell, M. Johnson, Rice, Reichenbach, Climer, Adams, Talley and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-120 SO AS TO PROVIDE THAT BANKS MAY NOT USE SOCIAL CREDIT SCORES WHEN MAKING DECISIONS CONCERNING WHETHER TO PROVIDE SERVICES TO A CONSUMER OR BUSINESS ENTITY; AND BY ADDING SECTION 34-26-120 SO AS TO PROVIDE THAT CREDIT UNIONS MAY NOT USE SOCIAL CREDIT SCORES WHEN MAKING DECISIONS CONCERNING WHETHER TO PROVIDE SERVICES TO A CONSUMER OR BUSINESS ENTITY.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 560 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-2-105, RELATING TO GOLF CART PERMIT AND THE OPERATION OF A GOLF CART, SO AS TO AMEND THE HIGHWAYS AND STREETS ON WHICH THE OPERATION OF PERMITTED GOLF CARTS IS LEGAL TO THOSE WITH SPEED LIMITS LOWER THAN TWENTY-FIVE MILES PER HOUR; TO REQUIRE SEAT BELTS AND APPROPRIATE CHILD RESTRAINTS ON GOLF CARTS AND TO IMPOSE FINES FOR VIOLATION OF THE SECTION.

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Senator KIMPSON spoke on the Bill.

Read the first time and referred to the Committee on Transportation.

S. 561 -- Senators McElveen, Massey, Young, Campsen, Cromer, Goldfinch, Hutto and Setzler: A SENATE RESOLUTION TO CONGRATULATE THE NATIONAL WILD TURKEY FEDERATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR

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ITS MANY YEARS OF DEDICATED SERVICE TO THE NATION
AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 562 -- Senator Davis: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 4-37-30,
RELATING TO SALES AND USE TAXES OR TOLLS AS REVENUE
FOR TRANSPORTATION FACILITIES, SO AS TO EXPAND THE
UTILIZATION OF TRANSPORTATION SALES TAX PROGRAMS.

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Read the first time and referred to the Committee on Finance.

S. 563 -- Senators Turner, Alexander, Garrett, Loftis, Bennett, Adams,
M. Johnson, Gustafson, Massey, Cromer, Peeler, Talley, Young,
Kimbrell and Climer: A BILL TO AMEND THE SOUTH CAROLINA
CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING
TO RETAIL THEFT AND PENALTIES, SO AS TO DEFINE
ORGANIZED RETAIL CRIME AND ORGANIZED RETAIL CRIME
OF AN AGGRAVATED NATURE AND RELATED TERMS, TO
CLASSIFY ORGANIZED RETAIL CRIME AS A FELONY
OFFENSE, AND TO DEFINE AGGRAVATING CIRCUMSTANCES
AND INCREASED PENALTIES FOR ORGANIZED RETAIL CRIME
OF AN AGGRAVATED NATURE.

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Read the first time and referred to the Committee on Judiciary.

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330,
RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN
JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO
REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF
THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY
THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0147hdb23.docx : 6b529c38-e972-414f-a7ab-70213b1aad2a

Read the first time and referred to the Committee on Judiciary.

H. 3797 -- Reps. B. J. Cox, G. M. Smith, Beach, W. Newton,
Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson
and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE
OF LAWS BY ENACTING THE "MILITARY TEMPORARY
REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION

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59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.
lc-0189wab23.docx : 360be2ef-1547-4dc7-9ce3-7daecc5b6fd

Read the first time and referred to the Committee on Education.

H. 3802 -- Reps. B. J. Cox and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "VETERANS' TRUST FUND" BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN; TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS; AND TO ESTABLISH A FOUR-YEAR TERM.
lc-0186sa23.docx : e41dbd1d-f451-470b-8af3-9b2df080da61

Read the first time and referred to the Committee on Family and Veterans' Services.

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL

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STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 92 -- Senators Campsen and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 123 -- Senators Hembree, Turner and Malloy: A JOINT RESOLUTION CREATING THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZES THE ACT AND REPEALS FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 125 -- Senators Hembree, Turner and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING

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SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPENDS TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 138 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO

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AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO

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PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS

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NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT

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ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE

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AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 259 -- Senators Rankin, Young, Hutto and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST

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REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 285 -- Senators Davis, Rice, Grooms and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING

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SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian, Cash, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE

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FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 405 -- Senators Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 500 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE

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INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operations & Management polled out S. 550 favorable:

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

Poll of the Operations & Management Committee

Polled 9; Ayes 8; Nays 0; Abstain 0; Not Voting 1

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Setzler	

Total--8

NAYS

Total--0

NOT VOTING

Hutto

Total--1

Ordered for consideration tomorrow.

ADOPTED

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH

WEDNESDAY, FEBRUARY 22, 2023

CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON
WEDNESDAY, MARCH 8, 2023.

Senator MARTIN asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Resolution was adopted, ordered sent to the House.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

Ordered for consideration tomorrow.

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Appointment Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointment

Initial Appointment, Director, State Election Commission, with the term to commence January 4, 2023, and to expire June 30, 2027

Howard M. Knapp, 10 Sasanqua Circle, Columbia, SC 29209
Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer, Campsen and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

The question being third reading of the Bill.

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The “ayes” and “nays” were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

AMENDMENT PROPOSED, CARRIED OVER

S. 304 -- Senators Turner, Climer, Verdin, Kimbrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

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Senator MALLOY proposed the following amendment (SR-304.JG0006S):

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty-five~~ fifty dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Seventy-five percent of each fine collected pursuant to this section shall be credited to the ticketing agency. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender's motor vehicle insurer.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator BENNETT spoke on the amendment.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

On motion of Senator MALLOY, the Bill was carried over.

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AMENDED, READ THE SECOND TIME

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-1.BM0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80.(A) A person who knowingly and unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

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Senator SENN proposed the following amendment (SR-1.JG0008S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80(C) and inserting:

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was withdrawn.

Senator GARRETT proposed the following amendment (SJ-1.BM0007S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully delivers, dispenses, or otherwise provides a controlled substance to another person, in violation of the provisions of Section 44-53-370 or Section 44-53-375, commits the felony offense of drug-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the controlled substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a drug-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Amend the bill further, SECTION 2, by striking Section 16-1-10 and inserting:

Section 16-3-80. Drug-induced homicide

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

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The amendment was withdrawn.

Senator SENN proposed the following amendment (SR-1.JG0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80(C) and inserting:

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide. A person charged with a violation of this section may also be charged for any other applicable drug-related offense to include an assisted suicide pursuant to the provisions of Section 16-3-1090.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley

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Turner
Young

Verdin

Williams

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Remarks by Senator GARRETT

Thank you all. You know, this fentanyl is a very dangerous drug. It is killing many of our children and it is a national problem. It is not just a South Carolina problem. I would love for South Carolina to be able to put a band around us and keep all of it out of South Carolina. We can't do that, so in my estimation we have to be thinking in terms of national policy as well as South Carolina policy. We can't do this alone, so our policies need to be consistent with the national policies. We all need to be working together state, federal, and local government. We need to support law enforcement. When somebody loses a child to drugs, they don't really care whether or not it had four grains, or eight grains, or two grains, or any grains. When you lose a child to this, all you know is that someone sold it to them. That is what you know and understand. Often, as was testified at that meeting, many of those people actually knew who it was that sold them that drug and they are not being prosecuted. So nowadays, what we have is a situation where the dealers are smarter. They are now putting their drugs into every other drug. For instance, they lace marijuana with this drug, fentanyl, and kill you just the same as whether or not they gave you straight fentanyl. It is a problem for all of us. We've got a good federal and state law that deals with a combination of all of these drugs. It is in our Section 16-3-80, and it also deals with the issue that was before us earlier. This amendment draws in all federal law and our state law or state law into our federal law, and it uses all of this power. Oftentimes, we don't have the money or expertise in South Carolina -- oftentimes to do this work that needs to be done, to the interdiction. Oftentimes a lot of this stuff coming in is not coming in just from South Carolina. It is coming in from Florida. It is coming in from Atlanta. It is coming in from Nashville. It is coming in from Charlotte. All of this is coming in. It comes in and goes out, before we even know

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who has delivered it. Unless we work the system that is already in place, the South Carolina system is consistent with the federal system. This amendment says that all illegal drugs, if they kill your child, should warrant the penalty of thirty years. So that's what the amendment does. Thank you.

On motion of Senator GAMBRELL, with unanimous consent, the remarks of Senator GARRETT were ordered printed in the Journal.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

COMMITTEE AMENDMENT ADOPTED

AMENDED, AMENDMENT PROPOSED, CARRIED OVER

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF

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LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-484.BC0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(A) and inserting:

(A) The South Carolina Waterways Protection Fund is created for the purpose of receiving the three-dollar waterways protection fee that is attached to each tax notice for a watercraft, as provided in Section 12-37-3215.

Amend the bill further, SECTION 2, by striking Section 50-9-975(B)(2) and inserting:

(2) identification, marking, and lighting of hazards to navigation in accordance with applicable rules governing aids to navigation; and

Amend the bill further, by deleting SECTIONS 3 and 4.

Amend the bill further, SECTION 5, by striking Section 12-37-3215 and inserting:

Section 12-37-3215. A tax notice for a watercraft must include a waterways protection fee of three dollars. The fee must be deposited by the county treasurer into the South Carolina Waterways Protection Fund, as established in Section 50-9-975. The issuance or renewal of a certificate of number by the Department of Natural Resources is not contingent on the payment of the waterways protection fee.

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Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator KIMPSON proposed the following amendment (SR-484.KM0005S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 50-23-280(A) of the S.C. Code is amended to read:

(A) (1) Unless otherwise specified, a person violating this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(2) The owner of an abandoned, junked, or adrift watercraft or outboard motor seized pursuant to this chapter, in addition to any other penalties imposed in this chapter, must also be fined not less than five hundred dollars nor more than the cost of performing the removal of the abandoned, junked, or adrift watercraft or outboard motor.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (SMIN-484.MW0003S), which was proposed:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(D) and (E) and inserting:

(D) The department shall allocate funds in a manner that ensures that each of the regions of this state receives no more than twenty-five percent of the funds annually.

(E) The South Carolina Office of Resilience, upon request from the department, may assist in the maintenance of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Renumber sections to conform.

Amend title to conform.

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Senator SETZLER explained the amendment.

On motion of Senator SETZLER, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-394.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-37-30(B)(2) and inserting:

(2) If the results of the neonatal testing are abnormal, the department may recommend additional testing and, in addition to the notification requirements established in Section 44-37-30(B)(1), notify one or more of the following to ensure timely provision of follow-up services:

(a) the physician or health care provider attending the child's birth or his designee;

(b) the physician or health care provider responsible for newborn care in the hospital; or

(c) the physician or health care provider identified for follow-up care after the newborn's discharge from the hospital.

(3) If the results of the neonatal testing are abnormal, time-sensitive, or time-critical, the department may, in addition to notification requirements established in Section 44-37-30(B)(1) and (2), notify and provide information about the abnormal, time-sensitive, or time-critical screening results to a qualified pediatric specialist in accordance with guidelines established by the department's Newborn Screening Advisory Committee for the timely provision of the follow-up services.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

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The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDED, AMENDMENT PROPOSED, OBJECTION

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

The Senate proceeded to the consideration of the Bill.

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Senator SENN proposed the following amendment (SR-407.JG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-407.JG0004S):

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. A prescriber who offers or provides naloxone hydrochloride over the counter, without a prescription prior to FDA approval is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MALLOY objected to further consideration of the Bill.

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POINT OF ORDER

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:47 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL

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DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The Committee on Corrections and Penology proposed the following amendment (LC-120.VR0009S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential.

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For all members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State. This identifying information shall be classified as a state secret.

Amend the bill further, SECTION 1, by striking Section 24-3-580(F) and inserting:

(F) Any pharmacy or pharmacist, whether located within or without the State, that is involved in the supplying, manufacturing, or compounding of any drug intended for use by the department in the administration of the death penalty shall be exempt from all licensing, dispensing, and possession laws, processes, regulations, and requirements of or administered by the Department of Labor, Licensing and Regulation, the Board of Pharmacy, or any other state agency or entity, found anywhere in the South Carolina Code of Laws or South Carolina Code of Regulations, only to the extent that the licensing, dispensing, and possession laws, processes, regulations, and requirements pertain to the drugs intended for use in the administration of the death penalty, and no prescription from any physician shall be required for any pharmacy or pharmacist to supply, manufacture, or compound any drug intended for use in the administration of the death penalty. This exemption shall not apply to any licensure or permitting requirements for the supply, manufacture, or compounding of any other legend drug or pharmaceutical device.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Amend the bill further, by striking SECTION 3 and inserting:

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SECTION 3. This act takes effect upon approval by the Governor and applies to persons sentenced to death as provided by law prior to and after the effective date of this act.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The amendment was adopted.

Amendment No. 1A

Senator HEMBREE proposed the following amendment (SEDU-120.DB0015S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. For all members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 2

Senator HEMBREE proposed the following amendment (SR-120.JG0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(A), by adding an item to read:

(3) "Deidentified condition" means data, records, or information from which identifying information is omitted or has been removed.

Amend the bill further, SECTION 1, by striking Section 24-3-580(H) and inserting:

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(H) The Office of the Comptroller General and the Office of the State Treasurer shall work with the South Carolina Department of Corrections to develop a means to ensure that the state's accounting and financial records related to any transaction for the purchase, delivery, invoicing, etc. of or for supplies, compounds, drugs, medical supplies, or medical equipment utilized in the execution of a death sentence are kept in a deidentified condition.

(I) This section shall be broadly construed by the courts of this State so as to give effect to the General Assembly's intent to ensure the absolute confidentiality of the identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator KIMPSON proposed the following amendment (SMIN-120.AA0024S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() Notwithstanding any other provision of this section, the department shall ensure that all medical personnel involved in the execution process, including but not limited to, licensed physicians, registered nurses, and emergency medical technicians must be fully licensed or certified by their respective licensing boards and organizations and evidenced by current professional license documentation presented to the director or his designee; have no adverse actions in their personnel or professional licensing records; and be trained in carrying out the administration of the death penalty via lethal injection.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

On motion of Senator KIMPSON, with unanimous consent, Amendment No. 3 was withdrawn.

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Amendment No. 4

Senator KIMPSON proposed the following amendment (SMIN-120.AA0025S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() Notwithstanding any other provision of this section, the department shall publish the qualifications and related training of the medical professionals directly or indirectly involved in the execution of a death sentence within this State. Nothing in this requirement shall be construed to require identifying information of any person.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

The amendment was adopted.

Amendment No. 5

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0022S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) (1) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. A court, upon a showing of good cause, may order discovery relating to the identifying information of a member of the execution team if that member is a person or entity that compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence. For all other members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any similar body that exercises any part of the sovereignty of the State.

(2) Notwithstanding (B)(1), identifying information of a person or entity that compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence shall be provided

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to an attorney representing the defendant who has been sentenced to execution.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 6

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0023S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately numbered subsection to read:

() Prior to use of any drug or combination of drugs to be used in the administration of the death penalty, an independent, third-party analysis for efficacy of all drugs intended for use in the execution must be conducted by a qualified professional and results must be provided to the attorney representing the defendant who has been sentenced to execution.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 29; Nays 12

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Loftis	Martin

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Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Turner	Verdin
Williams	Young	

Total--29

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Matthews	McElveen	McLeod
Sabb	Scott	Stephens

Total--12

The amendment was laid on the table.

Amendment No. 8

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0027S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential with the exception of any instance of medical malpractice in the professional history of any licensed physician who is part of the execution of a death sentence, which shall be made available to the attorney for the person sentenced to death. For all other members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State. This identifying information shall be classified as a state secret.

ReNUMBER sections to conform.

Amend title to conform.

On motion of Senator MATTHEWS, with unanimous consent, the amendment was withdrawn.

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Amendment No. 9

Senator McELVEEN proposed the following amendment (SMIN-120.AA0034S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. A court, upon a showing of good cause, may order discovery relating to the execution team and administration of the death sentence. Records released by the department pursuant to this subsection shall be accompanied by an order of protection issued by a circuit court judge to ensure the confidentiality of the records. The order of protection may make any order as justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense and may provide one or more of the following stipulations:

(1) the records shall not be reproduced except as authorized by court order;

(2) the records shall be viewed or disclosed only on specified terms and conditions;

(3) the records shall be sealed and only opened by court order;

(4) the order shall be applicable to all parties, their counsel, and any agent or representative of a party; and

(5) the records released pursuant to the order of protection shall be returned to the court upon completion of the matter that caused the production of the records.

A person who fails to obey an order of protection issued under this subsection shall be found in contempt of court.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator HEMBREE spoke on the amendment.

On motion of Senator McELVEEN, with unanimous consent, the amendment was withdrawn.

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Amendment No. 10

Senator KIMPSON proposed the following amendment (SR-120.JG0039S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding a subsection to read:

(I) Notwithstanding any other provision of this section the department shall ensure that all medical personnel involved in the execution, including but not limited to, licensed physicians, registered nurses, and emergency medical technicians must be fully licensed or certified by their respective licensing boards and organizations and evidenced by current professional license documentation presented to the director or his designee; have no adverse professional misconduct documented in their personnel record or professional licensing records; and be trained in carrying out the administration of the death penalty via lethal injection.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

The amendment was adopted.

Amendment No. 11

Senator ALLEN proposed the following amendment (SMIN-120.AA0036S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding a subsection to read:

(I) Notwithstanding any other provision in this section, no drug shall be used in administration of the death penalty in this State unless it has been approved by the U.S. Food and Drug Administration.

Renumber sections to conform.

Amend title to conform.

Senator ALLEN explained the amendment.

The amendment was adopted.

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Amendment No. 12

Senator STEPHENS proposed the following amendment (SMIN-120.AA0026S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() The department shall acquire and ensure the appropriate use of any such appliances, equipment, supplies, or materials as medically-trained personnel may recommend for the purpose of ensuring that the death sentence is carried out without exposing the person sentenced to death to a substantial risk of serious harm, pain, or suffering and in accordance with constitutional requirements.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 13

Senator McLEOD proposed the following amendment (SMIN-120.AA0031S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 24-3-550(D) of the S.C. Code is amended to read:

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution. However, the department shall conduct and maintain audio and video recordings of all executions. Nothing in this section shall be construed to require disclosure of identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.

Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

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On motion of Senator McLEOD, with unanimous consent, the amendment was withdrawn.

Amendment No. 14

Senator STEPHENS proposed the following amendment (SMIN-120.AA0029S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(H), by adding a subsection to read:

() Notwithstanding any other provision in this section, in the event of an execution which involves unanticipated problems or delays that caused unnecessary pain and suffering for the prisoner or that reflect gross incompetence of the executioner, the department must order and make available the results of an autopsy of the person sentenced to death to his or her attorney. Nothing in this subsection shall be construed to require identification of any member of an execution team.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

On motion of Senator STEPHENS, with unanimous consent, the amendment was withdrawn.

Amendment No. 15

Senator McLEOD proposed the following amendment (SMIN-120.MW0040S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 24-3-550(D) of the S.C. Code is amended to read:

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution. However, the department shall conduct and maintain audio and video recordings of all executions. Nothing in this section shall be construed to require disclosure of identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State. The provisions of this subitem are not subject to the Freedom of Information Act.

Renumber sections to conform.

Amend title to conform.

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Senator McLEOD explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 16

Senator STEPHENS proposed the following amendment (SMIN-120.AA0042S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(H), by adding a subsection to read:

() The department must order and make available the results of an autopsy of the person sentenced to death to his or her attorney. Nothing in this subsection shall be construed to require identification of any member of an execution team.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 5

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--39

NAYS

Allen
Sabb

Johnson, Kevin
Scott

McLeod

Total--5

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 4:45 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 23, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 40:1

Isaiah the prophet proclaimed: "Comfort, comfort my people, says your God."

Bow in prayer with me, if you will: Holy God, we give You our sincerest thanks today for every individual who strives to serve You faithfully here in the Senate of South Carolina: the dedicated and caring Senators themselves determined to honor You by doing their very best, the staff members who labor diligently and often quietly behind the scenes to carry out the will of this Body, and every other servant doing his or her dead level best to provide for the needs of all South Carolinians. Indeed, everyone who labors during these challenging days to bring hope and comfort to our people needs to be counted among our modern-day heroes, and so we accord each of these our high praise and thanksgiving. We humbly pray all this in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McLEOD introduced Dr. Mark Humphery of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GOLDFINCH, at 11:24 A.M., Senators GAMBRELL and MARTIN were granted a leave of absence for today.

Leave of Absence

On motion of Senator WILLIAMS, at 11:35 A.M., Senator SCOTT was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 11:35 A.M., Senator KIMPSON was granted a leave of absence until 11:40 A.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 92	Sen. Garrett
S. 405	Sen. Garrett
S. 496	Sen. Garrett
S. 563	Sens. Grooms and Reichenbach

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 208	Sen. Kimbrell
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RECALLED AND COMMITTED

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

On motion of Senator RANKIN, with unanimous consent, the Bill was recalled from the Committee on Banking and Insurance and committed to the Committee on Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 565 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE REVEREND DR. AMOS O. HARLING, JR. UPON THE OCCASION OF HIS THIRTY-THIRD ANNIVERSARY AS MINISTER OF SAINT MARK MISSIONARY BAPTIST CHURCH AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE TO HIS CONGREGATION AND THE LEESVILLE COMMUNITY.

sr-0283km-vc23.docx : df2709a2-391e-455e-a3c3-32c4a336d62b

The Senate Resolution was adopted.

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER

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THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

lc-0241sa23.docx : c9d2f565-2e20-4395-83ce-16dd45f82792

Read the first time and referred to the Committee on Judiciary.

S. 567 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE FEBRUARY 28, 2023, "RARE DISEASE AWARENESS DAY" IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS TO LEARN ABOUT, CONNECT WITH, AND CHAMPION PEOPLE LIVING WITH RARE DISEASES.

lc-0085ha-gm23.docx : 79fe81ed-2ebd-494a-b069-83fa065ef84c

The Senate Resolution was adopted.

S. 568 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE MARCH 1, 2023, AS "DISABILITY ADVOCACY DAY" IN SOUTH CAROLINA.

sr-0282km-vc23.docx : 2b521ce2-a6ca-4d51-ac36-161b64894083

The Senate Resolution was adopted.

S. 569 -- Senators Shealy and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A

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STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

sr-0298km23.docx : ff048481-76fb-4226-968f-893f2d7749d1

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

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Read the first time and referred to the Committee on Judiciary.

H. 4012 -- Reps. Kirby, Atkinson, Alexander, Anderson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR THE WILLIAMSBURG ACADEMY FOOTBALL TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2022 SOUTH CAROLINA

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INDEPENDENT SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONSHIP TITLE AND TO SALUTE THEM ON A FABULOUS SEASON.

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The Concurrent Resolution was adopted, ordered returned to the House.

HOUSE CONCURRENCE

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO

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ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

READ THE SECOND TIME

S. 304 -- Senators Turner, Climer, Verdin, Kimbrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Garrett	Goldfinch
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens

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Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Corbin

Total--1

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-418.DB0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(3), (4), and (5) and inserting:

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the ~~add-on~~ certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the

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department ~~for the add-on~~. During the six-year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy ~~add-on~~ endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

~~(4) Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar~~

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~~program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to educators. Inservice hours earned through professional development must be used for renewal of teaching certificates in all subject areas. The total number of hours required shall not exceed 60 of the 120 hours required during a teacher's five-year recertification cycle.~~

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and~~

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data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

Amend the bill further, SECTION 1, by striking Section 59-155-180(C)(7) and (8) and inserting:

(7) ~~The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add on endorsement. Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.~~

(8) Annually by August first, the department shall publish the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher endorsement. Annually by January first, the department shall publish the approved courses and approved professional development leading to the literacy teacher endorsement.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator MARTIN objected to further consideration of the Bill.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL

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ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

CARRIED OVER

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

On motion of Senator SETZLER, the Bill was carried over.

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READ THE SECOND TIME

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

The Senate proceeded to the consideration of the Bill.

Senator SENN proposed the following amendment (SR-407.JG0004S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. A prescriber who offers or provides naloxone hydrochloride over the counter, without a prescription prior to FDA approval is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

Senator MALLOY moved to carry over the amendment.

On motion of Senator SENN, with unanimous consent, the amendment was withdrawn.

The question then being the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR

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VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

Senator GARRETT objected to consideration of the Bill.

POINT OF ORDER

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 92 -- Senators Campsen, Senn and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 123 -- Senators Hembree, Turner and Malloy: A JOINT RESOLUTION CREATING THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZES THE ACT AND REPEALS FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 125 -- Senators Hembree, Turner, Young and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO

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ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 138 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR

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PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING,

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HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC

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EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

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Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 259 -- Senators Rankin, Young, Hutto and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY

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WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

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Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 285 -- Senators Davis, Rice, Grooms and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

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Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BY INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian, Cash, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN

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DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 405 -- Senators Campsen, Kimbrell and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO

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PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 500 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF

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REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL

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PERMANENT STATUTORY LAW OF THE STATE AS OF
JANUARY 1, 2023.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING
BEEN COMPLETED, THE SENATE PROCEEDED TO THE
MOTION PERIOD.**

MOTION ADOPTED

At 11:47 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**READ THE THIRD TIME
SENT TO THE HOUSE**

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY

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THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator MALLOY spoke on the Bill.

Remarks by Senator MALLOY

Senator ALEXANDER and members of the Senate, I come before you to briefly speak about what had happened on this specific amendment to S. 120. I have noted that there are some fallacies surrounding it that I want to address. I want to make certain that everyone is clear that nothing in this Bill carves out a person's will or desire for a person to die at the hands of the State. Please know that any categorization of this amendment as one of those issues is patently false. Many of us have represented clients or know those that have represented clients that began as a death penalty case and is not a trial by a judge, but instead, a trial by a jury of their peers. There are often disparities in these cases, so please do not take this vote or support anything as it relates to this issue as to a person's own stance. Those opinions belong to the individual and do not belong in this discussion.

Simply put, the State cannot get the drug used for lethal injection. Do you believe it is more humane to use lethal injection to execute the death penalty? However, one could conceivably argue that no form of execution is humane, depending on where one may stand on this issue. Let's look at what's been happening on the subject of the death penalty in other states, as well as what is happening here in South Carolina. There

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has been much discussion nationwide about whether innocent people have been executed and we can all agree that yes, innocent people have been executed. Are there innocent people now on death row? Yes, there are. Are there a disproportionate number of those on death row that are poor? Yes, there are. Is there a disproportionate percentage of African Americans on death row? Yes, there are. In South Carolina, we have thirty-four people on death row, and you may be surprised to learn that seventeen are black and seventeen are white. Conversely, there is one person on death row in California. When you begin looking at the numbers as it relates to population, there is still a disparity.

My other point is this -- you've heard me talk a great deal about our prison population and what we do with our inmates. If you look at what has happened with our prison population in recent years, you will see a significant decline in numbers. In 2014, it went down by 365 inmates. In 2015, it went down by another 542. In 2017, it went down an additional 159, and the next year another 890. In 2018, it went down 829 and in 2020, it went down by 581. Then there was a big jump, down 2,434 inmates, and now South Carolina is down to between 15,000 and 16,000 inmates. We have effectively changed the trajectory of incarceration, and we could begin to consider closing prisons. While the death penalty is certainly the ultimate punishment, views on it have evolved over time. There are many reasons for this, but as we continue to consider this issue, let's be sure that we understand that different countries have different punishments. There are some that rarely utilize the death penalty at all and let me be clear, this is not a bright line test on the death penalty.

In this State, there should be an aggravating circumstance for the death penalty as a result of a hate crime, but we don't have it. We don't even have a definition of a hate crime in this State. For example, we had to prosecute Dylan Roof in federal court, where he was convicted and sentenced to death. He pled to a life sentence here in state court -- a life sentence as the consequence for his heinous acts.

If you look at where these inmates on death row are from, and there are only 34, you will see that there is also a disparity in counties that implement the death penalty. If we are truly going to have an issue on this, it must be fair. Senator McLEOD attempted to put up an amendment yesterday regarding whether or not the State should video executions. And while the public may perceive this as a good idea, and maybe it is, it is a difficult issue. There were concerns around whether such videos would be leaked to the public. Let us understand that in particularly heinous cases -- attorneys keep crime scene photos out of the mainstream media -- could you imagine what would happen if those pictures made it

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into the public? So while Senator McLEOD's idea is good and sincere, as a practical matter, we must consider whether or not we want unfettered access to such videos in the mainstream media. What we currently have in place is the written transcript of events to reproduce actual events to give the media the ability to fairly report upon the proceedings afterwards, once they have left the facility.

For those that have had the opportunity to witness such a proceeding, many wish they had not. Some have represented individuals that become very genteel toward the very end. I have personally seen very heinous cases where their sentences have been commuted to life. The law of the land in South Carolina is the death penalty, but it will change as it evolves around the country. There will one day be a time where South Carolina will no longer have the death penalty. There will be a time when the United States of America will no longer incarcerate people at the rate they currently do. Twenty-five percent of the world's prison population is in the United States of America. We have more prison beds than dorm room beds in this country. In forty-two states, we have more prisoners than we have students in universities and colleges. We are a lock 'em up society, not a rehabilitative society.

And so I come to my last point, then I will take some questions. This is not political football, so if you ask someone how they feel about this issue -- I will say that I am conflicted a little bit myself, depending on whether I just left Sunday School, or whether someone has caused suffering to my family. I have looked into Dylan Roof's face, and I don't know how he deserves existence in this world. Will he ever be executed? No.

So, in conclusion, this is not a political football, so please don't take it that way. We had some discussion yesterday about how execution is set up in this State. The people that are in attendance are not clothed in uniforms that cover their faces or anything of the like. That doesn't happen. As the process has evolved in this State over time -- have had past debates over using a firing squad and bringing the electric chair back. From what we read, there are a lot of botched executions, particularly in the electric chair. If you read up on this, even within the execution drug cases, the firing squad is the least botched. But no one can truly fathom a firing squad becoming a reality in this State.

So I will conclude by saying that I have been asked why I would vote for this Legislation. I have a hard time explaining that, so my first response was that it is the law of the land, and while it's more accepted if you will, I don't believe that it is entirely accepted. If you are going to keep the death penalty, do you take the option of having the electric chair

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or firing squad or the lethal injection? The Senate has chosen that it would implement this shield law to accept the lethal injection drugs and make it the law of the land in South Carolina. As we move forward, I want to make certain that we don't use this issue as a dividing point for the ultimate issue -- the death penalty -- that you could be challenged on yourself and your belief system, not just your policy. This is about human decency and the people affected by our decisions.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator MALLOY were ordered printed in the Journal.

Senator K. JOHNSON spoke on the Bill.

Remarks by Senator K. JOHNSON

Thank you, Mr. PRESIDENT. Members, yesterday when we voted a second reading on this Bill I think the vote was 39 to 5, and I was one of those five that voted against the Bill. I think I convinced myself that I lean against the death penalty. Now, keep in mind that I'm hard on criminals and I don't like crime, and I tend to like for people to be punished especially for the more heinous crime; however, as we've just heard in the last exchange, there are studies that show that about 4.1% of people who are on death row or who have been executed were innocent. I don't think that there is any justification for executing an innocent person. I also think that giving a person life plus one hundred years or life without the possibility of parole in a lot of cases is a harsher penalty than the death penalty. I think sometimes the death penalty is too easy for some people.

We sat here a month or so ago and the majority of the Body was stating adamantly how pro-life they are. I speak for myself, and I said then during that debate that I had a hard time understanding their reasons as to how they feel as they do. I have a hard time reconciling a person being so strongly pro-life, and then here we are now on a different Bill and they're in favor for the death penalty. I wouldn't have as hard of a time with that if it weren't for the fact, as I said before, we're executing all these people and we have some people on death row who are 100% innocent. There is one in every twenty-five being executed for a crime they didn't commit, but if that were just one that would be one too many.

The other problem I had with this Bill is that we want to shield the identity of those who are involved in this, such as pharmacists, doctors, and others who are involved; however, in the case of abortion, if the woman wants to exercise her right to have the baby aborted, we are not

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trying to shield her identity. I think the Bill we passed a few weeks ago says, if a woman decides that she wants to have an abortion because the baby was conceived through rape, she can do so but a lot of information must be reported to the police department, and it is filed on record. If the baby was aborted due to a fetal anomaly or due to risking the life of the mother, there is also some reporting that must be done. The woman doesn't have this shield like the people who are involved in the death penalty. That is why I voted against it. I don't think that we should have the right to kill people because they kill people. I think that there are severe and harsh punishments that can be meted out that come short of killing people. Again, I say that because when we do that, we are killing innocent people and we have killed innocent people. If the data is correct, what we have here in the death penalty, is one in twenty-five of those people that have been executed, or, one in twenty-five of those folks who are waiting to be executed are innocent. Thank you, Mr. PRESIDENT.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator K. JOHNSON were ordered printed in the Journal.

Senator DAVIS spoke on the Bill.

Remarks by Senator DAVIS

Did you know it is very rare we have an issue like this before us and there are important things to explore as we debate it? I am not going to be long, maybe five or ten minutes, but I think there are some important points to be made here. Are you aware that I support the death penalty? Are you aware that the reasons individuals give in support of the death penalty are either, it is necessary as a deterrent, it is necessary to provide justice for the family members of those who were killed, or it is necessary in a broader justice sense for an individual who has taken a life to surrender a life?

There are various public policy reasons given by those who support the death penalty. Did you know that Science Magazine and many journals have done an exhaustive study of three decades worth of executions and capital punishment? They determined that in approximately 4% of the cases you are executing a person who is innocent. Now, that varies depending upon the statistician, but no one is going to dispute there are going to be instances when somebody who is innocent is executed. Did you know those who support the death penalty take the position, when you balance those public policy reasons, that I

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stated -- whether it is deterrence, justice, or whatever it is -- that those public policy reasons justify the taking of an innocent life? And did you know when I am thinking that through, I am remembering the abortion debate and those who say that life under every single circumstance must be protected? That there is no countervailing right that you can balance against it. Women's liberty is not a right you can counterbalance against it. Would you agree with me that there is a bit of a disconnect in the reasoning process between those who argue that there should be a ban on abortions from the time of conception, that life is absolute, that all innocent life needs to be protected, and that there is no sufficient countervailing balance or social good to balance against that in that context? But in the death penalty context, they are perfectly willing to allow an innocent person to be executed because of those countervailing public policy benefits.

I just wanted to point out that I think there is hypocrisy between those two positions. Did you know, that as a matter of fact, an innocent person is going to be executed at some point in time? We know that. Yet we do it anyway because of the corresponding public benefits. I am just not sure why those who support the death penalty and make that argument do not apply that same reasoning to abortion. Thank you.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator DAVIS were ordered printed in the Journal.

The Bill was read the third time ordered sent to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 12:37 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 24, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McELVEEN.

MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mabell Green Littles of Eutawville, S.C. Mabell was a dedicated member of Mt. Zion Baptist Church in Bowman, S.C. where she served faithfully in the choir and as a missionary. She worked many years as a caregiver in her community. Mabell enjoyed cooking, singing, gardening and spending time with her family. Mabell was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SETZLER, the Senate adjourned to meet next Tuesday, February 28, 2023, at 12:00 P.M.

* * *

Tuesday, February 28, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 27:1

Bless us all as today we hear in Psalm 27 that: “The Lord is my light and my salvation; whom shall I fear? The Lord is the stronghold of my life; of whom shall I be afraid?”

Let us pray: O Loving Lord, it has now been one year, one year since the horrors of modern warfare brought havoc and destruction upon the people of Ukraine. One entire year of unrelenting terror and death. We pray, dear God, that Your hand of mercy will be with those who survive and who struggle to overcome the forces of darkness. We pray further for those who are striving to bring about peace, to provide medical aid, to assist Ukraine as yet another year of unimaginable fear gets underway. Also, Lord, as this Senate yearns for peace everywhere, we ask You to keep our own troops safe, wherever they happen to serve. And in addition, embrace in Your love and care Senator Hutto and his family in the death yesterday of the Senator’s father. O Lord, we pray all of this in Your blessed name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Grooms	Gustafson

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Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Motion to Ratify Adopted

At 12:11 P.M., Senator MARTIN moved to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.

Doctor of the Day

Senator DAVIS introduced Dr. James Gigante of Hilton Head, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:04 P.M., Senator HUTTO was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 12:04 P.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 12:04 P.M., Senator GARRETT was granted a leave of absence for today.

Leave of Absence

On motion of Senator GAMBRELL, at 12:52 P.M., Senator GOLDFINCH was granted a leave of absence for today.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 92 Sen. Malloy
S. 123 Sens. Talley, Sabb, Setzler and Scott

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S. 125 Sens. Fanning and Climer
S. 137 Sens. Young and Senn
S. 138 Sens. Senn, Cromer and Loftis
S. 259 Sen. Malloy
S. 285 Sen. Climer
S. 392 Sen. Gustafson
S. 500 Sens. Campsen and Rankin
S. 552 Sen. M. Johnson
S. 557 Sen. Young

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 570 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE NONPROFIT AND PHILANTHROPIC ORGANIZATIONS OF SOUTH CAROLINA AND THEIR MANY VOLUNTEERS, DONORS, BOARD MEMBERS, AND PROFESSIONAL LEADERS FOR THEIR SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0291km-hw23.docx : 7798a2c0-e87c-4ce2-9991-973c5b6b6efe

The Concurrent Resolution was adopted, ordered sent to the House.

S. 571 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MARCH 2023 AS "SOCIAL WORK MONTH" IN SOUTH CAROLINA.

sr-0299km-vc23.docx : 28b509bd-5074-4410-83d8-44bc847d3605

The Senate Resolution was adopted.

S. 572 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO CORPORATE SELF-REPRESENTATION AT HEARINGS BEFORE THE DEPARTMENT'S PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5152, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0244wab-dbs23.docx : fab3f306-5cc9-4944-8ac7-1c99a30faa14

Read the first time and ordered placed on the Calendar without reference.

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S. 573 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-STATE ATHLETIC COMMISSION, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5153, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0245wab-dbs23.docx : 8865a830-459f-40b6-89dd-3d652c3028c9

Read the first time and ordered placed on the Calendar without reference.

S. 574 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, RELATING TO BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5133, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0243wab-rt23.docx : eb52825e-f206-426b-b9ac-0002df22c3da

Read the first time and ordered placed on the Calendar without reference.

S. 575 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MS. CAROLYN DAVIS ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

sr-0307km-hw23.docx : ef455377-9c85-40fb-bb12-d8ae6225eaa1

The Senate Resolution was adopted.

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Young, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY

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THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

sr-0287km23.docx : 08440dec-c88d-4206-abca-8d39d7899d45

Senator MASSEY spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 577 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE.

lc-0175dg23.docx : b5affca5-d749-42d1-9a8e-026c54e91926

Read the first time and referred to the Committee on Finance.

S. 578 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS OF AND REPORTS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO AUTHORIZE THE DISCLOSURE OF DOCUMENTS UNDER CERTAIN CIRCUMSTANCES.

lc-0174dg23.docx : e697b48c-3966-419c-a386-9b8ba8653b34

Read the first time and referred to the Committee on Finance.

S. 579 -- Senator Loftis: A SENATE RESOLUTION TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN WITH THE SENATE IN RECOGNIZING THE POSITIVE IMPACT OF STEM EDUCATION AND STEM EDUCATORS ON THE QUALITY OF LIFE FOR RESIDENTS OF THE PALMETTO STATE AND TO DECLARE APRIL 12, 2023, AS STEM EDUCATION DAY THROUGHOUT THE STATE OF SOUTH CAROLINA.

lc-0194ph-jn23.docx : d53310b8-0bcd-453f-af8a-4b4050ebd1e2

The Senate Resolution was introduced and referred to the Committee on Education.

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H. 3505 -- Rep. J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-640, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO LIMIT THE APPLICABLE WATERWAYS.

lc-0095ph23.docx : 00315d96-88cc-4235-8f13-50e7a759cf3c

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3594 -- Reps. B. J. Cox, G. M. Smith, Lowe, Wooten, Hiott, Bailey, Beach, Burns, Caskey, Crawford, Cromer, Elliott, Forrest, Haddon, Hardee, Hixon, Hyde, Jordan, Ligon, Long, Magnuson, May, McCabe, McCravy, A. M. Morgan, T. A. Morgan, T. Moore, B. Newton, Nutt, Oremus, M. M. Smith, S. Jones, Taylor, Thayer, Trantham, Willis, Yow, West, Lawson, Chapman, Chumley, Leber, Mitchell, Pace, Harris, O'Neal, Kilmartin, Murphy, Brewer, Robbins, Hager, Sandifer, Connell, Gilliam, Davis, B. L. Cox, Vaughan, White, Collins, J. E. Johnson, Gagnon, Gibson, W. Newton, Bustos, Herbkersman, Landing, Moss, Pope and Guest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2023" BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS AND EXCEPTIONS FOR CONCEALABLE WEAPONS PERMIT HOLDERS, SO AS TO DELETE A PROVISION THAT MAKES THIS SECTION INAPPLICABLE TO PERSONS THAT POSSESS CONCEALABLE WEAPONS PERMITS AND TO PROVIDE THIS SECTION DOES NOT APPLY TO PERSONS WHO POSSESS FIREARMS; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE PLACES WHERE AND CIRCUMSTANCES UPON WHICH HANDGUNS MAY BE CARRIED, AND PERSONS WHO MAY CARRY HANDGUNS; BY AMENDING SECTION 16-23-50, RELATING TO CERTAIN PENALTIES, DISPOSITION OF FINES, AND FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE EXCEPTIONS TO THE UNLAWFUL CARRYING OF HANDGUNS; BY AMENDING SECTION 16-23-55, RELATING TO PROCEDURES FOR RETURNING FOUND HANDGUNS, SO AS TO DELETE THE PROVISION RELATING TO FILING APPLICATIONS TO OBTAIN FOUND HANDGUNS, AND PROVIDE CIRCUMSTANCES THAT ALLOW LAW ENFORCEMENT AGENCIES TO MAINTAIN POSSESSION OR

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DISPOSE OF FOUND HANDGUNS; BY AMENDING SECTION 16-23-420, RELATING TO POSSESSION OF FIREARMS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION, AND DELETE THE TERM "WEAPON" AND REPLACE IT WITH THE TERM "FIREARM"; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION; BY AMENDING SECTION 16-23-465, RELATING TO THE ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE THIS PROVISION DOES NOT APPLY TO CERTAIN OFFENSES THAT PROHIBIT PERSONS FROM CARRYING CERTAIN DEADLY WEAPONS, TO PROVIDE THIS PROVISION APPLIES TO PERSONS WHO KNOWINGLY CARRY CERTAIN FIREARMS, TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE PERSONS LAWFULLY CARRYING FIREARMS WHO DO NOT CONSUME ALCOHOLIC BEVERAGES ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION; BY AMENDING SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISIONS REQUIRING PERMIT HOLDERS TO CARRY PERMITS WHILE CARRYING WEAPONS AND IDENTIFYING THEMSELVES AS PERMIT HOLDERS TO LAW ENFORCEMENT OFFICERS, TO REVISE THE REQUIREMENTS TO REPORT THE LOSSES OF PERMITS TO SLED, TO REVISE THE PREMISES UPON WHICH PERMIT HOLDERS MUST NOT CARRY WEAPONS, TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN VIOLATIONS, TO REVISE THE PROVISION THAT PROVIDES EXEMPTIONS TO CARRYING PERMITS, AND TO DELETE THE PROVISION RELATING TO PENALTIES FOR CARRYING EXPIRED PERMITS; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES AND THE POSTING OF SIGNS PROHIBITING THE CARRYING OF WEAPONS, SO AS TO MAKE TECHNICAL

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CHANGES, THAT PERSONS MUST KNOWINGLY VIOLATE THE PROVISIONS OF THIS SECTION TO BE CHARGED WITH A VIOLATION, AND TO PROVIDE THIS SECTION DOES NOT LIMIT PERSONS FROM CARRYING CERTAIN WEAPONS IN STATE PARKS; BY AMENDING SECTION 23-31-232, RELATING TO CARRYING CONCEALABLE WEAPONS ON PREMISES OF CERTAIN SCHOOLS LEASED BY CHURCHES, SO AS TO PROVIDE APPROPRIATE CHURCH OFFICIALS OR GOVERNING BODIES MAY ALLOW ANY PERSON TO CARRY A CONCEALABLE WEAPON ON THE LEASED PREMISES; BY AMENDING SECTION 23-31-235, RELATING TO CONCEALABLE WEAPON SIGN REQUIREMENTS, SO AS TO PROVIDE THE SIGNS MUST BE POSTED AT LOCATIONS WHERE THE CARRYING OF CONCEALABLE WEAPONS ARE PROHIBITED; BY AMENDING SECTION 23-31-600, RELATING TO RETIRED PERSONNEL, IDENTIFICATION CARDS, AND QUALIFICATIONS FOR CARRYING CONCEALED WEAPONS, SO AS TO MAKE A TECHNICAL CHANGE; BY REPEALING SECTIONS 16-23-460, 23-31-225, AND 23-31-230, RELATING TO THE CARRYING OF WEAPONS BY INDIVIDUALS ON THEIR PERSON, INTO RESIDENCES OR DWELLINGS, OR BETWEEN A MOTOR VEHICLE AND A RENTED ACCOMMODATION; AND BY AMENDING SECTION 16-23-500, RELATING TO UNLAWFUL POSSESSION OF FIREARMS BY PERSONS CONVICTED OF VIOLENT OFFENSES, THE CONFISCATION OF CERTAIN WEAPONS, AND THE RETURN OF FIREARMS TO INNOCENT OWNERS, SO AS TO REVISE THE LIST OF CRIMES SUBJECT TO THIS PROVISION AND THE PENALTIES ASSOCIATED WITH VIOLATIONS, AND TO DEFINE THE TERM "CRIME PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF MORE THAN ONE YEAR".

lc-0126cm23.docx : 89916e7c-57e3-4cdf-a81f-65fbae2ead41

Read the first time and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEE

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 311 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT

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OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; BY AMENDING SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; BY AMENDING SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; BY AMENDING SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD-PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO

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ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

Ordered for consideration tomorrow.

Appointments Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2021, and to expire August 15, 2025

At-Large:

Charles E. Gardner, 127 Haviland Ave., Greenville, SC 29607

Received as information.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Brenton F. Mackie, 237 Oak Haven Drive, Lexington, SC 29072-7112
VICE Bradley J. Allen

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE

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56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 304 -- Senators Turner, Climer, Verdin, Kimbrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the third reading of the Bill.

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

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OBJECTION

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

Senator PEELER objected to consideration of the Bill.

RECOMMITTED

S. 502 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WIC VENDORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5120, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator TALLEY explained the Resolution.

On motion of Senator TALLEY, the Resolution was recommitted to the Committee on Family and Veterans' Services.

RECOMMITTED

S. 503 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator TALLEY explained the Resolution.

On motion of Senator TALLEY, the Resolution was recommitted to the Committee on Family and Veterans' Services.

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RECOMMITTED

S. 509 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF FAMILY FOSTER HOMES AND APPROVAL OF ADOPTIVE HOMES FOR CHILDREN IN FOSTER CARE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator TALLEY explained the Resolution.

On motion of Senator TALLEY, the Resolution was recommitted to the Committee on Family and Veterans' Services.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND

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ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

OBJECTION

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

Senator LOFTIS objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

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The Committee on Finance proposed the following amendment (SF-31.CH0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking 5-7-240(A) and inserting:

(A) The council of each municipality having total recurring revenues at or above the threshold in Section 5-7-240(D) shall provide for an independent annual audit of all financial records and transactions of the municipality and any agency funded in whole by municipal funds and may provide for more frequent audits as it deems necessary. Special audits may be provided for any agency receiving municipal funds as the municipality deems necessary. Such audits shall be made by a certified public accountant or public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its officers financial statements. The council may, without requiring competitive bids, designate a certified public such accountant or public accounting firm annually or for a period not exceeding four years, provided, that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year. The report of the audit shall be made available for public inspection. The council may in its discretion accept independent audits of municipal agencies and departments and include such audits in its general report of the audit of the municipality.

Amend the bill further, SECTION 1, by striking Section 5-7-240(B) and (C) and inserting:

(B) The council of each municipality having total recurring revenues below the threshold in Section 5-7-240(D) may elect to provide for either an audit of financial statements or a compilation of financial statements in lieu of an audit as follows:

(1) annually for municipalities that have a court system; or

(2) at least once every three years for municipalities that do not have a court system.

(C) The audit or compilation must be performed by an independent certified public accountant or a firm of certified public accountants. The report of the audit or compilation shall be made available for public inspection. Financial statements of municipalities with a court system must include the requirements of Section 14-1-208.

Amend the bill further, SECTION 1, by striking Section 5-7-240(D) and inserting:

(D) Beginning with the municipality fiscal year which begins after January 1, 2024, the reporting threshold is \$500,000 of the total recurring revenue of a municipality. As soon as practicable at the beginning of

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each subsequent calendar year, the Revenue and Fiscal Affairs Office must determine the increase or decrease in the ratio of the Consumer Price Index to the index as of December 31 of the previous year and the threshold must be increased accordingly. If the average of the twelve-month consumer price index experiences a negative percentage, the average is deemed to be zero. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics.

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 92 -- Senators Campsen, Senn, Garrett and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-92.PB0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 7-17-110 and inserting:

Section 7-17-110. If the deadline for filing an election protest provided in this chapter falls on a legal holiday, then the deadline extends to the next regular business day that is not a legal holiday. For purposes of this section, "next regular business day" means a day that is not a Saturday, Sunday, or legal holiday.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

On motion of Senator MASSEY, the Bill was carried over.

READ THE SECOND TIME

S. 123 -- Senators Hembree, Turner, Malloy, Talley, Sabb, Setzler and Scott: A JOINT RESOLUTION TO CREATE THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZE THE ACT AND REPEAL FORMER

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SECTIONS AS IT RELATES TO THE REPEAL AND
REAUTHORIZATION OF THE ACT.

The Senate proceeded to the consideration of the Resolution.

Senator HEMBREE explained the Joint Resolution.

The question then being second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED

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TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

The Senate proceeded to the consideration of the Bill.

Senator HEMBREE proposed the following amendment (SEDU-124.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-18-1115(E)(2) and inserting:

(2) An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher. If a noncertified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the noncertified teacher's registration.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill.

Motion Adopted

Senator HEMBREE asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 125 -- Senators Hembree, Turner, Young, Setzler, Fanning and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO

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EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO-YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-125.DB0002S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-149-15(B) and inserting:

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship stipend but must include a contractual requirement, including a default provision, that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

Amend the bill further, SECTION 2, by striking Section 59-104-25(B) and inserting:

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall

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include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship stipend but must include a contractual requirement, including a default provision, that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The question then being second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 138 -- Senators McElveen, Senn, Cromer and Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

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The Senate proceeded to the consideration of the Bill.

Senator TURNER explained the Bill.

Senator MALLOY spoke on the Bill.

Senator McELVEEN spoke on the Bill.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

On motion of Senator RANKIN, the Bill was carried over.

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO

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AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

On motion of Senator RANKIN, the Bill was carried over.

CARRIED OVER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

On motion of Senator RANKIN, the Bill was carried over.

CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING,

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HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

On motion of Senator RANKIN, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-203.DB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-63-910(A) and inserting:

(A) ~~All public schools, including charter schools whose instruction is not primarily delivered online, shall conduct fire, active shooter/intruder, and severe weather/earthquake drills. Within each school year, schools must conduct at least two fire drills, two active shooter/intruder drills, and two severe weather/earthquake drills, with at least one of each drill conducted each semester.~~ Notwithstanding any other law, regulation, codes, or standards which are based upon nationally recognized codes or standards, all public schools, including charter schools whose instruction is not primarily delivered online, shall conduct one fire drill, one active shooter/intruder drill, and one severe weather/earthquake drill each semester, all of which must be conducted within the first 15 days of each semester. In addition to these requirements, all elementary schools shall conduct one additional fire drill each semester.

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For purpose of this subsection, elementary school includes any public school, including charter schools whose instruction is not primarily delivered online, that contains grades K-5.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 208 -- Senators Goldfinch, Fanning and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (SR-208.KM0002S):

Amend the bill, as and if amended, SECTION 1, by striking Section 4-10-1120(A) and inserting:

(A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver's license and motor vehicle licensing and registration fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(C) and inserting:

(C) Upon receipt of the returns of the referendum, the county council, by resolution, shall declare the results thereof. The county council shall transmit a copy of the resolution to the executive director of the

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Department of Motor Vehicles within seven days of its adoption. The results of the referendum may not be questioned except by a suit or proceeding instituted within thirty days from the date the resolution is adopted.

Amend the bill further, SECTION 1, Section 4-10-1120, by striking the first undesignated paragraph and inserting:

“Must an additional two hundred fifty-dollar fee be collected on drivers’ licenses issued to those people establishing a residence in _____ County from another state or country, the proceeds of which shall be expended in the following manner?

Amend the bill further, SECTION 2, by striking Section 56-1-20(A) and inserting:

(A) No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operator's licenses in his possession issued to him by any other state within forty-five days of becoming a resident of this State, unless specifically exempted by law. All surrendered licenses shall be returned by the department to the issuing department, agency, or political subdivision. No person shall be permitted to have more than one valid motor vehicle driver's license or operator's license at any time.

Amend the bill further, SECTION 2, by striking Section 56-1-20(C) and inserting:

(C) A person being issued a license pursuant to this article who surrenders a valid operator’s license in his possession issued to him by any other state as required in subsection (A) and who is establishing residence in a county in which a successful referendum has been held pursuant to Section 4-10-1120, must pay a one-time fee of two hundred fifty dollars in addition to all other applicable fees and charges before he may be issued a motor vehicle driver’s license or operator’s license in this State. The department may not issue a driver's license pursuant to this subsection until the person provides proof that any associated property tax and fees for motor vehicles and driver’s licenses have been satisfied.

Amend the bill further, SECTION 3, by striking Section 56-3-210(C)(2) and inserting:

(2) When the owner of a foreign vehicle being moved to this State is licensed and registered pursuant to item (1) in a county in which a successful referendum has been held pursuant to 4-10-1120, the owner

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must pay a one-time fee of two hundred fifty dollars in addition to any other fees or costs assessed for licensing and registration. The department may not issue a license plate pursuant to this subsection until the person provides proof that any associated property tax and fees for motor vehicles and drivers' licenses have been satisfied.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. After the first county adopts a resolution pursuant to this act, the fees required pursuant to this act shall not begin to be collected for six months. The provisions contained in this section only apply to the first county in which a successful referendum pursuant to this act is held.

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

On motion of Senator VERDIN, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT

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ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-245.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-17-170(A)(2) and inserting:

(2) "Financial officer" means a person or persons who maintains custody of a booster club's financial records and/or who has signatory authority on all of the booster club's transactions, accounts, contracts, checks, or other instruments or undertakings of any kind.

Amend the bill further, SECTION 1, by striking Section 59-17-170(B)(1) and (2) and inserting:

(B)(1) A person who was convicted of, or pled guilty or nolo contendere to, a felony, a violation of Chapter 13 of Title 16, or a violation of Chapter 14 of Title 16 is prohibited from serving as a financial officer of a booster club.

(2) A financial officer who was convicted of, or who pled guilty or nolo contendere to, a crime identified in item (1) must immediately resign, and a new person must be assigned to that role within the booster club. A booster club is prohibited from disbursing funds for any purpose until a new person is designated as the financial officer.

Amend the bill further, SECTION 1, by striking Section 59-17-170(C)(1) and inserting:

(C)(1) Each booster club within a school district must annually register with the school district board of trustees no later than August first. The registration shall include the name of the booster club, its purpose, the name of each of the booster club's officers, including its designated financial officer, and other information required by the school district board of trustees.

Amend the bill further, SECTION 1, by striking Section 59-17-170(D)(1) and inserting:

(D)(1) Upon the receipt of a booster club's registration, a school district board of trustees shall request a state criminal records check, including fingerprints, from the South Carolina Law Enforcement Division of the financial officer. The school district board of trustees shall immediately notify a booster club if the criminal records check reveals that its financial officer is prohibited from serving in that role for the booster club pursuant to subsection (B).

Renumber sections to conform.

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Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator YOUNG asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL

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SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-256.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-63-85(A)(2) and inserting:

(2) "Sunscreen" means a topical, non-aerosol product regulated by the United States Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet light-induced skin damage. Sunscreen does not include prescription medication.

Amend the bill further, SECTION 1, by striking Section 59-63-85(B) and inserting:

(B) Public schools shall not prohibit the possession or personal use of sunscreen.

Amend the bill further, by deleting SECTION 2.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 259 -- Senators Rankin, Young, Hutto, Sabb and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED

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SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS

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PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-259.SW0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 15-50-20~~(12)~~~~(16)~~ and inserting:

~~(12)~~~~(16)~~ “Structured settlement” means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim. Notwithstanding another provision of law, a structured settlement is not a consumer loan or otherwise subject to Title 37.

Amend the bill further, SECTION 1, by striking Section 15-50-20~~(16)~~ and inserting:

~~(16)~~~~(22)~~ “Terms of the structured settlement” include the terms of the structured settlement agreement, the annuity contract, a qualified assignment agreement, and an order or other approval of a court that approved a structured settlement agreement.

Amend the bill further, SECTION 3, by striking Section 15-50-30~~(10)~~ and inserting:

(10) that the payee has the right to seek and receive independent professional advice regarding the proposed transfer and should consider doing so before agreeing to the transfer of any structured settlement payment rights. The notice must also contain: “It is prohibited for us to refer you to a specific independent professional adviser. We may refer you to a state or local referral service, bar association, legal aid, or any

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other entity unrelated to us which assists people with locating independent professional advice, if requested”; and

Amend the bill further, SECTION 4, by striking Section 15-50-40(B) and (C) and inserting:

(B) In determining whether a proposed transfer is in the best interests of the payee pursuant to (A)(1), the courts must take into consideration the welfare and support of the payee and the payee's dependents, if any. The court must also consider:

(1) the reasonable preference of the payee, in light of the payee's age, mental capacity, maturity level, understanding of the terms of the agreement, and stated purpose for the transfer;

(2) if the periodic payments were intended to cover future income or losses or future medical expenses, whether the payee has means of support aside from the structured settlement to meet these obligations;

(3) whether the payee can meet the financial needs of, and obligations to, the payee's dependents if the transfer is allowed to proceed, including child support and spousal maintenance;

(4) whether the payee completed previous transactions involving the payee's structured settlement payment rights, and the timing, amount, stated purpose, and actual use of the proceeds;

(5) the impact of the proposed transfer on current or future eligibility of the payee or the payee's dependents for public benefits; and

(6) any other factors or facts the court determines to be relevant.

(C) No direct or indirect transfer of a payee's structured settlement payment rights by a payee's conservator, if a conservator has been appointed, shall be effective and no structured settlement obligor or annuity issuer shall be required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless, in addition to the findings required under this section, the court also finds that the proceeds of the proposed transfer would be applied solely for the benefit of the payee.

(D) No direct or indirect transfer of a minor's structured settlement payment rights by a parent, conservator, or guardian shall be effective and no structured settlement obligor or annuity issuer shall be required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless, in addition to the findings required under this section, the court also finds that:

(1) the proceeds of the proposed transfer would be applied solely for support, care, education, health, and welfare of the minor payee; and

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(2) any excess proceeds would be preserved for the future support, care, education, health, and welfare of the minor payee and transferred to the minor payee upon emancipation.

(E) The final court order must expressly state that the best interest factors enumerated in subsection (B) have been considered, and if the court approves the transfer of payment rights, the order must state that the court finds that it is in the best interest of the payee to approve the transfer.

Amend the bill further, SECTION 5, by striking Section 15-50-50(1) and inserting:

(1) the structured settlement obligor and the annuity issuer, may rely on the court order approving the transfer in redirecting periodic payments to an assignee or transferee in accordance with the order approving the transfer and shall, as to all parties except the transferee, are or an assignee designated by the transferee, be discharged and released from liability for the transferred redirected payments; and. Such discharge and release shall not be affected by the failure of any party to the transfer to comply with this chapter or with the court order approving the transfer.

Amend the bill further, SECTION 5, by striking Section 15-50-50(2)(b) and inserting:

(b) for other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by the parties with the requirements of this chapter, with the order of the court, or for costs arising as a consequence of the transferee's failure to comply with this chapter;

Amend the bill further, SECTION 6, by striking Section 15-50-60(A) and inserting:

(A) An application pursuant to this chapter for approval of a transfer of structured settlement payment rights may be made by the transferee and ~~may~~ must be brought in a court of competent jurisdiction, including the probate court if the transferee is a minor or the original settlement was approved by the probate court, the circuit court in the county in which the payee resides, in the county in which the structured settlement obligor or the annuity issuer maintains its principal place of business, or . If the payee is not a resident of this State the application must be brought in ~~any the circuit court in the county in which approved~~ the structured settlement agreement was approved.

Amend the bill further, SECTION 7, by striking Section 15-50-70(B) and inserting:

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(B) A transfer agreement entered into ~~on or after the effective date of this chapter~~ by a payee who resides in this State must provide that disputes under the transfer agreement, including a claim that the payee has breached the agreement, must be determined pursuant to the laws of this State. A transfer agreement ~~may~~ shall not authorize the transferee or another party to confess judgment or consent to entry of judgment against the payee.

Amend the bill further, SECTION 8, by striking Section 15-50-80(A), (B), and (C) and inserting:

(A) The court may appoint an attorney to serve as a guardian ad litem, to make an independent assessment, and to advise the court whether the proposed transfer is in the best interest of the payee, taking into consideration the factors enumerated in Section 15-50-40(B). The guardian ad litem may consult with a certified public accountant, actuary, or other licensed professional for independent professional advice, if necessary. All costs and reasonable fees for the guardian ad litem shall be borne by the transferee in an amount determined by the court.

(B) The court must appoint an attorney to serve as a guardian ad litem in any case involving:

(1) a proposed transfer of a minor's structured settlement payments rights by a conservator or by a parent or guardian if a conservator has not been appointed. The guardian ad litem must advise the court on whether the proposed transfer is of direct benefit to the minor; or

(2) a proposed transfer of structured settlement payment rights involving a payee who appears to the court to suffer from a mental or cognitive impairment.

(C) The transferee must file a motion for the appointment of an attorney to serve as a guardian ad litem prior to a hearing on the proposed transfer if the transferee is aware that:

(1) the underlying structured settlement arose from a case in which a finding was made in a court record of a mental or cognitive impairment on the part of the payee;

(2) a conservator or guardian has been appointed for the payee; or

(3) a finding has been made in a court record, other than that of the underlying structured settlement case, of a mental or cognitive impairment on the part of the payee.

Amend the bill further, SECTION 8, by striking Section 15-50-80(E) and inserting:

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(E) An attorney appointed to serve as a guardian ad litem by the court must report to the court the guardian ad litem's assessment and advice at a time determined by the court.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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OBJECTION

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

Senator JACKSON objected to consideration of the Bill.

CARRIED OVER

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

On motion of Senator MARTIN, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BY INITIATED

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TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES
THE AGE OF EIGHTEEN.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-341.MB0005S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 62-5-101(11) and inserting:

(11) "Guardianship proceeding" means a formal proceeding to determine if an adult or a minor within one hundred eighty days of turning eighteen is an incapacitated individual or in which an order for the appointment of a guardian for an adult or a minor within one hundred eighty days of turning eighteen is sought or has been issued.

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott

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Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian, Cash, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN

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ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

Senator ADAMS objected to consideration of the Bill.

OBJECTION

S. 405 -- Senators Campsen, Kimbrell and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

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Senator MARTIN objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-406.PB0007S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Section 7-15-420(D) and (E) of the S.C. Code are amended to read:

(D) Beginning no earlier than 7:00 a.m. on election day, the absentee ballots may be tabulated, ~~including any absentee ballots received on election day before the polls are closed and the tabulated data collected from those ballots and from the ballots cast during the early voting period~~ may be loaded into the election management system. If any absentee ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.

(E) Results of the early voting period and absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.

SECTION X. Section 7-13-1160 of the S.C. Code is amended to read:

Section 7-13-1160. ~~Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein. The unofficial election results~~

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returned by the managers to the county boards of voter registration and elections must be reported continuously and without undue delay in the manner prescribed by the State Election Commission.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senators YOUNG, MASSEY, CAMPSSEN, CORBIN and ALEXANDER proposed the following amendment (SJ-406.PB0010S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 7-3-20(D)(19) of the S.C. Code is amended to read:

(19) establish methods of auditing election results, which may include risk-limiting audits, hand-count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. A hand-count audit must be conducted publicly. Once completed, audit reports must be published on the commission's website.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED AN HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

On motion of Senator MALLOY, the Bill was carried over.

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READ THE SECOND TIME

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

The Senate proceeded to the consideration of the Resolution.

Senator SETZLER explained the Resolution.

The question then being second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 500 -- Senators Cromer, Campsen and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-500.PH0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 38-75-485(C)(1)(f)(ii) and inserting:

(ii) Nonmatching grant award amounts will be determined based on the cost of the mitigation project and a percentage of the total adjusted household income of the applicant according to the most recent federal income tax return. Those applicants with a total annual adjusted gross household income of which does not exceed eighty percent of the median annual adjusted gross income for households within the county in which the person or family resides may be eligible for the maximum grant award amount of five thousand dollars. Applicants with a higher total annual adjusted household income may be awarded a lower amount. The director or his designee shall issue a bulletin annually that sets forth the maximum grant award amounts based on the total annual adjusted gross household income of the applicant adjusted for family size relative to the county area median income or the state median family income, whichever is higher, as published annually by the United States

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Department of Housing and Urban Development. If the cost of the mitigation project exceeds the amount of the grant award, the remaining cost is the applicant's responsibility. ~~No grant award may exceed five thousand dollars.~~

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 38-1-20(56) of the S.C. Code is amended to read:

(56) "Surplus lines insurance" means insurance in this State of risks located or to be performed in this State, permitted to be placed through a licensed broker, or a licensed broker as provided in Section 38-45-10(8)(b)(ii), with a nonadmitted insurer eligible to accept the insurance, other than reinsurance, wet marine and transportation insurance, insurance independently procured, and life and health insurance and annuities. Excess and stop-loss insurance coverage upon group life, accident, and health insurance or upon a self-insured's life, accident, and health benefits program, disability insurance in excess of any benefit limit available from an admitted insurer, commercial motor vehicle liability, and international major medical insurance may be approved as surplus lines insurance.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod

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Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

On motion of Senator PEELER, the Bill was carried over.

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OBJECTION

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

Senator MARTIN objected to consideration of the Bill.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 28, 2023, at 2:45 P.M. and the following Acts and Joint Resolution were ratified:

(R1, S. 381) -- Senators Peeler, Verdin, Alexander, Martin and Malloy: AN ACT TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

(R2, H. 3254) -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: AN ACT TO AMEND ACT 593 OF 1992, AS AMENDED, BY REPEALING SECTION 3 RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS.

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(R3, H. 3783) -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

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EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S
CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1,
2023, WHICHEVER OCCURS FIRST.
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Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Remarks by Senator SCOTT

Mr. PRESIDENT, members of the Senate, before we exit for the day, I wanted to make sure at the end of the session we at least shared some real facts as relates to Black History Month. They say facts come from U.S.A. Facts published on Wednesday, February 9, 2023, which indicate that more than 12% of the American population identified as black or African American in 2022. The data showed from five government entities that on average, black Americans are more likely to be in unions than the general U.S. population -- voted higher in rates in 2020 than in 2016, making up the greatest share of congress than ever before. Black or African American population in 2020 was 39.9 million people. That's 12.1% of the 331.4 million people living in the United States. People identify as black or African American were 11.9% of the veteran population between 2015 and 2019. They were the second largest racial group of veterans after white Americans. Another 2% of veterans identified as two or more races. Third, the voting race for African Americans during the 2020 Presidential Election was 62.6%, up in 2016, but down from 66.2% in 2012. 66% of black women who were public school teachers reported having at least a Master's degree. Asian women at public schools reported advanced degrees at a higher rate. Since at least 2000, black workers have been more likely to belong to labor unions than U.S. workers overall. In 2019, 11.2% of black workers were unionized compared to 10.3% of workers overall. The state having the largest portion of blacks and African Americans, of course, is Mississippi. 82% employed black women worked full-time in 2019 compared to 77% of overall full-time employed women. In 2019, 77.9% of black people with advanced degrees and 77.4% with bachelor's degree participated in the labor force. 58% of black people with high school diplomas as black or African American and 37.7 -- 37.3% without a high school diploma. Black high school attendance or African American high school attendance was at a record in 2019 -- 87.9%. The 117th Congress had sixty-two members, which is a record high for Congress -- coming from twenty-eight states, including the Virgin Islands and Washington,

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D.C. In 2021, 19.5% of black people who lived in the United States were living below the poverty guideline, and that's the point I want us to pay very close attention to in South Carolina. How many folks do we have still living below the poverty guideline? This is compared to 8.2% of white people and 8.1% of Asian people. Within our rural counties, and we have many, many rural counties in this State, and that's where I've spent the last four years dealing with rural and special rural issues. 24.1% of African American residents versus 10.4% of white residents lived below the federal poverty guidelines in 2016. Some proportion of rural and urban African American, when combined together, is about 26.7%. I want to say this has been a great time to continue to celebrate Black History Month. We've still got a lot of work to do. I did not share with you South Carolina statistics because I know what they are and folks in South Carolina compared to the rest of the Nation -- we've got a long way to go. Thank you, and for those who participate in black history across the State of South Carolina, I say keep the good work up, let's continue to work hard to make South Carolina great.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator SCOTT were ordered printed in the Journal.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:59 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, March 1, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

I Corinthians 13:11

The Apostle Paul pointedly reminds us that: "When I was a child, I talked like a child, I thought like a child, I reasoned like a child; when I became an adult, I put an end to childish ways."

Please join me as we bow in prayer: O Lord, serving others is never an easy task. And certainly here in the Senate of South Carolina, working on behalf of the people of our State is challenging at every level. The temptation to be evasive and to rely on excuses is a tempting option sometimes. To do anything possible just to get past a sticky issue comes to mind now and then. To think along these childish lines for some might be unavoidable. Yet these Senators and their aides know full well that such approaches are simply not the way to go. Rather, to face matters head-on, to debate fully and rationally, to make wise choices which truly can benefit our people are always the very best ways to proceed. Such approaches have typically been among the hallmarks of this august Body. May it ever be so. This we pray in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 1:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Malloy
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator TURNER introduced Dr. Chris Fyock of Greenville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CORBIN, at 1:04 P.M., Senator LOFTIS was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 1:04 P.M., Senator HUTTO was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator SETZLER, at 1:04 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator SABB, at 1:38 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MASSEY, at 2:38 P.M., Senator HEMBREE was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MASSEY, at 2:38 P.M., Senator GROOMS was granted a leave of absence for the balance of the day.

WEDNESDAY, MARCH 1, 2023

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 124 Sen. Malloy
S. 365 Sen. Kimbrell
S. 481 Sen. Cash
S. 537 Sens. Climer and Kimbrell
S. 569 Sens. Peeler, Gambrell and Garrett

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 484 Sen. Senn

RECALLED AND ADOPTED

S. 458 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MARCH 8, 2023, AS "SOUTH CAROLINA OSTEOPATHIC MEDICINE DAY" IN SOUTH CAROLINA IN HONOR OF THE IMPORTANT ROLE THAT DOCTORS OF OSTEOPATHIC MEDICINE PLAY IN MEETING THE HEALTH CARE NEEDS OF THE CITIZENS OF SOUTH CAROLINA, THE MILITARY OF THE UNITED STATES, AND OUR COUNTRY AS A WHOLE.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted.

WEDNESDAY, MARCH 1, 2023

RECALLED AND ADOPTED

S. 582 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE MARCH 2023 AS "THEATER IN OUR SCHOOLS MONTH" IN SOUTH CAROLINA.

Senator MASSEY asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

Senator MASSEY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator MASSEY, the Resolution was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 580 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE CATHY DIANNE COLLUM UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER TWENTY-EIGHT YEARS OF DEDICATED SERVICE TO THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 581 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

sedu-0051db23.docx : 5661dfe6-28e4-4a17-998c-dd304367ad1c

Read the first time and referred to the Committee on Family and Veterans' Services.

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S. 582 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE MARCH 2023 AS "THEATER IN OUR SCHOOLS MONTH" IN SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Education.

H. 3591 -- Reps. G. M. Smith, Taylor, B. Newton, West, Pace, Haddon, Yow, W. Newton, Felder, Thayer, McCravy, Cromer, Hixon, Elliott, Erickson, Caskey, Pope, Leber, Hartnett, Bustos, Landing and M. M. Smith: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO REPEAL SECTION 4, ARTICLE XI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION AGAINST THE STATE OR ITS POLITICAL SUBDIVISIONS PROVIDING DIRECT AID TO RELIGIOUS OR OTHER PRIVATE EDUCATIONAL INSTITUTIONS.

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Read the first time and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

Ordered for consideration tomorrow.

WEDNESDAY, MARCH 1, 2023

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

H. 3961 -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: A BILL TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT- LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.

On motion of Senator BENNETT.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills and Resolution were read the third time and ordered sent to the House:

WEDNESDAY, MARCH 1, 2023

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

S. 123 -- Senators Hembree, Turner, Malloy, Talley, Sabb, Setzler and Scott: A JOINT RESOLUTION TO CREATE THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZE THE ACT AND REPEAL FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

S. 124 -- Senators Hembree, Turner and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION, AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Malloy

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Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Gustafson

Total--1

The Bill was read the third time, passed and ordered sent to the House.

COMMITTEE AMENDMENT ADOPTED

READ THE THIRD TIME

SENT TO THE HOUSE

S. 125 -- Senators Hembree, Turner, Young, Setzler, Fanning and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO-YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

The Senate proceeded to the consideration of the Resolution.

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The Committee on Education proposed the following amendment (SEDU-125.DB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-149-15(B) and inserting:

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship stipend but must include a contractual requirement, including a default provision, that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

Amend the bill further, SECTION 2, by striking Section 59-104-25(B) and inserting:

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship stipend but must include a contractual requirement, including a default provision, that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

Renumber sections to conform.

Amend title to conform.

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Senator TURNER explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

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AMENDED, CARRIED OVER

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG proposed the following amendment (SEDU-245.DB0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-17-170(C)(1) and inserting:

(C)(1) Each booster club within a school district must annually register with the school district board of trustees no later than August first. The registration shall include the name of the booster club, its purpose, the name of each of the booster club's officers, including its designated financial officer, and other information required by the school district board of trustees. A booster club may be required by the school district board of trustees to submit an accounting compilation or review. A school district board of trustees may not require an external audit from a booster club except for a finding of specific cause determined by a majority vote of the board members.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the Bill.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills and Resolution were read the third time and ordered sent to the House:

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

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S. 259 -- Senators Rankin, Young, Hutto, Sabb and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND

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WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND

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THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

S. 500 -- Senators Cromer, Campsen and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

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OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

READ THE SECOND TIME

S. 92 -- Senators Campsen and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

The Senate proceeded to the consideration of the Bill.

The question then being second reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 138 -- Senators McElveen, Senn, Cromer and Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

On motion of Senator MALLOY, the Bill was carried over.

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CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

On motion of Senator SHEALY, the Bill was carried over.

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CARRIED OVER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR

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PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

On motion of Senator SHEALY, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (SR-208.KM0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 4-10-1120(A) and inserting:

(A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver's license and motor vehicle licensing and registration fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of

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general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(C) and inserting:

(C) Upon receipt of the returns of the referendum, the county council, by resolution, shall declare the results thereof. The county council shall transmit a copy of the resolution to the Executive Director of the Department of Motor Vehicles within seven days of its adoption. The results of the referendum may not be questioned except by a suit or proceeding instituted within thirty days from the date the resolution is adopted.

Amend the bill further, SECTION 1, Section 4-10-1120, by striking the first undesignated paragraph and inserting:

“Must an additional two hundred fifty-dollar fee be collected on drivers’ licenses issued to those people establishing a residence in _____ County from another state or country, the proceeds of which shall be expended in the following manner?”

Amend the bill further, SECTION 2, by striking Section 56-1-20(A) and inserting:

(A) No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operator's licenses in his possession issued to him by any other state within forty-five days of becoming a resident of this State, unless specifically exempted by law. All surrendered licenses shall be returned by the department to the issuing department, agency, or political subdivision. No person shall be permitted to have more than one valid motor vehicle driver's license or operator's license at any time.

Amend the bill further, SECTION 2, by striking Section 56-1-20(C) and inserting:

(C) A person being issued a license pursuant to this article who surrenders a valid operator’s license in his possession issued to him by any other state as required in subsection (A) and who is establishing residence in a county in which a successful referendum has been held pursuant to Section 4-10-1120, must pay a one-time fee of two hundred fifty dollars in addition to all other applicable fees and charges before he may be issued a motor vehicle driver’s license or operator’s license in this State. The department may not issue a driver's license pursuant to this subsection until the person provides proof that any associated

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property tax and fees for motor vehicles and drivers' licenses have been satisfied.

Amend the bill further, SECTION 3, by striking Section 56-3-210(C)(2) and inserting:

(2) When the owner of a foreign vehicle being moved to this State is licensed and registered pursuant to item (1) in a county in which a successful referendum has been held pursuant to Section 4-10-1120, the owner must pay a one-time fee of two hundred fifty dollars in addition to any other fees or costs assessed for licensing and registration. The department may not issue a license plate pursuant to this subsection until the person provides proof that any associated property tax and fees for motor vehicles and drivers' licenses have been satisfied.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. After the first county adopts a resolution pursuant to this act, the fees required pursuant to this act shall not begin to be collected for six months. The provisions contained in this section only apply to the first county in which a successful referendum pursuant to this act is held.

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Senators GOLDFINCH, KIMBRELL, ALEXANDER and McELVEEN proposed the following amendment (SR-208.JG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 56-1-20(C) and inserting:

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(C)(1) A person being issued a license pursuant to this article who surrenders a valid operator's license in his possession issued to him by any other state as required in subsection (A) and who is establishing residence in a county in which a successful referendum has been held pursuant to (INSERT), must pay a one-time fee of two hundred fifty dollars in addition to all other applicable fees and charges before he may be issued a motor vehicle driver's license or operator's license in this State.

(2) The one-time fee required pursuant to the provisions of this subsection does not apply to a person, his spouse, or his dependent, if the person is in this State for purposes of active duty military service as defined in Section 40-36-520.

Amend the bill further, SECTION 3, Section 56-3-210(C), by adding an item to read:

(3) The one-time fee required pursuant to the provisions of this subsection does not apply to a person, his spouse, or his dependent, if the person is in this State for purposes of active duty military service as defined in Section 40-36-520.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

On motion of Senator GOLDFINCH, the Bill was carried over.

CARRIED OVER

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

On motion of Senator MALLOY, the Bill was carried over.

READ THE SECOND TIME

S. 405 -- Senators Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE

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GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED AN HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

On motion of Senator SETZLER, the Bill was carried over.

READ THE SECOND TIME

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

The question then being second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

The Senate proceeded to the consideration of the Bill.

Senator RANKIN explained the Bill.

The question then being second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

POINT OF ORDER

S. 311 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; BY AMENDING SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN

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NOTICE OF HOW THE AGREEMENT AFFECTS THEM; BY AMENDING SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; BY AMENDING SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD-PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR

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THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 572 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO CORPORATE SELF-REPRESENTATION AT HEARINGS BEFORE THE DEPARTMENT'S PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5152, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 573 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-STATE ATHLETIC COMMISSION, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5153, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 574 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, RELATING TO BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5133, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senators SETZLER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Charles “Charlie” Leroy Hutto of Holly Hill, S.C. Charlie was the father of our beloved Senator Brad Hutto. Charlie was a graduate of the University of South Carolina and a United States Air Force Veteran. In addition to his livestock and dairy farm, Hutto Brothers & Sons, he was a founding partner in Stock Yard, Inc. and Farmers Machinery Company. Charlie was a life-long member of Providence United Methodist Church where he served in many capacities and was a member of the United Methodist Men’s Club. He served on the Board of Commissioners for Orangeburg-Calhoun Technical College, the S. C. Wildlife Commission Law Enforcement Committee, S.C. Livestock Association and was a member of the Providence Progressive Club and the Holly Hill Lions Club to mention a few. Charlie was an avid Gamecock fan and enjoyed home football and basketball games for over fifty years. Charlie was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 2:49 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 2, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Joshua 4:9

In the book of Joshua we read that: “Joshua set up twelve stones in the middle of the Jordan, in the place where the feet of the priests bearing the ark of the covenant had stood; and they are there to this day.”

Let us together bow: Clearly, O Lord, it is apparent that Joshua was creating a memorial. By placing those stones in the Jordan, he was determined that succeeding generations of Israelites would well remember a significant time of their early history. And shifting to today, this leads us to ponder: what sort of “memorial” will the women and men of this Senate leave behind? What will be the lasting legacy of this Senate? Will it be a memorial that is worthy and genuinely meaningful, one that speaks to how life has been made better for our people? We pray fervently, Lord, that these Senators will indeed leave such a powerful and longlasting memorial. And, as always, Lord, we pray in Your name that the ultimate glory is Yours. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Massey	Peeler
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Doctor of the Day

Senator GARRETT introduced Dr. Jimmy Wells of Lexington, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SABB, at 11:48 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator RICE, at 11:48 A.M., Senator ADAMS was granted a leave of absence for today.

Leave of Absence

On motion of Senator RICE, at 11:48 A.M., Senator SENN was granted a leave of absence for today.

Leave of Absence

On motion of Senator MASSEY, at 12:37 P.M., Senator MARTIN was granted a leave of absence for today.

Leave of Absence

On motion of Senator KIMBRELL, at 12:37 P.M., Senator M. JOHNSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator KIMBRELL, at 12:37 P.M., Senator CLIMER was granted a leave of absence for today.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 92 Sen. Young
S. 142 Sen. Setzler
S. 280 Sen. Bennett
S. 436 Sens. Campsen and Stephens
S. 533 Sen. Corbin
S. 537 Sen. Verdin
S. 569 Sen. Kimbrell
S. 581 Sen. Campsen
S. 583 Sens. Hembree and Turner
S. 585 Sens. Verdin, Cash and Reichenbach

RECALLED

H. 3136 -- Reps. Bailey, McCravy and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAYS 57 AND 111 IN HORRY COUNTY "LANCE CORPORAL MELTON LEVI 'FOX' GORE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3581 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 122 EDGEWORTH STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT LIEUTENANT MICHAEL EDWARD THORNTON, UNITED STATES NAVY.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

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The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 583 -- Senators Bennett, M. Johnson, Cromer, Gustafson, Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-16-10, RELATING TO DEFINITIONS CONCERNING THE STATE RETIREMENT INVESTMENT COMMISSION, SO AS TO PROVIDE DEFINITIONS FOR "MATERIAL", "NON-PECUNIARY FACTOR" AND "PECUNIARY FACTOR"; BY AMENDING SECTION 9-16-30, RELATING TO THE DELEGATION OF FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE GUIDELINES FOR SHAREHOLDER ENGAGEMENT; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY THE RETIREMENT SYSTEMS INVESTMENT TRUSTEE, SO AS TO REQUIRE CONSIDERATION OF PECUNIARY FACTORS AND PROHIBIT PROMOTION OF NON-PECUNIARY BENEFITS OR OUTCOMES WHEN MAKING AN INVESTMENT; BY AMENDING SECTION 9-16-320, RELATING TO THE ADOPTION OF AN ANNUAL INVESTMENT PLAN, QUARTERLY REVIEWS, DELIBERATIONS IN EXECUTIVE SESSION, AND INDEPENDENT ADVISORS, SO AS TO PROVIDE GUIDELINES FOR MEETINGS OF THE COMMISSION; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENTS OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, THE DELEGATION OF FINAL AUTHORITY TO INVEST, COMPONENTS OF PLANS, DIVERSIFICATION, VERIFICATION OF INVESTMENT FACTS, ANALYSIS, AND RECOMMENDATIONS, SO AS TO PROVIDE THAT CLOSING DOCUMENTATION FOR INVESTMENTS MUST CONTAIN CERTIFICATION THAT THE INVESTMENT WAS BASED SOLELY ON PECUNIARY FACTORS; BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL SHALL ENFORCE THE PROVISIONS CONTAINED IN CHAPTER 16, TITLE 9 OF THE S.C. CODE; BY AMENDING SECTION 38-1-20, RELATING TO DEFINITIONS RELATING TO INSURANCE SO AS TO DEFINE NON-PECUNIARY OBJECTIVE

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FOR INSURANCE COMPANIES; BY ADDING SECTION 38-5-300 SO AS TO REQUIRE DISCLOSURE IF AN INSURANCE COMPANY USES NON-PECUNIARY OBJECTIVES AND TO REQUIRE DISCLOSURE AS TO HOW AN INSURANCE COMPANY'S PURSUIT OF NON-PECUNIARY OBJECTIVES MAY AFFECT ITS CONSIDERATION OF AN APPLICATION FOR COVERAGE; BY ADDING SECTION 34-3-120 SO AS TO DEFINE NON-PECUNIARY OBJECTIVE FOR BANKING INSTITUTIONS, REQUIRE DISCLOSURE IF A BANKING INSTITUTION USES NON-PECUNIARY OBJECTIVES, AND TO REQUIRE DISCLOSURE AS TO HOW A BANKING CORPORATION'S PURSUIT OF NON-PECUNIARY OBJECTIVES MAY AFFECT ITS CONSIDERATION OF AN APPLICATION FOR LOANS OR SERVICES; BY ADDING SECTION 34-21-80 SO AS TO DEFINE NON-PECUNIARY OBJECTIVE FOR TRUST INSTITUTIONS, REQUIRE DISCLOSURE IF A TRUST INSTITUTION USES NON-PECUNIARY OBJECTIVES, AND TO REQUIRE DISCLOSURE AS TO HOW A TRUST INSTITUTION'S PURSUIT OF NON-PECUNIARY OBJECTIVES MAY AFFECT ITS CONSIDERATION OF AN APPLICATION FOR LOANS OR SERVICES; AND BY ADDING SECTION 34-26-895 SO AS TO DEFINE NON-PECUNIARY OBJECTIVE FOR CREDIT UNIONS, REQUIRE DISCLOSURE IF A CREDIT UNION USES NON-PECUNIARY OBJECTIVES, AND TO REQUIRE DISCLOSURE AS TO HOW A CREDIT UNION'S PURSUIT OF NON-PECUNIARY OBJECTIVES MAY AFFECT ITS CONSIDERATION OF AN APPLICATION FOR LOANS OR SERVICES.

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Read the first time and referred to the Committee on Finance.

S. 584 -- Senators Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-445 SO AS TO REQUIRE THE SUPERINTENDENT OF A DISTRICT TO NOTIFY THE STATE BOARD OF EDUCATION OF AN ALLEGATION AGAINST A TEACHER AND THE STEPS TAKEN TO INVESTIGATE; AND BY ADDING SECTION 59-33-125 SO AS TO REQUIRE ALL SCHOOL DISTRICTS TO DEVELOP POLICIES TO ENSURE SUFFICIENT STAFF ARE PRESENT

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WHEN CERTAIN SERVICES ARE PROVIDED TO HANDICAPPED STUDENTS.

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Read the first time and referred to the Committee on Education.

S. 585 -- Senators Kimbrell, M. Johnson, Rice, Garrett, Loftis, Grooms, Cash, Verdin and Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-450 SO AS TO PROHIBIT ADULT CABARET PERFORMANCES ON PUBLIC PROPERTY AND IN PLACES WHERE SUCH A PERFORMANCE CAN BE VIEWED BY MINORS, AND TO DEFINE NECESSARY TERMS.

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Senator KIMBRELL spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 586 -- Senators Garrett, Alexander, Goldfinch, Massey, Hembree, Martin, Climer, Young, Adams, Kimbrell, Rice, Cash, Verdin, Gambrell, M. Johnson, Turner, Bennett, Talley and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; AND BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE.

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Read the first time and referred to the Committee on Judiciary.

S. 587 -- Senators Young and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 35-1-602, RELATING TO INVESTIGATIONS AND SUBPOENAS PURSUANT TO THE SOUTH CAROLINA UNIFORM SECURITIES ACT, SO AS TO PROVIDE THE SECURITIES COMMISSIONER WITH THE MEANS TO COMPEL A RECALCITRANT RESPONDENT TO PROVIDE DOCUMENTS OR TESTIMONY; AND BY AMENDING SECTION 35-1-604, RELATING TO ADMINISTRATIVE ENFORCEMENT OF THE SOUTH CAROLINA UNIFORM SECURITIES ACT, SO AS TO REMOVE THE OUTDATED REQUIREMENT THAT PAPER COPIES OF

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ADMINISTRATIVE ORDERS BE SENT TO THE DEPARTMENT OF REVENUE AND THE SECRETARY OF STATE.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 588 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-71-440, RELATING TO HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH BENEFIT PLANS OFFERING MEDICAL EYE CARE OR VISION CARE BENEFITS AND PROHIBITED ACTIONS, SO AS TO PROVIDE DEFINITIONS FOR VISION CARE ORGANIZATION AND PROVIDER PANEL, PROHIBIT THE REQUIREMENT THAT AN OPHTHALMOLOGIST, OPTOMETRIST, OR OPTICIAN MUST JOIN A NETWORK SOLELY FOR THE PURPOSE OF CREDENTIALING THE LICENSEE FOR ANOTHER ORGANIZATION'S VISION NETWORK, PROHIBIT THE REQUIREMENT THAT AN OPHTHALMOLOGIST, OPTOMETRIST, OR OPTICIAN MUST USE SPECIFIC SUPPLIERS OF MATERIALS OR OPTICAL LABORATORIES, PROHIBIT CONTRACT REQUIREMENTS THAT AN OPHTHALMOLOGIST, OPTOMETRIST, OR OPTICIAN MUST PROVIDE SERVICES OR MATERIALS TO A PATIENT BASED UPON THE HEALTH MAINTENANCE ORGANIZATION'S SUBSIDIARIES, OTHER HOLDINGS, OR CONTRACT MANDATES, AND PROHIBIT PATIENT RESTRICTION OF CHOICE OF LABS AND MATERIAL PROVIDERS.

sr-0070jg23.docx : c156a316-66d1-4377-b39a-8ea5a6ca972a

Read the first time and referred to the Committee on Banking and Insurance.

S. 589 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0218cm-gt23.docx : 3839d564-35f7-4e3f-a6b5-c76bd4911e89

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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S. 590 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-20, RELATING TO DURATION OF HUNTING AND FISHING LICENSES, PERMITS, AND TAGS FOR RECREATIONAL PURPOSES, SO AS TO AMEND THE NATIVE AMERICAN INDIAN LICENSE; BY AMENDING SECTION 50-9-530, RELATING TO GRATIS, SENIOR, AND CATAWBA LICENSES, SO AS TO AMEND NATIVE AMERICAN INDIAN LICENSE AND PROVIDE FOR PROCESS FOR PROOF OF MEMBERSHIP OF A RECOGNIZED NATIVE AMERICAN TRIBE OR GROUP; BY AMENDING SECTION 50-9-570, RELATING TO LIFETIME LICENSE, SO AS TO UPDATE THE TERM NATIVE AMERICAN INDIAN; AND BY AMENDING SECTION 50-11-515, RELATING TO USE OF WILD TURKEY FEATHERS IN ART, SO AS TO PROVIDE FOR SALE OF TRADITIONAL CRAFTS BY NATIVE AMERICAN INDIAN ARTISTS.

smin-0052mw23.docx : e502eb28-4d66-485c-ace1-2a5d7a815339

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 591 -- Senators Shealy, Garrett, Goldfinch, McElveen, Fanning, Kimbrell, Davis, Turner, M. Johnson, Gustafson, Cash, Rice and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "CHILDREN'S DEFAULT TO SAFETY ACT"; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 63 SO AS TO PROVIDE PROTECTIONS FOR CHILDREN AGAINST UNFILTERED DEVICES; TO PROVIDE NECESSARY DEFINITIONS; TO REQUIRE MANUFACTURERS OF SMART PHONES AND TABLETS TO AUTOMATICALLY ENABLE AND PASSCODE PROTECT THE FILTERS BLOCKING MATERIAL HARMFUL TO MINORS ON DEVICES ACTIVATED IN THIS STATE; TO SUBJECT MANUFACTURERS TO CIVIL AND CRIMINAL LIABILITY FOR VIOLATIONS OF THIS ARTICLE; AND TO SUBJECT INDIVIDUALS TO CRIMINAL AND CIVIL LIABILITY FOR VIOLATIONS OF THIS ARTICLE; BY AMENDING SECTION 16-17-490, RELATING TO CONTRIBUTING TO DELINQUENCY OF A MINOR, SO AS TO PROHIBIT PROVIDING A PASSCODE TO REMOVE THE PORNOGRAPHY FILTER FOR AN INTERNET ACCESSIBLE DEVICE BY SOMEONE OTHER THAN A MINOR'S PARENT OR LEGAL GUARDIAN; AND DESIGNATE SECTIONS 63-1-10

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THROUGH 63-1-50 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

sr-0311km23.docx : 991518e9-be2d-4ae2-86f9-677feed0aef8

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 592 -- Senators McElveen and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 51-11-10, RELATING TO THE CREATION, PURPOSE, AND ADMINISTRATION OF THE RECREATION LAND TRUST FUND, SO AS TO PROVIDE FUNDING FOR THE RECREATION LAND TRUST FUND; BY AMENDING SECTION 51-11-20, RELATING TO RESTRICTIONS ON THE USE OF THE TRUST FUND, SO AS TO PROVIDE FOR THE EXPENDITURE OF FUNDS; BY REPEALING SECTION 51-11-30 RELATING TO THE TRANSFER OF THE TRICENTENNIAL FUND; BY REPEALING SECTION 51-11-50 RELATING TO APPROVAL OF EXPENDITURES; BY ADDING SECTION 51-23-15 SO AS TO PROVIDE FOR FUNDING OF THE PARKS AND THE RECREATION DEVELOPMENT FUND; BY AMENDING SECTION 51-23-20, RELATING TO THE ALLOCATION OF PROCEEDS OF THE PARKS AND RECREATION FUND, SO AS TO PROVIDE FOR AN ANNUAL ALLOCATION AMOUNT; AND BY ADDING CHAPTER 24, TITLE 51, SO AS TO CREATE THE STATE TRAILS TRUST FUND.

smin-0078aa23.docx : 0f173547-78da-4b71-917b-946b0fff6aef

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 593 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440, RELATING TO DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0159hdb23.docx : 47846033-e43e-4347-8760-3f73abf33f31

Read the first time and referred to the Committee on Judiciary.

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S. 594 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO CHANGE THE DEFINITION OF "ABANDONMENT OF A CHILD"; BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF "SPECIAL NEEDS CHILD"; BY AMENDING SECTION 63-9-320, RELATING TO PERSONS WHOSE CONSENT TO ADOPTION IS NOT REQUIRED, SO AS TO INCLUDE THE PARENT OF AN INFANT VOLUNTARILY LEFT WITH A SAFE HAVEN AND THE PARENT OF AN ABANDONED CHILD; BY AMENDING SECTIONS 63-9-510 AND 63-9-520, RELATING TO TEMPORARY PLACEMENT AND CUSTODY OF ADOPTEES AND ADOPTION INVESTIGATIONS AND REPORTS, RESPECTIVELY, SO AS TO AUTHORIZE THE COURT TO WAIVE THE REQUIREMENT FOR CERTAIN PREPLACEMENT REPORTS AND ANY POSTPLACEMENT INVESTIGATION AND REPORT; AND BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

lc-0196vr23.docx : 54334395-51d8-4e09-87eb-878d769f4cd9

Read the first time and referred to the Committee on Judiciary.

H. 3532 -- Reps. G. M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M. M. Smith, Davis, Pace, B. L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO

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PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

lc-0099ahb23.docx : 880f0609-5790-4801-950a-0eb89e443ceb

Read the first time and referred to the Committee on Judiciary.

H. 3678 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE CROSSING THE CSX AND NORFOLK SOUTHERN RAILROAD TRACKS ALONG BLOSSOM STREET IN THE CITY OF COLUMBIA IN RICHLAND COUNTY "THE HONORABLE L. CASEY MANNING BRIDGE RESPECTED JUDGE AND TRAILBLAZING GAMECOCK" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

lc-0183cm-cm23.docx : c34892d7-6450-4ca7-82f8-35d388525a86

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3816 -- Rep. Leber: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES RUSSELL CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY "DAVID L. LYBRAND MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS.

lc-0202cm-cm23.docx : 98b79313-8095-4e65-b6bf-edc08f879e47

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND

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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0212cm-gt23.docx : f523ae08-1fbf-4e7b-a7d2-792af159ac4c

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3876 -- Rep. Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 576 IN MARION COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 "DOUGLAS MCROY WIGGINS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0213cm-gt23.docx : 7ae17b41-dcf5-4fa5-93d5-338f135a6ea5

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0226cm-gt23.docx : 359ae39a-0f57-420c-81d8-139cd8a03c55

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3974 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-75 (E WASHINGTON STREET) IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH LAURENS ROAD TO ITS CONVERGENCE WITH S-1077 "STEWART SPINKS ROAD" AND PLACE

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APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF
HIGHWAY CONTAINING THESE WORDS.

lc-0231cm-gt23.docx : 05c7f3e4-7bd6-4bbc-b1a6-45babe4b946a

The Concurrent Resolution was introduced and referred to the
Committee on Transportation.

H. 4058 -- Reps. Kilmartin, Alexander, Anderson, Atkinson, Bailey,
Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell,
Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey,
Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox,
B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder,
Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest,
Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes,
Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon,
Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones,
W. Jones, Jordan, King, Kirby, Landing, Lawson, Leber, Ligon, Long,
Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis,
Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss,
Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott,
Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford,
Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis,
Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West,
Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and
Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND
COMMEND THE CHAPIN GARDEN CLUB FOR ITS
OUTSTANDING HISTORY AND VOLUNTEER WORK IN THE
CHAPIN COMMUNITY AND TO CONGRATULATE CINDY CHIN,
CLUB PRESIDENT, AND THE CLUB'S MEMBERS UPON THE
OCCASION OF THEIR EIGHTY-FIFTH ANNIVERSARY.

lc-0256wab-gm23.docx : 2f41eff8-45d4-4b06-8e67-96e8e09795ac

The Concurrent Resolution was adopted, ordered returned to the
House.

H. 4069 -- Reps. Erickson, Alexander, Anderson, Atkinson, Bailey,
Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell,
Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey,
Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox,
B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest,
Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey,
Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-
Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard,

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Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE FORTY-THREE SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2023 ALL-STATE ACADEMIC TEAM BY THE PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

lc-0258wab-wab23.docx : 0c5a38a9-d263-49a3-827c-ad6f4df91703

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 343 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11,

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CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE

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TRANSPORTATION SECURITY ADMINISTRATION SCREENED
PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 398 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 451 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023.

Returned with concurrence.

Received as information.

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 570 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE NONPROFIT AND PHILANTHROPIC ORGANIZATIONS OF SOUTH CAROLINA AND THEIR MANY VOLUNTEERS, DONORS, BOARD MEMBERS, AND PROFESSIONAL LEADERS FOR THEIR

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SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3961 -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: A BILL TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT- LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.

On motion of Senator BENNETT.

SECOND READING BILL

S. 335 -- Senator Davis: A BILL TO AMEND ACT 596 OF 1969, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being second reading of the Bill.

The Bill was read the second time and ordered to third reading.

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CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

Senator MALLOY spoke on the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator KIMBRELL explained the Bill.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Fanning

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Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 92 -- Senators Campsen, Senn, Garrett, Malloy and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

S. 405 -- Senators Campsen, Kimbrell and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF

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APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL

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ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

CARRIED OVER

S. 138 -- Senators McElveen, Senn, Cromer and Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

On motion of Senator McELVEEN, the Bill was carried over.

CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING

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IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

On motion of Senator HUTTO, the Bill was carried over.

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

On motion of Senator HUTTO, the Bill was carried over.

CARRIED OVER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO

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PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

On motion of Senator HUTTO, the Bill was carried over.

CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

On motion of Senator HUTTO, the Bill was carried over.

CARRIED OVER

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT

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THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED, SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

On motion of Senator FANNING, the Bill was carried over.

OBJECTION

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Senator MARTIN objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED AN HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-448.MF0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-1-1100 and inserting:

Section 56-1-1100. A person found to be an habitual offender under the provisions of this article, who subsequently is convicted of operating a motor vehicle, except for a moped when the operator is issued a valid moped operator's license, in this State while the decision of the Department of Motor Vehicles prohibiting the operation is in effect, but not including any time the person may remain suspended past the suspension dates due to unmet reinstatement requirements, is guilty of a felony and must be imprisoned not more than five years.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his driver's license or permit is suspended or revoked or is charged with driving without a license, the department, before hearing the charges, shall determine whether the person has been adjudged an habitual offender and is barred from operating a motor vehicle on the highways of this State. ~~If the person is found to be an habitual offender, the department shall notify the solicitor or Attorney General and he shall cause the appropriate criminal charges to be lodged against the offender.~~

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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OBJECTION

S. 311 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; BY AMENDING SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; BY AMENDING SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; BY AMENDING SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD-PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995.

Senator PEELER objected to consideration of the Bill.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams, Garrett, Stephens and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-436.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 31-1-900(A) and (B) and inserting:

(A) There is established the "Heirs' Property Commission", which is created to address the legal and economic issues associated with heirs' property. The commission shall be comprised of:

(1) a member of the Real Estate Practices Section of the South Carolina Bar or his designee, appointed by the Governor, who shall serve as chairman;

(2) a representative of the Center for Heirs' Property Preservation, appointed by the Governor;

(3) the Secretary of Transportation or his designee;

(4) a Master-in-Equity, appointed by the Governor;

(5) a member representing county government, appointed by the Governor;

(6) a member representing municipal government, appointed by the Governor;

(7) a member representing the Coastal Conservation League, appointed by the Governor;

(8) a member representing Habitat for Humanity South Carolina, appointed by the Governor;

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(9) a member representing the Lowcountry Gullah Foundation, appointed by the Governor;

(10) a member of the Real Estate Practices Section of the South Carolina Bar appointed by the President of the Senate; and

(11) a member of the Real Estate Practices Section of the South Carolina Bar appointed by the Speaker of the House.

(B) The commission shall review issues related to heirs' property in South Carolina and their impact on the families and the economic development opportunities for South Carolina.

Amend the bill further, SECTION 1, by striking Section 31-1-900(C)(1) and inserting:

(C)(1) The commission shall report to the Governor and the General Assembly within one year of the effective date of this act, setting forth its activities, the state of heirs' property in the State, data collected, and any recommendations for policy or legislative changes to help families with heirs' property clear title, to improve economic development opportunities for South Carolina, and to prevent new occurrences of heirs' property.

Amend the bill further, SECTION 1, by striking Section 31-1-900(C)(2)(d) and inserting:

(d) information regarding non-profit groups in South Carolina that provide services to owners of heirs' property; and

Amend the bill further, SECTION 1, by striking Section 31-1-900(D) and inserting:

(D) The President of the Senate and the Speaker of the House of Representatives shall designate staff from the Senate and the House, in equal number from each chamber, to provide administrative support to the commission as the commission requests and requires in the performance of its duties.

Amend the bill further, by striking SECTION 2 and inserting:

SECTION 2. The commission shall review the Heirs' Property Study Committee Report issued to the General Assembly on December 30, 2022, and identify suggestions and steps for implementation for policy changes, and report recommendations for legislative changes to the General Assembly.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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Senator DAVIS proposed the following amendment (SR-436.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 31-1-900(C)(1) and inserting:

(C)(1) The commission shall report to the Governor and the General Assembly within four years of the effective date of this section, setting forth its activities, the state of heirs' property in the State, data collected, and any recommendations for policy or legislative changes to help families with heirs' property clear title, to improve economic development opportunities for South Carolina, and to prevent new occurrences of heirs' property.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. The commission shall provide an annual progress report providing preliminary findings or recommendations to the General Assembly. The commission shall provide the first annual progress report on December 30, 2024. Thereafter, the commission shall provide the report required pursuant to Section 31-1-900(C)(1) on December 30, 2026, to the General Assembly.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator MALLOY spoke on the Bill.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell

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Loftis	Malloy	Massey
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Remarks by Senator MALLOY

Thank you PRESIDENT ALEXANDER and members of the Senate. I would be remiss if I let this moment pass after we are talking about the Heirs' Property Act. In this General Assembly, we talk about our legacy and of those before us. So many times the things we discuss here are social justice issues and issues that move the needle. However, I recall a time many years ago, there was a gentleman employed by the Senate that worked here relentlessly on heirs' property. During that time, we had a Bill that was drafted by Catherine Wells, a staff member on the Judiciary Committee and signed by former Governor Haley. It was an innovative law that required independent appraisals and open market sales to ensure that heirs received fair prices. Additionally, the new act would not prevent sales for the failure to pay taxes or described in the BBC, at that time, but it would ensure that sales begun by developers and distant heirs would be more impartial and advantageous for all property owners. During session, it went to the House, was labored, and then another House member put it in their name, sent it back and we named it the Clementa Pinckney Heirs' Property Act.

The constituents from the Charleston area are nodding their heads in confirmation for they understand exactly what this means. This is a continuation of the work that is so necessary in our State and should have been enacted many years ago. Therefore, I applaud those that have been a part of this. Families come and go, instilling legacies within the area in which they live, but the land always remains. But many times this is a

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story that leaves a stain on South Carolina. We have folks that will work on conservation efforts, such as Senator CAMPSSEN, and we protect conservation, at times even from development, and so we must have truly what we consider “good”.

There are many times that we have Legislation like this, the Clementa Pinckney Heirs’ Property Act, and I believe there is no pride in authorship. As I stated before, every meaningful piece of Legislation that we have here in this Body, if you are going to satisfy and do the public good, must be bipartisan. Ideas must flow from each party and each individual Senator, and we must not worry about who is the author, but rather the content of what is included in the Legislation. It has been eight years since the death of Clementa Pinckney but still today everyone knows his story. Everyone has a story of the land they have lived upon. The family from that time may be gone but the name and the legacy lives on, as does the blood, sweat and tears that were poured into it. If we are going to have development, and we are a growing State, there must be a free and fair market for it. We cannot work in backroom deals in the form of a quitclaim deed, resulting in a partition action, with their things being sold off for pennies on the dollar. We cannot have the blood, sweat and tears of those that came before us ignored -- those that are crumbling in unfound graves which we still find on some of these properties.

While we are doing this, we must be ever mindful that we have a lot of history here. I implore you to look at that door -- it is not just your history, it is everyone’s history. The blood and the sweat that has built this State belongs to all of us. My grandfather is no less than your grandfather, so let us protect them. Lastly, we are not supposed to agree. We do not come from the same place, and that is what makes up this Senate body. I am happy that we can come together to work toward something we can agree on. It is my hope that we empower and put the tools together for this committee to do their work competently, and to ensure that they report back fairly and equally, for the people of yesterday still matter to us.

In closing, I say this as a nod to our friend that we are always referencing when the subjects of hate crimes and similar issues are raised, Clementa Pinckney, as he fought tirelessly for this point for a multitude of years. I move for adoption.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator MALLOY were ordered printed in the Journal.

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CARRIED OVER

S. 572 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO CORPORATE SELF-REPRESENTATION AT HEARINGS BEFORE THE DEPARTMENT'S PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5152, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 573 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-STATE ATHLETIC COMMISSION, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5153, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 574 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, RELATING TO BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5133, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

POINT OF ORDER

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A

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LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

Point of Order

Senator CORBIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

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EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Corrections and Penology Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2017, and to expire March 15, 2023

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406
VICE Dr. Lonnie Randolph

On motion of Senator MARTIN, the question was confirmation of Geraldine P. Miro.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 0; Abstain 5

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
Kimbrell	Loftis	Massey
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--32

NAYS

Total--0

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ABSTAIN

Davis	Goldfinch	Malloy
McElveen	Young	

Total--5

The appointment of Geraldine P. Miro was confirmed.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

6th Congressional District:

Geraldine P. Miro, 1106 Ellis Avenue, Orangeburg, SC 29115-4406

On motion of Senator MARTIN, the question was confirmation of Geraldine P. Miro.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 0; Abstain 5

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
Kimbrell	Loftis	Massey
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--32

NAYS

Total--0

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ABSTAIN

Davis	Goldfinch	Malloy
McElveen	Young	

Total--5

The appointment of Geraldine P. Miro was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

Initial Appointment, Director, State Election Commission, with the term to commence January 4, 2023, and to expire June 30, 2027

Howard M. Knapp, 10 Sasanqua Circle, Columbia, SC 29209

On motion of Senator RANKIN, the question was confirmation of Howard M. Knapp.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 1; Abstain 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Kevin</i>	Kimbrell	Loftis
Massey	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--35

NAYS

Corbin

Total--1

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ABSTAIN

Malloy

Total--1

The appointment of Howard M. Knapp was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2021, and to expire August 15, 2025

At-Large:

Charles E. Gardner, 127 Haviland Ave., Greenville, SC 29607

On motion of Senator DAVIS, the question was confirmation of Charles E. Gardner.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Kevin</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

THURSDAY, MARCH 2, 2023

NAYS

Total--0

ABSTAIN

Davis

Total--1

The appointment of Charles E. Gardner was confirmed.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Brenton F. Mackie, 237 Oak Haven Drive, Lexington, SC 29072-7112
VICE Bradley J. Allen

On motion of Senator DAVIS, the question was confirmation of Brenton F. Mackie.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Kevin</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

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NAYS

Total--0

ABSTAIN

Davis

Total--1

The appointment of Brenton F. Mackie was confirmed.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Tuesday, March 7, 2023, at 2:00 P.M.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Kathleen “Kay” Felder Bodenheimer of Aiken, S.C. Kay was the mother of our beloved Beth Dworjanyn. She graduated from Winthrop College and earned her Master’s in English Education from the University of South Carolina. She taught over twenty-six years in public schools in Beaufort, Richland and Aiken counties. Kay was a member of Aiken First Presbyterian Church. She enjoyed serving in the Aiken Garden Club, The Student Club, Mardi Gras Club and playing bridge. She also enjoyed attending community theatre productions. Kay was a loving mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 12:44 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 3, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SETZLER.

ADJOURNMENT

At 11:06 A.M., on motion of Senator SCOTT, the Senate adjourned to meet next Tuesday, March 7, 2023, at 12:00 P.M.

* * *

Tuesday, March 7, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

I Samuel 17:4

In I Samuel we read this familiar story: "...there came from the camp of the Philistines a champion named Goliath of Gath, whose height was six cubits and a span."

Please join your heart with mine as we pray: Most Holy God, we realize fully that giant issues arise before this Senate on a regular basis. Some are huge problems highlighting wickedly complex issues, such as highway system concerns and many other infrastructure challenges. And others can be viewed as positive matters like welcoming new investment and bringing further development to our ever-growing State. But whether they are negative matters or positive ones, these are indeed giant tasks which need the full attention and wisdom of these Senators and their staff members. All of this is why today we pray for Your blessing and guidance upon this Senate, O God, as these leaders wrestle with how to best address each issue and bring about meaningful results for our citizens. So we pray in Your wondrous name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RECESS

At 2:05 P.M., on motion of Senator PEELER, the Senate recessed from business until 2:15 P.M.

At 2:13 P.M., the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

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Local Appointments

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Robert Barton Howell, 149 Ledge Stone Lane, Gaffney, SC 29341-4439

Initial Appointment, Pickens County Master-in-Equity, with the term to commence July 1, 2023, and to expire July 1, 2029

Adam Lambert, 122 New Haven Court, Easley, SC 29640 *VICE* New Seat

Doctor of the Day

Senator KIMBRELL introduced Dr. H. Fritz Butehorn III of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 3:26 P.M., Senator HUTTO was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 3:26 P.M., Senator McELVEEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator MASSEY, at 3:25 P.M., Senator MARTIN was granted a leave of absence for the week.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Remarks by Senator HARPOOTLIAN

Thank you. I originally got up here to say that I received a number of emails and texts. Especially from Senator SHEALY who wanted to know how I was. She always wants to know, if I am eating well. Am I sleeping well? I really appreciate those who reached out to me in this maelstrom of a trial. It was hard to focus on anything except for the trial. We stayed in Walterboro, South Carolina -- for six weeks we stayed down there.

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We pretty much did not go anywhere, or do anything, except for work on this case and I want to say a couple of things about this process.

First, my personal observations are that I have been doing this for almost half a century, and it is still as enjoyable today for me as it was almost fifty years ago when I first began this process of trying cases. I have tried hundreds and hundreds of them -- big cases, little cases. I have won cases. I have lost cases, but that process -- if it operates correctly -- can be so satisfying to the lawyers. If the client loses, they are not satisfied. If they win, typically they feel like they should have won anyway. So, it is really not particularly fun or satisfying for them.

The second point I make is this, Senator CAMPSSEN has questions about the integrity of the system. I disagree with Judge Newman on some of the rulings he made. He ruled. We objected. It is in the record. The Supreme Court of Appeals has a chance to look at it, and so does the federal court. That is not based on bias, he just had a different view of the law than I had.

Now, the third thing I want to say is this: of course, people feel compelled to express their opinion on things through the internet. I guess it is on my website, my email. Some people said, I really wanted that big case you had, but that is not what they chose to send me. Most of the emails and messages were very positive. A lot of them were people that were watching the trial in Germany, England, or the Netherlands. Many people here also gave me suggestions, on a daily basis, on what we should do or how we screwed up yesterday. But to the people that sent me the -- you are a rotten piece of scum and I hope you die of rectal cancer -- you know what? They have a misapprehension of the system. They have a misapprehension of our justice system. While they are very familiar with the second amendment apparently, they have not read the fourth, fifth, sixth, or eighth amendment that guarantees us freedom. We are guaranteed freedom of ourselves and our property. John Adams was the 2nd President of the United States. Eight British soldiers were charged with murdering colonial activist demonstrators who charged them. Eight of them were indicted and charged with murder. John Adams represented them in 1770. Six were acquitted. Two were convicted of manslaughter. None of them were hung. John Adams said that everybody deserves the presumption of innocence and the benefit of counsel. What I do not understand is why this presumption of innocence is such an alien concept. But trust me, there are literally hundreds, if not thousands of emails, that my co-counsel and I received. Not all of them wished rectal cancer on me, but most of them were fairly critical. These are people that do not understand the Constitution. They do not understand one thing: I

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took an oath forty-nine years ago and I pull it out from time to time and read it as a lawyer because oath matters. Your word matters. I will maintain the respect and courtesy due to the courts of justice, judicial officials and those who system to my clients. I pledge faithfulness, competence, diligence, good judgment, and prompt communication. To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court but also in all written and oral communications. I have not always upheld that particular oath promise there, but God knows I have tried. I will maintain the dignity of the legal system and advance no fact prejudicial to the honor and reputation of a party or witness unless required by the justice of the cause of which I am charged. I will assist the defenseless or oppressed by ensuring that justice is available to all citizens that will not delay any person's cause for profit or malice, so help me God. This is an oath I took forty-nine years ago, and I take it seriously. And by the way, you do not have to convince me that you are innocent for me to represent you. That is not the issue. The issue is, can the State prove your guilt beyond a reasonable doubt? When you decide that position, once you decide on that position, you are free to do what is in your client's best interest. If your mind is muddled with, "Is he innocent or guilty," then you cannot do your job. I have prosecuted. I put a man in the electric chair. I have defended a man who went to the electric chair. I have done both sides. I am not a Red Sox fan or Yankees fan. That is not what this is about. This is doing your job. So, to those out there -- this may appear on YouTube somewhere -- who do not understand that, go read a book. Abraham Lincoln represented twenty murder defendants. Not all of them were acquitted but he fought for every one of them. This is about a system. By the way, that system does not exist in this State without us. That is the attractiveness of being in this Body. We shape how that system works. So, I have come back from six weeks overseas (Walterboro, SC) and Margie is not here. Margie Matthews was very kind in letting us use her office to have lunch every day to avoid the -- I know this sounds so vain -- paparazzi who surrounded the Walterboro Colleton County Courthouse. By the way, people that slept outside for nights to get into the courtroom -- get some help, please.

So, thank you for being nice to me while I was gone. You took care of abortion. You have not taken care of guns, Majority Leader. You could have done it all, brought me back without having to deal with that kind of stuff. But I appreciate you at least getting some of the stuff cleared out. Thank you.

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On motion of Senator SABB, with unanimous consent, the remarks of Senator HARPOOTLIAN were ordered printed in the Journal.

Expression of Personal Interest

Senator GUSTAFSON rose for an Expression of Personal Interest.

Remarks by Senator GUSTAFSON

This statement of personal interest is a statement of public interest. We are bombarded with negative and toxic messages and news too much. Today I am sharing a brief chronicle about our people, our community leaders, our state representatives, and SCDOT collaborating towards a positive common purpose in District 27.

There has been an intense public outcry to address the steady stream of accidents at the crossroads of Love's Travel Stop and Dove Sutton Road in Pageland. Lynches River Industrial Park, Love's, and Walmart Distribution Center are all located on a short stretch of Highway 601 punctuated by hills and hindered sight areas. We all agree adequate sight distance is needed to have safe and efficient traffic. There are no current stops, lights, or intersections that would slow traffic enough to avoid vehicle accidents.

The problems there pre-date Love's opening on April 21, 2022. For well over a year, many of us have been requesting the installation of a traffic light. My first official written request to SCDOT is dated February 22, 2022.

As a mother of three, I know the heartbreak of a hurting child, so when I was contacted on Friday, December 23, 2022, about yet another serious incident, I felt compelled to get in touch with the family immediately. Quanicka Robinson is the mother of Quadazhia Blakeney who was injured in December. They both use this road to get to work. I caught Ms. Robinson at the hospital, and she tearfully explained that Quadazhia was in surgery and would have several more by Sunday, Christmas Day. Perhaps there would be comfort in knowing the state government cares and the intersection was in the middle of serious scrutiny.

Quadahzia was released from the hospital on January 5th but readmitted the same night at a different hospital. She cannot walk. She cannot bear any weight on her legs, so rehab is not possible right now. She cannot work, and she has received two paychecks since this accident. She is but ONE accident victim from this deadly intersection and there have been fatalities. Along the way, there was a petition signed by

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almost 2,000 people, online complaints on social media, newspaper reports, elected officials' statements, and calls.

Reaching for support, I got in touch with Laura Moore, General Manager of the Walmart Distribution Center. We discussed the situation, and ultimately, she agreed to request financial support for this possible project from the corporate office. I also suggested that her on-site employees write letters of support directly to SCDOT and offered to handle the coordination. When we touched base last week, she had discontinued that request for letters, since there had been an unofficial announcement of the traffic light moving forward. The question about financial assistance remains open this week.

I saw a quote from Calvin Coolidge, our thirtieth President, about persistence and I'm just going to read this and thank you for indulging me. "Persistence, passion, positive work, and support as well as collaboration, does happen in our State Government. It can happen and this is just a tiny example. Nothing in the world can take the place of persistence. Talent will not, nothing is more common than unsuccessful men with talent. Genius will not, unrewarded genius is almost a proverb. Education will not, the world is full of educated derelicts. Persistence and determination alone are omnipotent." As we face our challenge of workforce development and economic development, let us persist together and collaborate. Let us work together with other elected officials to move good legislation and say thank you when it's deserved. Thank you SCDOT and thank you for your time.

On motion of Senator BENNETT, with unanimous consent, the remarks of Senator GUSTAFSON were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

- S. 150 Sen. Climer
- S. 161 Sen. Climer
- S. 302 Sens. Davis, Grooms and Campsen
- S. 583 Sen. Young
- S. 594 Sen. Shealy

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

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S. 595 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE WEST-OAK HIGH SCHOOL WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A WRESTLING STATE CHAMPIONSHIP.

sr-0304km-hw23.docx : a9c13233-bf71-407f-86d7-5abc84542045

The Senate Resolution was adopted.

S. 596 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE STAFF AND DONORS OF THE FOOD BANK OF GREENWOOD COUNTY FOR FOUR DECADES OF HELPING THOSE IN NEED WITH ESSENTIAL FOODS AND TO CONGRATULATE THEM UPON THE OCCASION OF THEIR FORTIETH ANNIVERSARY.

lc-0216ph-jn23.docx : 0c8d5bc6-f6cf-4a5d-83c1-58b87b96096d

The Senate Resolution was adopted.

S. 597 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO CELEBRATE THE CAMBRIDGE ACADEMY GIRLS BASKETBALL TEAM ON CAPTURING THE 2023 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 1A STATE CHAMPIONSHIP TITLE.

lc-0180dg-rm23.docx : ef61f44d-543d-4496-bff8-a7fea73e4da8

The Senate Resolution was adopted.

S. 598 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO CONGRATULATE GREENWOOD HIGH SCHOOL WRESTLERS AAJIA JONES, KENNEDI WASHINGTON, AND CASON HOWLE FOR WINNING THE 2023 SOUTH CAROLINA CLASS AAAA INDIVIDUAL STATE CHAMPIONSHIP TITLES.

lc-0094ha-gm23.docx : f9f6c3f1-2e97-4f07-89b2-3a3cf747cc99

The Senate Resolution was adopted.

S. 599 -- Senators Alexander, Peeler, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO

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RECOGNIZE MARCH 7, 2023, AS "CLEMSON DAY" IN SOUTH CAROLINA.

sr-0281km-vc23.docx : 1d17382c-6c06-42b3-9545-5e99bcb94558

The Senate Resolution was adopted.

S. 600 -- Senators Massey and Young: A SENATE RESOLUTION TO RECOGNIZE MARCH 7, 2023, AS "GERMAN AMERICAN FRIENDSHIP DAY" IN SOUTH CAROLINA AND TO EXTEND OUR BEST WISHES AND HOPES FOR A SUCCESSFUL VISIT TO OUR FRIENDS FROM GERMANY PARTICIPATING IN THE GERMAN AMERICAN PARTNERSHIP PROGRAM AT STROM THURMOND HIGH SCHOOL.

sr-0319km-vc23.docx : c52d0c8e-1b03-49b6-9638-c1181be57199

The Senate Resolution was adopted.

S. 601 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1, CHAPTER 73, TITLE 39 SO AS TO TRANSFER THE AUTHORITY TO EXECUTE THE STATE COMMODITY CODE TO THE SOUTH CAROLINA ATTORNEY GENERAL; BY AMENDING SECTION 39-73-310, RELATING TO THE AUTHORITY OF THE ADMINISTRATOR TO INVESTIGATE, THE PUBLICATION OF INFORMATION, POWERS AND PROCEDURES, AND COURT ORDERS TO COMPEL COMPLIANCE, SO AS TO PROVIDE GUIDELINES FOR THE ENFORCEMENT OF COMPLIANCE; BY AMENDING SECTION 39-73-315, RELATING TO ACTION BY THE ADMINISTRATOR TO PREVENT VIOLATION OR IMMINENT VIOLATION, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY ISSUE CEASE AND DESIST ORDERS AND TO PROVIDE GUIDELINES FOR THE ISSUANCE AND ENFORCEMENT; BY AMENDING SECTION 39-73-320 RELATING TO LEGAL, EQUITABLE, AND SPECIAL REMEDIES AVAILABLE TO A COURT FOR ENFORCEMENT, AND SECTION 39-73-325, RELATING TO PENALTIES FOR WILLFUL VIOLATION, SO AS TO PROVIDE GUIDELINES FOR ACTIONS TAKEN UPON VIOLATION OF THIS CHAPTER; BY AMENDING SECTION 39-73-350, RELATING TO APPLICABILITY OF SECTIONS 39-73-20, 39-73-50, AND 39-73-60 TO PERSONS WHO SELL, BUY, OR OFFER TO SELL OR BUY COMMODITIES IN THIS STATE, SO AS TO PROVIDE GUIDELINES FOR APPLICABLE RADIO AND TELEVISION COMMUNICATIONS;

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BY AMENDING SECTION 39-73-360, RELATING TO JUDICIAL REVIEW, SO AS TO PROVIDE GUIDELINES; BY ADDING SECTION 39-73-375 SO AS TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL MAY RETAIN ALL FINES AND PENALTIES COLLECTED PURSUANT TO THIS CHAPTER; BY ADDING SECTION 39-73-400 SO AS TO PROVIDE A SEVERABILITY CLAUSE; AND BY REPEALING SECTION 39-73-355 RELATING TO ADMINISTRATIVE PROCEEDINGS, NOTICE, HEARING, AND ORDER.

sr-0279km23.docx : 6d3e2711-ebe5-40a6-a8f2-abdee8d25e28

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

sr-0075jg23.docx : f1c200c5-9e10-4a4a-acc2-88c94c8d079d

Read the first time and referred to the Committee on Family and Veterans' Services.

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S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

sr-0272km23.docx : 48ef85a6-cb76-487b-a002-b1f58b89df22

Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 604 -- Senators Peeler, Alexander and Setzler: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

sf-0020ch23.docx : 4b6ae2e3-63ac-4c38-a972-9de2e4ed17f0

Read the first time and referred to the Committee on Finance.

S. 605 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0255cm-cm23.docx : 51f31c4d-e962-4ab0-bc23-bc090db6d2f1

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 606 -- Senators Garrett and Gambrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN THE CITY OF GREENWOOD IN

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GREENWOOD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH VINTAGE COURT "JOHN MCEL RATH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0253cm-gt23.docx : e2ffd3ed-0584-4018-aa6c-f521f2737341

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

lc-0179wab23.docx : b12d6f07-63f3-4845-955c-4254db0e6d89

Read the first time and referred to the Committee on Education.

H. 3925 -- Reps. Bannister, Murphy, Gatch, Robbins, Mitchell and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-7-920, RELATING TO THE MEMBERSHIP OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO ADD THE ATTORNEY GENERAL FOR THE TERM FOR WHICH HE IS ELECTED OR HIS DESIGNEE TO THE MEMBERSHIP OF THE COMMISSION.

lc-0124ahb23.docx : d7eaeceb-4fe6-46ed-b07b-42e62f634a3b

Read the first time and referred to the Committee on Judiciary.

H. 4079 -- Reps. Pedalino, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan,

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Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE LAURENCE MANNING ACADEMY BASEBALL TEAM FOR AN IMPRESSIVE SEASON AND TO CELEBRATE THE SWAMPCATS' CAPTURE OF THE 2022 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP TITLE.

lc-0261sa-jn23.docx : 387dc7a9-e5e3-4d40-995a-eec520d121ce

The Concurrent Resolution was adopted, ordered returned to the House.

REPORT OF STANDING COMMITTEE

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

TUESDAY, MARCH 7, 2023

Message from the House

Columbia, S.C., March 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Concurrent Resolution to the Senate with amendments:

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON COLLEGE STREET IN THE CITY OF NEWBERRY IN NEWBERRY COUNTY "THE HONORABLE WALTON J. MCLEOD III BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., March 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

MASTER-IN-EQUITY

Appointment, Pickens County Master-in-Equity, with term to commence July 1, 2023, and to expire June 30, 2029:

Adam Lambert, 122 New Haven Court, Easley, South Carolina, 29640
VICE New Seat

Very respectfully,

Speaker of the House

Received as information.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 12:15 P.M. tomorrow for the purpose of attending the Joint Assembly.

TUESDAY, MARCH 7, 2023

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

COMMITTED

S. 311 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; BY AMENDING SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; BY AMENDING SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; BY AMENDING SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD-PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX

TUESDAY, MARCH 7, 2023

CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995.

On motion of Senator DAVIS, the Bill was committed to the Committee on Finance.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to the Motion Period.

There was no objection.

THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

Senator MASSEY moved that the Bill be made a Special Order.

Senator FANNING spoke against the motion.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Reichenbach
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	McLeod	Sabb
Scott	Setzler	Stephens
Williams		

Total--13

The Bill was made a Special Order.

MOTION ADOPTED

At 3:27 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Pickens County Master-in-Equity, with the term to commence July 1, 2023, and to expire July 1, 2029

Adam Lambert, 122 New Haven Court, Easley, SC 29640 *VICE* New Seat

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Robert Barton Howell, 149 Ledge Stone Lane, Gaffney, SC 29341-4439

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 3:29 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:15 P.M.

* * *

Wednesday, March 8, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:15 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 64:8

We recall how Isaiah the prophet proclaimed: “. . .O Lord, you are our Father; we are the clay, you are our potter; we are all the work of your hand.”

Let us pray: It is marvelous, dear God, that Your creation embraces such rich variety. Truly, the world around us blesses and touches us and even at times confounds us by the endless diversity we see and experience. Plus, at the very core of it all, Lord, there remains that most wonderful truth of all: how we humans are all Your children, each one of us. Therefore, in our awareness of this “oneness,” we pray that You, dear God, will lead us to care genuinely for one another and also for this world You have given us. And may that same quality be a hallmark of this Senate and of the efforts of each of these Senators, a reality which will be sure to bring great joy and blessing and hope to all. In Your loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Committee to Escort

The PRESIDENT appointed Senators CROMER, GOLDFINCH, SENN, ALLEN and FANNING and Representatives Mitchell, Williams, Oremus, Hosey and Schuessler to escort the Honorable Vincent J. Troiola, National Commander of The American Legion, and members of his party to the House of Representatives for the Joint Assembly.

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, the Senate agreed to stand in recess at the conclusion of the Joint Assembly until 1:30 P.M.

WEDNESDAY, MARCH 8, 2023

RECESS

At 12:25 P.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

Address by the National Commander of The American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

The Honorable Vincent J. Troiola and members of his party were escorted to the rostrum by Senators CROMER, GOLDFINCH, SENN, ALLEN and FANNING and Representatives Mitchell, Williams, Oremus, Hosey and Schuessler. The PRESIDENT of the Senate introduced the Honorable Vincent J. Troiola, National Commander of The American Legion.

Commander Troiola addressed the Joint Assembly.

Ladies, gentlemen, distinguished members of this great Body, it's truly an honor to speak to you today in this historic capitol. Before I begin, please allow me a moment to introduce members of The American Legion Family who are with me today. We have with us the Commander of the South Carolina American Legion, Jim Jarvis of Columbia. National Executive Committeeman Joe Lysaght of James Island. James Holland, Alternate NEC from Aiken. The department Adjutant Mike Strauss, of North Augusta. The American Legion Auxiliary Department of South Carolina President Pat Ward of Greenville. And, the Sons of The American Legion South Carolina Detachment Commander Ryan Henderson of Charleston.

Ladies and gentlemen -- we have all heard the famous saying that there are two things that are inevitable in life -- death and taxes! Well, that maybe so, but I want to thank this Legislature and Governor McMaster for at least making taxes less burdensome for military retirees and surviving spouses. Thanks to the hard work of the men and women of this Legislature, military pensions are now exempt from South Carolina taxes. This sends exactly the right message to veterans searching for a state to call home after a career of military service.

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Even before the Governor signed the Workforce Enhancement and Military Recognition Act on May 13th -- the Palmetto State earned a well-deserved reputation as a welcoming community for America's heroes. South Carolina had already given veterans state employment preferences, education and tuition assistance, vehicle tags, as well as hunting and fishing license privileges. You have also expanded property tax exemptions to include surviving spouses of disabled veterans. Simply put, when it comes to the treatment of veterans, this State gets us.

Moreover, South Carolina is a major contributor to America's military strength, with eight major military installations and numerous smaller facilities within your borders. The annual economic impact of the military community here is estimated to be \$34.3 billion, while translating into more than a quarter-million jobs. You have the tenth highest density of service members in the country and nearly 400,000 veterans call South Carolina "home."

Twenty-three thousand of South Carolina's veterans are Legionnaires, serving local communities through more than 160 posts. But it isn't just veterans and the military who American Legion Families serve. They are awarding scholarships, conducting some of the finest youth programs in the country and educating the next generation of South Carolinians on the importance of patriotism and good citizenship.

On July 11th, a national team from The American Legion met with veterans and VA representatives at Post 130 in Cayce. It was our first System Worth Saving Townhall since before the COVID-19 pandemic.

Included in the visit was a tour of the Columbia VA Medical Center. The VA Health Care System has made some remarkable improvements over the last decade. The American Legion is vigilant to ensure that VA serves veterans as well as veterans have served this country. We will point out VA's mistakes and we will often be loud in doing so. But we also recognize that VA usually provides outstanding care and must be fully funded so veterans can have access to this needed benefit.

Last Wednesday, I testified before a joint session of Senators and Representatives in the U.S. Congress. I told them that the number one priority of The American Legion is stopping veteran suicide. Every member of this Legislature -- indeed, every American -- can help us with this effort. I have seen estimates that seventeen veterans per day take their own lives. I've seen another study that says it's more than forty. The number is more likely somewhere in between.

Sometimes their military service was overlooked. Other suicides are mistakenly ruled as accidental overdoses. In other words, the statistics

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are all over the place. As far as The American Legion is concerned, the most important number to remember is ONE. As in, Be the One to stop it.

Be the One to discuss a topic that for years went unmentioned in polite society. Be the One to reach out to a veteran who may be struggling. Be the One to encourage the veteran to seek help. Be the One to follow-up with the veteran to let him or her know that they are not forgotten. Be the One to convince a veteran that life is worth living and that suicide is absolutely not an option. In other words, BE THE ONE TO SAVE ONE.

Very few of us are professional therapists which is why we welcome the announcement that as of January 2023, any veteran in suicidal crisis can be seen at any VA or non-VA health care facility free of charge. The veteran does not even have to be enrolled in the VA system for this benefit. It includes up to thirty days of inpatient or ninety days of outpatient care at any VA or non-VA facility.

As elected officials and leaders in your districts, you have a large platform. Please use it to share the new crisis hotline number, 9-8-8. We need to ensure that 9-8-8 is as widely known as 9-1-1. In fact, a 9-8-8 call today can help prevent a 9-1-1 call tomorrow. For several years now, The American Legion has conducted Buddy Check efforts in which veterans reach out to other veterans to foster friendship and wellness. Peer support works. Thanks to congressional action, I'm pleased to say that this year the U.S. Department of Veterans Affairs will be designating annual Buddy Check weeks nationwide. Veterans value courage. If you can help The American Legion remove the stigma associated with PTSD and depression, and if you can help us make the case that seeking mental wellness is courageous, then my time with you today has been well spent.

South Carolina not only believes in supporting those who served, but through great institutions like The Citadel -- you are producing tomorrow's defenders of freedom. I am pleased to see that last fall The Citadel welcomed its first cadet recruits from Ukraine. The American Legion does not support the deployment of U.S. troops to that war-torn nation but we do support arming and assisting the Ukrainian people in their fight for survival. The international community, and especially our allies, must use all diplomatic and economic tools at our collective disposal to stop Russian aggression.

We remain equally concerned with the provocations of Communist China. Every year The American Legion hosts representatives from the Taiwan Veterans Affairs Council at our national convention. I was briefed by senior U.S. military commanders during my visits to Okinawa and Hawaii in December. The military and economic threats represented

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by China and the saber-rattling by North Korea should not just concern the people of the Indo-Pacific region but Americans here in the homeland.

For my friends who believe that we spend too much of our budget on national defense, I encourage you to travel abroad. Visit Korea's demilitarized zone. Attend a Pearl Harbor observance and reflect on what could happen. The American Legion believes that a strong defense is not just wise policy but a constitutionally mandated imperative. We must not jeopardize our readiness through feel-good budgetary cuts.

I just reiterated the many ways in which South Carolina shows its appreciation for veterans. We owe it to the next generation of veterans to ensure that they are always the best-trained, best-equipped and best-armed military force on the planet.

Yesterday, I had the honor of visiting Shaw Air Force Base and Fort Jackson. Though Sumter is a close drive from Columbia, when it comes to housing -- they are worlds apart. While it is the federal government that allocates the housing allowance for members of the military, servicemembers at Shaw receive about \$300 a month less in Basic Housing Allowance than those at Fort Jackson. More concerning is the lack of affordable housing for military members in the Sumter community. If the State were to incentivize landlords to give our military a break on rent, they will find servicemembers make ideal tenants.

Another issue is a lack of affordable daycare. A common complaint that we heard was about the onerous regulatory process that goes with operating a daycare. We all want safety for our children, but cost should go down and options should go up.

The future of the U.S. Army truly runs through this State. Fort Jackson is not just a basic training camp. It conducts the Future Soldier Prep Course, where men and women strengthen their intellectual, physical and nutritional fitness before they even enter basic training. This is designed to overcome shortfalls that may hinder one's ability to pass recruit training.

Fort Jackson is also the home of the U.S. Army's Drill Sergeant Academy. The men and women at this school epitomize leadership. They shoulder the enormous responsibility of creating U.S. soldiers. They do so with great strength, skill, firmness and fairness. When it comes to U.S. military representation in this State, South Carolina should be proud.

While I am here, I would like to extend my congratulations to Jonathan Biering. Jonathan is a senior at Pinopolis High School in Pinopolis, South Carolina. I just saw Jonathan last week in Washington. He is one of 10 recipients of a Samsung American Legion Scholarship. It is a well-

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deserved honor for the young man, who is the great grandson of a Korean War Navy veteran. More than 4,600 high school juniors nationwide applied for the \$10,000 scholarship, which is awarded to students who are descendants of veterans and have met standards of academic excellence and community service. Jonathan is also a graduate of The American Legion Department of South Carolina Boys State program.

Now, if you would allow me for one moment to call to the two members of this distinguished body who have proven that they are not only great lawmakers, but they are advocates for those who have served. They have been designated by The American Legion Department of South Carolina as the Outstanding Members of the Legislature for 2023. They are true friends of veterans and The American Legion.

Senator GEORGE “CHIP” CAMPSSEN III and Representative Matthew W. Leber, would you please join me? Congratulations Senator CAMPSSEN and Representative Leber. We appreciate all that you do on behalf of veterans.

Thank you so much, South Carolina Legislature. God bless you, God bless America and God bless South Carolina!

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:48 P.M., by prior motion of Senator MASSEY, the Senate recessed until 1:30 P.M.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Peeler
Rankin	Rice	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

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A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator GROOMS, with unanimous consent, Senators HUTTO, CAMPSER, ADAMS and RANKIN were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Doctor of the Day

Senator KIMBRELL introduced Dr. Matthew Cannon of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator HEMBREE, at 2:18 P.M., Senator MASSEY was granted a leave of absence for today.

Leave of Absence

At 2:52 P.M., Senator GROOMS requested a leave of absence at 4:00 P.M.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks by Senator SABB

Thank you, Mr. PRESIDENT. Thank you, members. I really want to follow up just for few minutes on a conversation that we began to have yesterday related to what some are classifying as being the new trial of the century. We had the good fortune of listening to one of the best lawyers, I think, in the United States, who just happens to be a member of this Body, come and share some valuable information with us about some of his experience. Yesterday, I thought that I was going to have to leave the Chamber early because I had to go and do a special presentation to someone who we discussed yesterday. I think most of you may know that Judge Newman is from Greeleyville, just as I am, and he was being recognized by Williamsburg County yesterday and given the Lifetime Achievement Award. I thought what was interesting about it was that he was chosen in early February before the actual trial that garnered national attention. I really enjoyed the experience and enjoyed presenting the

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award to him. I would like to piggyback on some of the comments that Senator MALLOY made yesterday if you all will bear with me for a moment or two.

I think it is important that we use this moment to highlight our judge situation. I had the good fortune of being a part of a conversation with a group from Georgetown yesterday and a good friend of mine who is a member of this Body, and I had the opportunity to talk with them. The conversation came up about judges and how they're selected in South Carolina. I think, for me, I have got to say this because I believe it is true. I think that the manner in which we select judges in South Carolina has to be re-examined. I think it must be re-examined because I came into the Legislature in 2010 and in 2010, I felt good about the system. I mean, I thought that the system was open. I thought that folks had a chance, but candidly in my humble opinion it has changed. There is more of a Litmus test now as it relates to judges and how they are elected and if it doesn't change, I think that a lot of good judges will be excluded as a result of it.

For two reasons, I don't think Judge Newman would be elected right now. One of the reasons is because he is an at-large judge, and right now at-large judges typically serve in the area where they don't have resident judges. That's no longer the way it is, when Judge Newman's seat comes up, or came up, for election, there was no consideration given to the fact that he held what many of us considered to be a resident seat in Williamsburg. All the at-large seats are going to go to the larger counties. Smaller counties aren't going to have any resident judges anymore. I think that's wrong. I think it is a wrong direction for us to go. I think two things must happen. One is, that we can convert a lot of the at-large seats to resident seats to make sure that rural South Carolina maintains a resident judge. I think if we fail to look at that, then we're saying in essence we want the larger counties to have all the judges. Some counties have five, six and seven judges -- others have none and it is because they have resident seats along with at-large seats and we're unwilling to look at that. I think we fundamentally change how judges are spread out in our State and quite frankly, I think that's wrong. I am asking us to just take another peak at that and see if we can't be a little fairer as it relates to all our counties in our State and not just some. I think the latter point that I made with regard that any time we've got a system whereby if that judge issues an opinion, where the opinion is not in keeping with what we believe the law is, or ought to be, based upon the interpretation, and a new member of the Legislature and the House can walk up to that jurist and say I just read your resignation. I think that when a freshman Legislator can come before a jurist and say I just read your resignation

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because you wrote an opinion that I disagree with, and my whole effort is going to be to make sure that you're not reelected when the time comes. I think that when we are bold in such a way, that we feel comfortable and confident in saying that to a judge -- I think something is wrong with that. Back in the day, when I was in law school, we said that there were certain things that could have a chilling effect on other things. I think that if this Body maintains the notion that any time a jurist makes a decision that we don't agree with, we're going to get rid of him. Then guess what happens, the General Assembly now -- not only are we the Senate, not only are we the House, the Legislative Branch of the Government, we are now taking over the Judicial Branch of the Government. I just waited quite frankly -- one of the other debates for some of our scholars, who fundamentally believe in separation of powers -- to address an issue like that because it is huge. Quite frankly, those kinds of issues are bigger than we are as Senators in the State of South Carolina.

So, I'm just hopeful that we use this moment to analyze, well, on the one hand to express appreciation for a system that we're proud of and on the other hand look at the possibilities of weakening a system and figure out how we can in fact strengthen it.

On motion of Senator McELVEEN, with unanimous consent, the remarks of Senator SABB were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 138	Sen. Stephens
S. 143	Sens. Hutto and Jackson
S. 285	Sen. Gustafson
S. 299	Sens. Hutto and Jackson
S. 302	Sen. Williams
S. 436	Sen. Young
S. 522	Sen. Williams
S. 533	Sen. Fanning
S. 557	Sen. Loftis
S. 569	Sen. Young
S. 581	Sen. McElveen
S. 589	Sen. Hutto
S. 602	Sen. Hutto

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RECALLED

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 589 -- Senators Stephens and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3876 -- Rep. Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 576 IN MARION COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 "DOUGLAS MCROY WIGGINS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS

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OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 607 -- Senator Rice: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MR. THOMAS H. WRIGHT, SR. FOR HIS TIME AS COUNCILMAN FOR THE CITY OF EASLEY AND FOR HIS SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0317km-hw23.docx : 9f512b39-5638-4cc5-a129-f3ad49bdab8c

The Senate Resolution was adopted.

S. 608 -- Senators Gambrell and Cash: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BELTON-HONEA PATH HIGH SCHOOL CHEERLEADING SQUAD, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

lc-0166hdb-gm23.docx : 6249ba78-da33-4a77-b84a-27995adcdb00

The Concurrent Resolution was adopted, ordered sent to the House.

S. 609 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR RON KELLER TO THE PALMETTO STATE ON THE OCCASION OF THE 98TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

lc-0263sa-rm23.docx : b88eb041-d6a4-411a-b726-947aec3e4072

The Concurrent Resolution was adopted, ordered sent to the House.

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S. 610 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

lc-0166wab23.docx : 3cffb87c-77aa-44df-bc05-fb67609574c5

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 611 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-36-10 SO AS TO CREATE THE PEER-TO-PEER CAR SHARING ACT; BY ADDING SECTION 56-36-20 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 56-36-30 SO AS TO PROVIDE FOR LIABILITY, INSURANCE REQUIREMENTS, AND DEFINE EXCEPTIONS; BY ADDING SECTION 56-36-40 SO AS TO PROVIDE REQUIREMENTS FOR RECORDKEEPING, SAFETY RECALL REPAIRS, AND INSURANCE COVERAGE; BY ADDING SECTION 56-36-50 SO AS TO PROVIDE THE LIMITS OF THE TRANSACTION FOR PURPOSES OF SALES TAX; BY ADDING SECTION 56-36-60 SO AS TO PROVIDE FOR PROMULGATION OF REGULATIONS.

sr-0029jg23.docx : ec92dea1-b5b5-4993-9fe7-f24ca3d465f4

Read the first time and referred to the Committee on Transportation.

S. 612 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

sr-0073jg23.docx : 363815ff-fa64-44e2-90ed-ef5cb5041d4d

Read the first time and referred to the Committee on Family and Veterans' Services.

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S. 613 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MARCH 13-17, 2023, AS "CHILD AND ADULT CARE FOOD PROGRAM WEEK" IN SOUTH CAROLINA.

sr-0320km-hw23.docx : c58db130-a1e2-4909-8b27-1306e1351915

The Senate Resolution was adopted.

S. 614 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE DONALD PRIOLEAU, SR., MAYOR PRO TEM OF THE TOWN OF RIDGEWAY, FOR HIS MANY YEARS OF DEDICATED PUBLIC AND COMMUNITY SERVICE AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

lc-0258cm-rm23.docx : 16c31ac3-e8ee-48d8-ac04-44b223c21a43

The Senate Resolution was adopted.

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

lc-0022vr23.docx : 05335381-bbae-4fff-974a-57dde62586f7

Read the first time and referred to the Committee on Medical Affairs.

H. 3750 -- Reps. Erickson, Alexander, Kirby, Robbins, Brewer, Rivers, Bradley, W. Newton, Hager, Ballentine, Elliott, Caskey, Wooten, Wetmore, Bannister, Herbkersman and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE STATE PROCUREMENT CODE, SO AS TO ADD PLANNING FOR REPAIRS TO BRIDGES, HIGHWAYS, ROADS, AND OTHER IMPROVEMENTS ON THE STATE'S RIGHTS OF WAY TO THE LIST OF EXEMPTIONS AND TO PROVIDE CERTAIN EXCEPTIONS.

lc-0165sa23.docx : 06e6e2ba-c153-48c0-b4e2-2fd39325d06e

Read the first time and referred to the Committee on Finance.

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY

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GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

lc-0136dg23.docx : 29c304cc-cd83-42b5-87c9-c4aa0dcb2463

Read the first time and referred to the Committee on Judiciary.

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

lc-0135ph23.docx : 1e825ef7-309e-4a88-ba9a-8fb008347f09

Read the first time and referred to the Committee on Judiciary.

H. 4098 -- Reps. Bauer, Gibson, Kirby, Robbins, J. L. Johnson, Bradley, Brewer, Haddon, S. Jones, Gilliam, Erickson, Burns, King, B. L. Cox, Guffey, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Beach, Bernstein, Blackwell, Brittain, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gilliard, Guest, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, W. Jones, Jordan, Kilmartin, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A

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CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR IRISH AMERICANS WHOSE FAMILIES MADE AMERICA THEIR HOME AND TO CELEBRATE SAINT PATRICK'S DAY WITH THEM ON MARCH 17, 2023.

lc-0217ph-gm23.docx : bb39beac-0fd4-4122-97d9-4489878b21da

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 440 -- Senators Corbin, Shealy, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 569 -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

Ordered for consideration tomorrow.

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Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 604 -- Senators Peeler, Alexander and Setzler: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Ordered for consideration tomorrow.

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2021, and to expire May 19, 2025

2nd Congressional District

Daniel P. Hanfland, 105 Woodcock Trail, West Columbia, SC 29169
VICE Judith E. Johnson

Received as information.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

1st Congressional District:

Ronald L. Coleman, 214 Calhoun Street, Apt. 2, Charleston, SC 29401-1315 *VICE* Mr. Peter Smith

Received as information.

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Initial Appointment, South Carolina Department of Veterans' Affairs,
with term coterminous with Governor

Secretary:

Todd B. McCaffrey, 3908 Kilbourne Road, Columbia, SC 29205
VICE Major General William F. Grimsley

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE
UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO
AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE
56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES
PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the
House:

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100,
RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO
PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A
PERSON DECLARED AN HABITUAL OFFENDER, AND TO
REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF
MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE
ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF
ANY VIOLATIONS OF THIS SECTION.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Davis	Fanning

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Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams, Garrett, Stephens, Campsen and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS

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TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-418.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(3), (4), and (5) and inserting:

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the ~~add-on~~ certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department ~~for the add-on~~. During the six-year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy ~~add-on~~ endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) ~~Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher~~

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~~endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to educators. Inservice hours earned through professional development must be used for renewal of teaching certificates in all subject areas. The total number of hours required shall not exceed 60 of the 120 hours required during a teacher's five-year recertification cycle.~~

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification.~~

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~~The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.~~

Amend the bill further, SECTION 1, by striking Section 59-155-180(C)(7) and (8) and inserting:

~~(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add-on endorsement. Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.~~

~~(8) Annually by August first, the department shall publish the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher endorsement. Annually by January first,~~

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the department shall publish the approved courses and approved professional development leading to the literacy teacher endorsement.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senators YOUNG and FANNING proposed the following amendment (LC-418.DG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(5) and inserting:

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The board shall ensure candidates seeking their initial certificate in elementary education are not required to take an additional number of assessments. The objective of this item is to ensure that teacher~~

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candidates understand the foundations of reading and are prepared to teach reading to all students.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

On motion of Senator PEELER, the Bill was carried over.

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AMENDED, READ THE SECOND TIME

S. 138 -- Senators McElveen, Senn, Cromer, Loftis and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

The Senate proceeded to the consideration of the Bill.

Senators MALLOY and McELVEEN proposed the following amendment (SMIN-138.AA0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-149-50(B) and inserting:

(B) Students receiving a LIFE Scholarship to retain it and students currently enrolled in an eligible institution to receive such a scholarship must earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours each year for the maximum of semesters permitted at that institution by Section 59-149-60. The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student. Beginning with the 2023 high school graduating class, a grade in a dual enrollment class shall not prevent a student from retaining their LIFE scholarship for their second year.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator McELVEEN spoke on the amendment.

The amendment was adopted.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES

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COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

On motion of Senator HEMBREE, the Bill was carried over.

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn, McLeod, Hutto and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

On motion of Senator CORBIN, the Bill was carried over.

CARRIED OVER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

On motion of Senator SHEALY, the Bill was carried over.

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CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE

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REQUIRED, SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

On motion of Senator SHEALY, the Bill was carried over.

OBJECTION

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Senator MARTIN objected to consideration of the Bill.

CARRIED OVER

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

On motion of Senator SHEALY, the Bill was carried over.

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CARRIED OVER

S. 343 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

On motion of Senator SHEALY, the Bill was carried over.

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CARRIED OVER

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

On motion of Senator SHEALY, the Bill was carried over.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator SHEALY, the Bill was carried over.

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AMENDED, ADOPTED

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

The Senate proceeded to the consideration of the Resolution.

Senators TALLEY and MARTIN proposed the following amendment (SR-3139.KM0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second paragraph and inserting:

Whereas, the site was once a part of a network of ground-based navigational beacons established in the 1920s to guide United States Post Office airmail pilots around the clock. The beacons stood atop concrete foundations in the shape of giant arrows measuring between fifty to seventy feet long; and

Amend the concurrent resolution further, by striking the fourth paragraph and inserting:

Whereas, it would be fitting and proper to recognize the role of the navigational beacon site in Spartanburg County, which guided airplanes flying along the Post Office's Atlanta to New York route, for its historical significance. Now, therefore,

Amend the concurrent resolution further, by striking the sixth paragraph and inserting:

That the members of the General Assembly request the Department of Transportation erect appropriate markers or signs at the intersection of South Carolina Highway 417 and Green Pond Road in Spartanburg County containing the words "United States Post Office Airmail Directional Arrow Site".

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being adoption of the Resolution, as amended.

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The Resolution, as amended, was adopted, ordered returned to the House.

ADOPTED

H. 3136 -- Reps. Bailey, McCravy and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAYS 57 AND 111 IN HORRY COUNTY "LANCE CORPORAL MELTON LEVI 'FOX' GORE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered, returned to the House.

ADOPTED

H. 3581 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 122 EDGEWORTH STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT LIEUTENANT MICHAEL EDWARD THORNTON, UNITED STATES NAVY.

The Resolution was adopted, ordered, returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:51 P.M., on motion of Senator HEMBREE, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON COLLEGE STREET IN THE CITY OF NEWBERRY IN NEWBERRY COUNTY "REPRESENTATIVE WALTON J. MCLEOD BRIDGE" AND ERECT APPROPRIATE

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MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator CROMER explained the House amendments.

Senator CROMER proposed the following amendment (SR-411.KM0002S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the first paragraph and inserting:

Whereas, from 1997 until 2016, Representative Walton J. McLeod represented the citizens of House District 40 in Newberry County in the House of Representatives with his faithful integrity and characteristic good humor; and

Amend the concurrent resolution further, by striking the eleventh undesignated paragraph and inserting:

That the members of the South Carolina General Assembly, by this resolution, request that the Department of Transportation name the bridge on College Street in the City of Newberry in Newberry County “The Representative Walton J. McLeod Bridge” and erect appropriate markers or signs at this location containing the designation.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation and presented to Representative Walton J. McLeod.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The Resolution was ordered returned to the House of Representatives with amendments.

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THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

CARRIED OVER

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch, Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator BENNETT explained the Bill.

The Committee on Finance proposed the following amendment (LC-285.SA0004S):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Chapter 6, Title 12 of the S.C. Code is amended by adding:

Article 26

Academic Choice in Education (ACE)

Section 12-6-3850. For purposes of this article:

(1) "Academic Choice in Education fund" or "ACE" means education funding provided on behalf of eligible students by nonprofit scholarship funding organizations for qualifying expenses as outlined in this article.

(2) "Department" means the South Carolina Department of Revenue.

(3) "Disadvantaged child" means a child or his family who meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of two hundred percent or less of the

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federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) “Eligible school” means an independent school, including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools, or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(5) “Eligible student” means a student who:

(a) meets the definition of “general child”;

(b) meets the definition of “disadvantaged child”;

(c) meets the definition of “exceptional needs child”; or

(d) meets the definition of “home school child”; and

(e) is not a recipient of an Education Scholarship Trust Fund.

(6) “Exceptional needs child” means a child:

(a)(i) who has been evaluated in accordance with this state’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43 243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized

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instructional and associated supports and services tailored to the child's unique needs; and

(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(7) "General child" means a child who is a South Carolina resident who, immediately before receiving a scholarship under this article and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program or received a scholarship pursuant to this article for the previous school year; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first.

(8) "Home school" means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, Section 59-65-45, or Section 59-65-47.

(9) "Home school child" means any child attending an eligible home school.

(10) "Nonprofit scholarship funding organization" or "scholarship funding organization" means a charitable organization that:

(a) is registered and in good standing with the South Carolina Secretary of State;

(b) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code; and

(c) is approved annually by the Treasurer and listed on the Treasurer's approved list, which must be published on the Treasurer's website;

(11) "Parent" means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

(12) "Person" means an individual, partnership, corporation, or other similar entity.

(13) "Program" means the ACE scholarship program created by this article.

(14) "Public School" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds.

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(15) “Qualifying expense” means:

(a) the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, and/or transportation to and from school that is provided by the school. These costs may not be in excess of what is currently provided; and

(b) in the case of an eligible home school student, the total amount of money charged for instruction-related expenditures to attend an eligible home school provider including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(16) “Resident school district” means the public school district in which the student is domiciled.

(17) “Scholarship” means education funding allocated from an account established on a student’s behalf pursuant to this article.

(18) “Treasurer” means the Office of the State Treasurer.

Section 12-6-3855. (A) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title, for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(1) the contribution is used to provide scholarships for qualifying expenses to an eligible student enrolled in an eligible school; and

(2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(B)(1) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(a) [General child] for a school year in an amount not exceeding the actual state allocated revenue for each pupil as calculated by the Revenue and Fiscal Affairs Office and required to be published by the annual appropriations act or the total amount of qualifying expenses, whichever is less.

(2) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(b) and (c) [Disadvantaged Child & Exceptional Needs Child] for a school year in an amount not exceeding one hundred forty percent of the amount of subsection (B)(1) above or the total amount of qualifying expenses, whichever is less.

(3) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(d) [Home School Child] for a school year in an amount not

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exceeding twenty percent of the amount of subsection (B)(1) above or the total cost of home school curriculum fees, whichever is less. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees or pay vendors directly for home school curriculum fees at the direction of the parent and on behalf of the home school child.

(4) Once an eligible student receives a scholarship, he must receive priority status for future scholarships; provided, however, that the eligible student is in good standing with the school.

(C) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of a school that accepts eligible students receiving scholarships pursuant to this article.

Section 12-6-3860.(A) The Treasurer shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the ACE scholarship. The application window established shall last at least forty-five days, opening no earlier than January fifteenth, and closing no later than March fifteenth of each calendar year.

(B) Pursuant to the timeline established pursuant to this section, the Treasurer shall:

(1) process applications in the order in which they are received; and
(2) enroll and issue eligibility certificates within thirty days of the deadline for receipt of completed applications and all required documentation. The eligibility certificate must list the names and contact information of the eligible scholarship-granting organizations.

(C) Before awarding an eligibility certificate, the Treasurer shall obtain evidence of the student's eligibility criteria set forth in this article.

(D) The Treasurer shall approve an application for scholarship if:

(1) the parent submits an annual application for a scholarship in accordance with the application and procedures established by the Treasurer;

(2) the student on whose behalf the parent is applying is an eligible student;

(3) the parent signs an annual agreement with the Treasurer:

(a) to provide, at a minimum, a program of academic instruction for the eligible student in at least the subjects of English and language arts to include writing, mathematics, social studies, and science;

(b) to acknowledge and agree to comply with the eligible schools prescribed curriculum, dress code and other requirements of enrolled students; and

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(c) to use program funds for qualifying expenses only for an eligible school to educate the scholarship student, subject to penalty.

(E) Receipt of an eligibility certificate does not guarantee a scholarship award from a scholarship granting organization.

Section 12-6-3865. (A) The Treasurer shall prescribe the form and manner to be an approved nonprofit scholarship funding organization, the annual application must at a minimum include:

(1) the number and total amount of scholarships issued to schools that accept eligible students in the preceding school year;

(2) the identity of the school and the amount of the scholarship issued to each eligible student in the preceding school year;

(3) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any schools that accepted eligible students;

(4) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(5) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(6) the criteria and eligibility requirements for scholarship awards; and

(7) a certification by the organization of the following:

(a) it meets the definition of a nonprofit scholarship funding organization and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10;

(b) it allocates at least ninety-five percent of its annual contributions received during a particular year to provide scholarships to schools on behalf of eligible enrolled children and incurs administrative expenses annually of no more than five percent of its annual contributions for a particular year to cover operational costs;

(c) it allocates all of its funds used for scholarships on an annual basis to eligible students;

(d) it does not provide scholarships on behalf of eligible students only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing scholarships to one particular school, the tax credit allowed by this section may be disallowed;

(e) it does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of his immediate family who has a child or ward who is

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currently receiving or has received a scholarship authorized by this article from the organization within one year of the date the parent, legal guardian, or member of his immediate family became a board member. A person serving on the governing board of a nonprofit scholarship funding organization shall have a fiduciary duty to the donors and eligible students at schools served by the organization and shall avoid any conflicts of interest with the organization and those it serves;

(f) it does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony or other financial crime, been disciplined by a professional, self-regulatory body, had a professional license or designation suspended, revoked, or otherwise restricted in use, or is otherwise prevented from engaging in a profession as part of a court order, court settlement, or arbitration ruling. This item also must apply to immediate family members residing in the same household;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain; and

(h) does not place conditions on schools enrolling eligible students receiving scholarship to limit the ability of the schools to enroll eligible students accepting scholarships from other nonprofit scholarship funding organizations.

(B) The application deadline under this section is August first of each year.

Section 12-6-3870. (A) The parent shall provide the eligibility certificate to the scholarship funding organization. Upon awarding of a scholarship by the scholarship funding organization and at the direction of the parent, the scholarship funding organization shall issue a check payable to the eligible school on behalf of the student and deliver it to the school within thirty days upon approval of the application or thirty days of the start of the school's semester. If the eligible student leaves or withdraws from the school for any reason before the end of the semester or school year and does not re-enroll within thirty days, then the school shall return a prorated amount of the scholarship to the scholarship funding organization based on the number of days the eligible student was enrolled in the school during the semester or school year within sixty days of the student's departure.

(B) Before the issuance of a check, a parent shall certify that the eligible student has not received a scholarship from any other scholarship-granting organizations in the current academic year.

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(C) Before the issuance of a check to an eligible school, the school must provide documentation to the scholarship funding organization that it meets the criteria established in Section 12-6-3850(4).

(D)(1) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850(5)(a) [General Child], (b) [Disadvantaged Child] and (c) [Exceptional Needs Child] may not exceed cumulatively a total of fifteen million dollars in each qualifying category, each calendar year.

(2) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850 (5)(d) [Home School Child] may not exceed cumulatively a total of ten million dollars each calendar year.

(3) If the South Carolina Department of Revenue determines that the total of the credits claimed in this section by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first-come, first-served basis. However before October first of each tax year, no taxpayer may claim more than fifty percent of the allotment for any of the tax credits allowed in this section. After October first, a taxpayer that has claimed the maximum allotment may reapply to claim additional credits. For purposes of determining priority, the subsequent application must be placed in order with all other applications received.

(4) The tax credits authorized pursuant to this section remain the same unless an increased or decreased limit is authorized in the annual general appropriations act.

(E) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit.

(1) The tax credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by this section. This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(F) The department shall prescribe the form and manner of proof required to obtain the credits authorized by this article. Also the department shall develop a method of informing taxpayers and

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scholarship-funding organizations if the credit limit is met at any time during the year.

(1) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the credit authorized by this section to another entity unless all assets of the entity are conveyed, assigned, or transferred in the same transaction.

(2) Notwithstanding the maximum credit limits set forth in this article, if one of the eligible student-qualifying categories listed in subsection (D) reaches its limits but another eligible student-qualifying category has not reached its limit by October first of each tax year, then the department may transfer the unused credits to the eligible student qualifying category that has reached its limit. However, the credit only may be transferred and may not cumulatively allow more than the authorized annual cumulative total provided in this section. In considering a credit transfer under this item, those eligible student qualifying categories listed in subsection 12-6-3850(5)(b) [Disadvantaged Child], (c) [Exceptional Needs Child], (d) [Home School Child], and (a) [General Child] must have priority order when transferring credits.

Section 12-6-3875. (A) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship-funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses and applicable audits.

(B) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(1) the number and total amount of scholarships issued by the scholarship-funding organizations to schools on behalf of eligible students that attended in the prior school year;

(2) the identity of the school that accepts eligible students and the amount of each scholarship issued to the school in the prior school year by each scholarship funding organization;

(3) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of eligible students to a school by any scholarship-funding organization;

(4) a copy of each scholarship-funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

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(5) a copy of a compilation, review, or audit of each scholarship-funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program;

(6) the criteria and eligibility requirements for scholarship awards of each scholarship-funding organization as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program; and

(7) any report required by this section may not specifically include the name, amount, or any other personally identifiable information of scholarship recipients.

Section 12-6-3880. (A)(1) The Treasurer and the department have authority to examine and audit the nonprofit scholarship-funding organizations, including determining whether the nonprofit scholarship-funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If an audit by the Treasurer or department produces evidence that a nonprofit scholarship-funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the Treasurer or the department immediately may revoke the organization's participation in the program and shall notify the organization in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The Treasurer or the department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is reasonable if the Treasurer or the department has substantial credible evidence that the organization is not

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being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this article. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the Treasurer or the department to issue a Treasurer or department determination for permanent revocation within the time period determined by the judge. The organization may appeal this Treasurer or department determination in accordance with Section 12-60-460. At the contested case hearing on the Treasurer or department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted, and the organization may resume accepting donations and award scholarships. The Treasurer or department may still issue a Treasurer or department determination in accordance with Section 12-60-450(E)(2).

(e) If at any time during the process, the Treasurer and department believes the organization is in compliance, the Treasurer may reinstate the organization.

(f) Following the permanent revocation of a nonprofit scholarship-funding organization, the Treasurer has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship-funding organizations.

(g) A scholarship-funding organization may transfer funds to another scholarship-funding organization if the organization ceases to exist. The funds that are transferred by one scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses. The scholarship-funding organizations transferring and receiving the funds shall notify the Treasurer in writing within three days of the transfer. The notification may be made via electronic methodology.

SECTION 2. A. Section 12-6-3790 of the S.C. Code is repealed.

B. This SECTION takes effect upon the full implementation of this act as provided in SECTION 4.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the

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constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor, provided that upon approval of this act by the Governor, the Treasurer shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the provisions of this act may be fully implemented at the beginning of the 2024-2025 School Year.

Renumber sections to conform.

Amend title to conform.

On motion of Senator BENNETT, the Bill was carried over.

Motion Adopted

On motion of Senator HEMBREE, the Senate agreed to stand adjourned.

ADJOURNMENT

At 4:48 P.M., on motion of Senator HEMBREE, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 9, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Ezekiel 34:31

In Ezekiel we read: "You are my sheep, the sheep of my pasture and I am your God, says the Lord God."

Bow in prayer with me, please: Glorious God, may these Senators always remember that behind every issue, bound along with many problems, and connected in some fashion to each formidable challenge there are always the women and men and children of South Carolina. Nothing comes before this Body that is not somehow a matter that actually impacts our citizens in one way or another. Therefore, we pray today, O Lord, that these Senators and their aides will always pause in their work as "shepherds" of the people and really see the human faces which are being affected by the work which this Body does -- or fails to do. May these leaders always be known as individuals who lovingly and thoughtfully respect "the sheep" that are in their care. We pray this in Your loving name, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Goldfinch	Harpootlian	Hembree

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Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	McElveen	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McELVEEN introduced Dr. Mayes Dubose of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator TURNER, at 11:08 A.M., Senator MASSEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 11:29 A.M., Senator SABB was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 11:29 A.M., Senator McLEOD was granted a leave of absence until 12:16 P.M.

Leave of Absence

On motion of Senator CROMER, at 11:31 A.M., Senator GROOMS was granted a leave of absence for today.

Leave of Absence

On motion of Senator M. JOHNSON, at 12:45 P.M., Senator KIMBRELL was granted a leave of absence until 1:00 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 145	Sen. Senn
S. 149	Sen. Harpootlian
S. 252	Sen. Senn
S. 300	Sen. Harpootlian
S. 514	Sen. Senn

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S. 521 Sen. K. Johnson
S. 533 Sen. Williams
S. 581 Sen. Goldfinch
S. 594 Sen. McElveen
S. 604 Sens. Malloy and Scott

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 522 Sen. Williams

RECALLED

S. 579 -- Senator Loftis: A SENATE RESOLUTION TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN WITH THE SENATE IN RECOGNIZING THE POSITIVE IMPACT OF STEM EDUCATION AND STEM EDUCATORS ON THE QUALITY OF LIFE FOR RESIDENTS OF THE PALMETTO STATE AND TO DECLARE APRIL 12, 2023, AS STEM EDUCATION DAY THROUGHOUT THE STATE OF SOUTH CAROLINA.

Senator LOFTIS asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Education.

The Senate Resolution was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 615 -- Senators Hutto, Setzler and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-2410 SO AS TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS.

smin-0083aa23.docx : b10e398c-09aa-45e7-9c83-5dd8e030963b

Read the first time and referred to the Committee on Judiciary.

S. 616 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE STATE PROCUREMENT CODE, SO AS TO ADD PLANNING FOR REPAIRS TO BRIDGES, HIGHWAYS, ROADS, AND OTHER

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IMPROVEMENTS ON THE STATE'S RIGHTS-OF-WAY TO THE LIST OF EXEMPTIONS AND TO PROVIDE CERTAIN EXCEPTIONS.

lc-0268sa23.docx : e9e1019f-ec03-4c2b-a5b4-d265e43a18b5

Read the first time and referred to the Committee on Finance.

S. 617 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE WILLIAM BARNET AND SON UPON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY AND TO COMMEND WILLIAM BARNET AND SON FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE ARCADIA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0322km-hw23.docx : 81289253-7441-49b1-bce2-f1d72ec2b92f

The Senate Resolution was adopted.

H. 3019 -- Reps. King, Leber, Henegan, Murphy, Brewer, Robbins, Schuessler, Guest, Cobb-Hunter, J. L. Johnson, Mitchell, Weeks, McDaniel, Rivers, Gilliard, Landing, Tedder, Hartnett, Bustos, Pace, Gibson, Henderson-Myers and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-1-43 SO AS TO PROVIDE FOR THE DESTRUCTION OF ARREST RECORDS OF PERSONS ARRESTED AS A RESULT OF MISTAKEN IDENTITY NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER AN INVESTIGATION BY A LAW ENFORCEMENT OR PROSECUTION AGENCY REVEALS THAT THE PERSON WAS ARRESTED AS A RESULT OF MISTAKEN IDENTITY, AND TO PROVIDE THAT THE LAW ENFORCEMENT OR PROSECUTION AGENCY MAY NOT CHARGE OR COLLECT A FEE FOR THE DESTRUCTION OF ARREST RECORDS UNDER THESE CIRCUMSTANCES; AND BY ADDING SECTION 17-1-70 SO AS TO ALLOW PERSONS CHARGED WITH SPECIFIC OFFENSES TO PETITION TO HAVE THEIR CHARGES DISMISSED IF THEY HAVE NOT BEEN ADJUDICATED OR OTHERWISE DISMISSED AFTER A PERIOD OF TIME AND OTHER DELINEATED CONDITIONS ARE MET, AND TO PROVIDE PROCEDURES FOR THE DESTRUCTION OF THE RECORDS.

lc-0071ahb23.docx : dc208b17-2afe-4315-9d4c-970a3590bee7

Read the first time and referred to the Committee on Judiciary.

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H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

lc-0109ph23.docx : 36d908aa-cc42-478c-ae59-12b2b5efcad6

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

lc-0127ahb23.docx : e23315f5-6e54-49a8-bb21-a7c750ca6761

Read the first time and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEE

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION

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56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL

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RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES; AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND

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AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION

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LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE

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DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT

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FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 608 -- Senators Gambrell and Cash: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BELTON-HONEA PATH HIGH SCHOOL CHEERLEADING SQUAD, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

S. 609 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR RON KELLER TO THE PALMETTO STATE ON THE OCCASION OF THE 98TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

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CARRIED OVER

S. 138 -- Senators McElveen, Senn, Cromer, Loftis and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

On motion of Senator MALLOY, the Bill was carried over.

READ THE SECOND TIME

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

Senator HEMBREE explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens

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Talley
Williams

Turner
Young

Verdin

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

On motion of Senator PEELER, the Bill was carried over.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-142.SW0004S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-3-2020(F) and (G) and inserting:

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation of this article, ~~or prostitution, or any other non-violent offense~~ may motion the court to vacate the conviction and expunge the record of the conviction for a non-violent offense committed as a direct result of, or incidental or related to, trafficking. The court may grant the motion on a finding by a preponderance of the evidence that the person's

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participation was a direct result of ~~being a victim, or incidental or related to, trafficking.~~ An alleged victim of trafficking who files a motion to vacate a conviction and expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted ~~in court pursuant to~~ or have a delinquency petition filed against him for a violation of this article, a prostitution offense, or for any other nonviolent offense if it is determined after investigation that the victim committed the offense as a direct result of, or incidental or related to, trafficking. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator CASH proposed the following amendment (SJ-142.SW0008S), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-3-2020(F) and (G) and inserting:

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, ~~or incidental or related to, being a victim of~~ trafficking. Asserting this affirmative defense is conditioned upon the victim of trafficking cooperating with the law enforcement agency in its investigation and prosecution of persons pursuant to this article. A person may not assert this affirmative defense more than three times in a five-year period. A victim of trafficking in persons convicted of a violation of this article, ~~or~~ prostitution, or any other nonviolent offense may motion the court to vacate the conviction and expunge the record of the conviction for a nonviolent offense committed as a direct result of being a victim of trafficking. The court may grant the motion on a finding by a preponderance of the evidence

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that the person's participation in the offense was a direct result of being a victim of trafficking. An alleged victim of trafficking who files a motion to vacate a conviction and expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted ~~in court pursuant to~~ or have a delinquency petition filed against him for a violation of this article, or a prostitution offense, or for any other nonviolent offense if it is determined after investigation that the victim committed the offense as a direct result of, ~~or incidental or related to,~~ being a victim of trafficking. A victim of trafficking who is under the age of eighteen at the time of the offense cannot assert the provisions of this subsection regarding prosecution and delinquency petitions more than three times in five years. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator SHEALY moved to lay the amendment on the table.

The amendment was laid on the table.

Senators SHEALY and HEMBREE proposed the following amendment (SR-142.JG0011S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-3-2020(F) and inserting:

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation of this article, ~~or prostitution, or any other nonviolent offense~~ may motion the court to vacate the conviction and expunge the record of the conviction for a nonviolent offense committed by a minor as a direct result of, or incidental or related to, trafficking. The court may grant the

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motion on a finding by a preponderance of the evidence that the person's participation was a direct result of being a victim, or incidental or related to, trafficking. An alleged victim of trafficking who files a motion to vacate a conviction and expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60. The affirmative defense may be raised only in cases where the victim was a minor at the time he committed the offense.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

On motion of Senator CASH, the Bill was carried over.

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn, McLeod, Hutto and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

On motion of Senator CORBIN, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen, McLeod and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE

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PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-145.SW0005S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-15-90(A)(11) and inserting:

(11) Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited.

Amend the bill further, SECTION 2, by striking Section 16-15-100(A)(7) and inserting:

(7) reside in, enter, or remain in a place, structure, building, vehicle, trailer, or conveyance to procure, solicit, cause, induce, persuade, or encourage by promise the lewdness, assignation, or prostitution of another person;

Amend the bill further, SECTION 2, by striking Section 16-15-100(B)(1) and (2) and inserting:

(B) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction:

—(1) for a first offense, must be fined not less than two hundred fifty dollars and not more than one thousand dollars, imprisoned not more than thirty days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, a first offense charged for this item may be tried in magistrate or municipal court;

—(2) for a second offense, must be fined not less than five hundred dollars and not more than three thousand dollars, imprisoned not more than six months, or both; and

—(3) for a third or subsequent offense, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars, imprisoned not more than one year, or both.

Renumber sections to conform.

Amend title to conform.

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Senator HUTTO explained the amendment.

The amendment was adopted.

Senator CASH proposed the following amendment (SJ-145.SW0008S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-15-90(C) and inserting:

(C) It is an affirmative defense to a prosecution for a violation of this section subject to the requirements of Section 16-3-2020(F) if, during the commission of the offense, the defendant was a victim of trafficking in persons as defined by Section 16-3-2010(9). Asserting this affirmative defense is conditioned upon the victim of trafficking cooperating with a law enforcement agency in its investigation and prosecution of persons pursuant to Article 19, Chapter 3, of Title 16. A person cannot assert this affirmative defense more than three times in a five-year period.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens

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Talley
Williams

Turner
Young

Verdin

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

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The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDMENT PROPOSED, CARRIED OVER

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING

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SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED, SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

The Senate proceeded to the consideration of the Bill.

Senator GOLDFINCH proposed the following amendment (LC-208.SA0005S):

Amend the bill, as and if amended, SECTION 1, by striking the name of the article and inserting:

Additional Driver's License Fees

Amend the bill further, SECTION 1, by striking Section 4-10-1110(A) and inserting:

(A) A county government may impose additional driver's license fees as provided for in Section 56-1-20(C) and 56-3-210(C)(2) on new residents to the State subject to a successful referendum.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(A) and inserting:

(A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver's license fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(D)(1) before the first undesignated paragraph and inserting:

(D) The referendum question concerning whether to impose an additional fee on drivers' licenses must read substantially as follows:

Amend the bill further, SECTION 1, by deleting Section 4-10-1120(D)(1)(b).

Amend the bill further, SECTION 1, Section 4-10-1120(D)(1)(b), by deleting the undesignated paragraph.

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Amend the bill further, by deleting SECTION 3.
Re-number sections to conform.
Amend title to conform.

Senator GOLDFINCH explained the amendment.

On motion of Senator GOLDFINCH, the Bill was carried over.

Motion Failed

Senator MATTHEWS moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 6; Nays 32

AYES

Fanning	Malloy	Matthews
McLeod	Senn	Stephens

Total--6

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	McElveen	Peeler
Rankin	Reichenbach	Rice
Scott	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--32

The Senate refused to adjourn.

READ THE SECOND TIME

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS

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TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY

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AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

The Senate proceeded to the consideration of the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 343 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION

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UNIT FACILITIES AND TO CHANGE THE AGE OF THE
INDIVIDUALS SERVED IN SAME.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Present 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Malloy	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total—0

PRESENT

Loftis

Total--1

The Bill was read the second time, passed and ordered to a third
reading.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-397.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 40-47-1710(1) and inserting:

(1) "Athletic trainer (AT)" means an allied health professional with specific qualifications set forth in Section 40-47-1740(A) who provides services under the direction of or in collaboration with a licensed physician in accordance with their education, training, and state law. Services provided by athletic trainers may include the prevention, identification, assessment, treatment, or rehabilitation of injuries and illnesses under the direction of a licensed physician as defined in Section 40-47-20; and, in carrying out these functions, the athletic trainer is authorized to use therapeutic interventions including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to said functions.

Amend the bill further, SECTION 2, by striking Section 40-47-1720(B)(1) and (2) and inserting:

(B)(1) An Athletic Trainers' Advisory Committee is created consisting of nine members appointed by the board. Two members must be physicians who are licensed to practice in South Carolina, five must be licensed athletic trainers, and two must be members of the general public who are not certified or licensed in any health care field and are not connected in any way with athletic trainers. Of the two physician members, at least one must regularly supervise an athletic trainer.

(2) Membership on the committee is by appointment by the board. The members appointed shall serve four-year terms and until their successors are appointed and qualify, except that the initial terms of two ATs, one consumer member, and one physician are for two years. Vacancies on the committee must be filled in the same manner of the

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original appointment for the unexpired portion of the term. Members may succeed themselves; however, no member may serve more than two consecutive terms or eight continuous years, whichever is greater, but he is eligible for reappointment four years from the date that the last full four-year term expires.

Amend the bill further, SECTION 2, by striking Section 40-47-1740(B) and inserting:

(B) An applicant for the renewal of a license must have completed the biennial continuing education requirements as determined by the BOC, be in good standing with the BOC, and complete two continuing education courses approved by the board in consultation with the Athletic Trainers' Advisory Committee.

Amend the bill further, SECTION 2, by striking Section 40-47-1770 and inserting:

Section 40-47-1770. (A) Nothing in this article prevents:

(1) licensed, registered, or certified professionals such as physicians, nurses, physical therapists, and chiropractors from practicing their professions if they do not hold themselves out to the public by any title or description as being athletic trainers;

(2) the continued employment of persons employed on the effective date of Act 441 of 1984 by the State Department of Education, local boards of education, or private secondary or elementary schools for the treatment of injuries received by students participating in school sports activities; or

(3) any person from serving as an athletic training student or in any similar position if service is carried out under the supervision of a physician or certified athletic trainer.

(B) The provisions of this article shall not apply to any athletic trainer who is employed in another state by an educational institution or athletic organization when the athletic trainer accompanies the athletes or team of such institute or organization in the State for the purpose of an athletic contest or exhibition.

Amend the bill further, SECTION 2, by striking Section 40-47-1800 and inserting:

Section 40-47-1800. (A) It is unlawful for a person who is not licensed under this article to hold himself out as an athletic trainer. A person who holds himself out as an AT without being licensed under this article, during a period of suspension, or after his license has been revoked by the board is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned for not more than ninety days, or both.

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(B) For the purpose of any investigation or proceeding under the provisions of this article, the board or a person designated by the board may administer oaths and affirmations, subpoena witnesses, take testimony, and require the production of any documents or records which the board considers relevant to the inquiry.

(C) If the board has sufficient evidence that a person is violating a provision of this article, the board, in addition to all other remedies, may order the person to immediately desist and refrain from such conduct. The board may apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction enjoining the person from such conduct. An administrative law judge may issue a temporary injunction ex parte and upon notice and full hearing may issue any other order in the matter it considers proper. No bond may be required of the board by an administrative law judge as a condition to the issuance of any injunction or order contemplated by the provisions of this section.

(D) Investigations and disciplinary proceedings under this article must be conducted in accordance with the provisions of Article 1.

(E) No provision of this article may be construed as prohibiting the respondent or his legal counsel from exercising the respondent's constitutional right of due process under the law or prohibiting the respondent from normal access to the charges and evidence filed against him as a part of due process under the law.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION 3. The programmatic cash balance, powers, functions, duties, responsibilities, and authority statutorily exercised by the Department of Health and Environmental Control concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners for South Carolina. Any regulations promulgated by the Department of Health and Environmental Control under former provisions of law pertaining to the regulation of athletic trainers are continued and are considered to be promulgated under the authority of present provisions of law pertaining to the same.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. The Department of Labor, Licensing and Regulation shall assume the licensure of athletic trainers upon the effective date of new regulations promulgated by the Department of Labor, Licensing and Regulation related to this article. The regulations shall include a fee schedule and a provision to create a uniform renewal date for all athletic trainers' licenses.

Renumber sections to conform.

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Amend title to conform.

Senator DAVIS explained the amendment.
The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDMENT PROPOSED, CARRIED OVER

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR

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RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED “GENERAL PROVISIONS”.

The Senate proceeded to the consideration of the Bill.

Senator GARRETT proposed the following amendment (SR-445.JG0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-49-320(3) and inserting:

(3) “Recovery housing” means recovery residences, recovery homes, sober living homes, work-rehab homes, three-quarter houses, and other similar dwellings that provide individuals recovering from alcohol and substance use disorders with a living environment free from alcohol and illicit substance use and centered on peer support and connection to services that promote sustained recovery, including continued sobriety, improved individual health, residential stability, and positive community involvement. Recovery housing does not include treatment facilities as defined in Section 44-52-10.

Amend the bill further, SECTION 1, by striking Section 44-49-330(C)(5) and inserting:

(5) have safeguards in place to uphold residents’ rights;

(6) assist residents in finding suitable employment; and

(7) assist residents who desire to relocate upon completion of the recovery program with relocation assistance services.

Amend the bill further, SECTION 1, by adding:

Section 44-49-370. It is unlawful for an owner or operator of recovery housing that is not certified pursuant to this article to advertise or otherwise represent that such recovery housing is certified pursuant to this article. An owner or operator of recovery housing who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

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On motion of Senator MATTHEWS, the Bill was carried over.

READ THE SECOND TIME

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN spoke on the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

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The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

Senator PEELER objected to consideration of the Bill.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-3605.JG0005S):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This act may be cited as the “Earn and Learn Act of 2023”.

Amend the bill further, by adding an appropriately numbered SECTION to read:

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SECTION X. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

(1) "Apprenticeship" means a United States Department of Labor-approved and registered apprenticeship or an industry recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

(2) "Board" means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of "board" does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) "License" means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation's or profession's regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations;

(3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete requirements that exceed the requirements of other license applicants for initial licensure.

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(D) If a board denies a license to an applicant under this section, then the board shall:

- (1) provide the applicant with a denial in writing; and
- (2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant's apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

- (1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;
- (2) a license that requires the educational equivalent of a bachelor's degree or higher; or
- (3) apprenticeship programs that are established by state law.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

On motion of Senator CLIMER, the Bill was carried over.

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POINT OF ORDER

S. 440 -- Senators Corbin, Shealy, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 569 -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Point of Order

Senator CASH raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

AMENDED, ADOPTED

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Senate proceeded to the consideration of the Resolution.

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Senator FANNING proposed the following amendment (SR-480.KM0002S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the eighth undesignated paragraph and inserting:

That the members of the South Carolina General Assembly, by this resolution, request the Department of Transportation name the portion of Pinecrest Avenue in the Town of Great Falls in Chester County, from its intersection with Prospect Street to its intersection with Dearborn Street through Circle Street, "Torrey Craig Highway" and erect appropriate markers or signs along this portion of the highway containing these words.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The question then being adoption of the Resolution, as amended.

The Resolution, as amended, was adopted, ordered sent to the House.

ADOPTED

S. 589 -- Senators Stephens and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

H. 3876 -- Rep. Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 576 IN MARION COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 "DOUGLAS MCROY WIGGINS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT. I will not take more than five minutes to speak briefly, with the intent of not taking any questions on this. I just wanted to stand to congratulate the House of Representatives for passing the Hate Crimes Bill yesterday. I also wanted to just encourage this Body to do the same. I hope, and I'm confident that I think we can get together and iron out any of our differences. I'll leave you with something I have in my hand. On March the 18, 1999, there was a Bill called S. 45 introduced by a bipartisan group of Senators that passed here in South Carolina. In fact, it was one of, if not the first time, any legislative chamber in the South passed a Hate Crimes Bill, Senator DAVIS. At that time on March 18, 1999, we were not required to have roll call votes, but to the seven of us who were here at the time, we remember that if you were against it, you were told to go put your name on the list so that you could be recorded voting against it. I was proud then, I am proud now to say out of forty-six Senators only three Senators were recorded to vote against a Hate Crimes Bill on March 18, 1999. Thank you. I hope that sometime this year we can pass the House Bill revisiting this subject and make all of us as proud as we were on March 18, 1999. Thank you, Mr. PRESIDENT.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:21 P.M., on motion of Senator HEMBREE, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

On motion of Senator HEMBREE, the Senate agreed to stand adjourned.

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ADJOURNMENT

At 1:24 P.M., on motion of Senator HEMBREE, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 10, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SCOTT.

CO-SPONSOR ADDED

The following co-sponsors were added to the respective Bills:

S. 527 Sen. Young

S. 569 Sen. M. Johnson

MOTION ADOPTED

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Shaheed Woodard of Lake City, S.C. Shaheed was a loving son and brother who will be dearly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SHEALY, the Senate adjourned to meet next Tuesday, March 21, 2023, at 12:00 P.M.

* * *

Tuesday, March 14, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 98:1a

We hear the Psalmist declare: "Sing to the Lord a new song, for he has done marvelous things."

Bow with me as we pray, please: O glorious Lord, it is inevitable that now and then we might compare the life we happen to lead to that experienced by others around the globe. And of course, as we do so, we can't help but see how richly blessed all of us truly are here in our Nation and in our State. And although there is still so much to be done here at home, there is likely no other place on our planet where we would really choose to live. Therefore, O God, we pray today that You will bless and guide each of these Senators and their aides as they strive to continue leading us forward toward far more marvelous blessings, working together diligently and faithfully to make life even better for all of our people here in this place we love. In Your holy name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:07 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

2nd Congressional District:

Stacy K. Taylor, 124 Harding St., Chapin, SC 29036-9458 *VICE* Jack Wolf

Referred to the Committee on Judiciary.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

7th Congressional District:

Kimberly H. Frederick, 411 6th Avenue North, Surfside Beach, SC 29575

Referred to the Committee on Corrections and Penology.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

2nd Congressional District:

Mollie D. Taylor, 2640 Pine Lake Drive, West Columbia, SC 29169-3742

Referred to the Committee on Corrections and Penology.

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Local Appointment

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kelik Fling, 2715 East Highway 76, Suite B, Mullins, SC 29574-6015

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5170

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Board of Accountancy

Received by President of the Senate January 10, 2023

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 13, 2023

Doctor of the Day

Senator SETZLER introduced Dr. March Seabrook of Lexington, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:10 P.M., Senator KIMPSON was granted a leave of absence for Tuesday, March 14, 2023, and Wednesday, March 15, 2023.

Leave of Absence

On motion of Senator TURNER, at 12:10 P.M., Senator TALLEY was granted a leave of absence for Tuesday, March 14, 2023, and Wednesday, March 15, 2023.

Leave of Absence

On motion of Senator GAMBRELL, at 12:10 P.M., Senator GOLDFINCH was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 12:51 P.M., Senator McELVEEN was granted a leave of absence until 1:25 P.M.

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Leave of Absence

On motion of Senator SHEALY, at 12:51 P.M., Senator CROMER was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 12:51 P.M., Senator McLEOD was granted a leave of absence until 1:20 P.M.

Leave of Absence

On motion of Senator CORBIN, at 5:03 P.M., Senator GAMBRELL was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 138	Sen. Campsen
S. 142	Sen. Garrett
S. 145	Sen. Stephens
S. 284	Sen. Turner
S. 298	Sen. Turner
S. 330	Sen. Garrett
S. 343	Sen. Sabb
S. 440	Sen. Garrett
S. 521	Sen. Turner
S. 569	Sens. Turner, Sabb, Matthews, Campsen, Setzler and Malloy
S. 583	Sen. Rice
S. 594	Sen. Hutto
S. 634	Sen. M. Johnson

CO-SPONSORS REMOVED

The following co-sponsors were removed from the respective Bills:

S. 440	Sen. Shealy
S. 518	Sen. Gambrell

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 618 -- Senators Scott, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning,

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Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE PASTOR EDDIE W. DAVIS UPON THE OCCASION OF HIS FORTIETH ANNIVERSARY AS PASTOR OF LITTLE ZION BAPTIST CHURCH AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE TO HIS CONGREGATION AND TO THE BLYTHEWOOD COMMUNITY.

sr-0303km-vc23.docx : 53e4ca1e-9d94-4779-b00a-f7148e8d1313

The Senate Resolution was adopted.

S. 619 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE NAOMI "RUTH" MYERS ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0332km-hw23.docx : a349a7c5-572d-4a17-a4f1-70c504ff74b1

The Senate Resolution was adopted.

S. 620 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-51-50, RELATING TO SALES OF PROPERTY BY A COUNTY RESULTING FROM DELINQUENT TAXES, SO AS TO ALLOW AN ELECTRONIC SALE AND TO PROVIDE FOR THE PROCEDURES OF AN ELECTRONIC SALE; AND BY AMENDING SECTION 12-51-60, RELATING TO PAYMENT BY THE SUCCESSFUL BIDDER IN A TAX SALE, SO AS TO PROVIDE FOR THE DISTRIBUTION OF PROCEEDS DERIVED FROM AN ELECTRONIC TAX SALE.

sr-0328km23.docx : 9f7b17a7-2b70-4544-8bfb-e52a8d6f3180

Read the first time and referred to the Committee on Finance.

S. 621 -- Senators Reichenbach, Stephens, Cromer, Kimbrell, M. Johnson, Fanning and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 79 TO TITLE 39 SO AS TO CREATE THE "SOUTH CAROLINA-IRELAND TRADE COMMISSION", TO PROVIDE FOR THE MEMBERS OF

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THE TRADE COMMISSION, AND TO ESTABLISH THE DUTIES OF THE COMMISSION.

lc-0267sa23.docx : 741cf356-58d1-4788-a776-43b0f0092b4d

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 622 -- Senators Bennett, Hembree, Massey, Adams, Kimbrell, M. Johnson, Turner and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 9-1-5 SO AS TO CLOSE THE SOUTH CAROLINA RETIREMENT SYSTEM; BY ADDING CHAPTER 22 TO TITLE 9 SO AS TO ESTABLISH THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO PROVIDE EMPLOYEES WITH A DEFINED BENEFIT RETIREMENT PLAN AND TO PROVIDE DETAILS OF THE PLAN; BY ADDING CHAPTER 24 TO TITLE 9 SO AS TO ESTABLISH THE "SOUTH CAROLINA WEALTHBUILDER-PRIMARY RETIREMENT SAVINGS PLAN" TO PROVIDE EMPLOYEES WITH A DEFINED CONTRIBUTION RETIREMENT PLAN AND TO PROVIDE DETAILS OF THE PLAN; BY AMENDING SECTION 9-1-310, RELATING TO ADMINISTRATIVE COSTS, SO AS TO ADD A REFERENCE TO THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN; BY AMENDING SECTION 9-1-1340, RELATING TO CERTAIN CONFLICTS OF INTEREST, SO AS TO ADD A REFERENCE TO THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN; BY AMENDING SECTION 9-11-40, RELATING TO DEFINITIONS, SO AS TO ADD THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO THE DEFINITION OF "CORRELATED SYSTEM"; BY AMENDING SECTION 9-16-10, RELATING TO DEFINITIONS, SO AS TO ADD THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO THE DEFINITION OF "RETIREMENT SYSTEM"; BY AMENDING SECTION 9-16-335, RELATING TO THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE SYSTEM, SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON INVESTMENTS OF THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN MAY NOT EXCEED THE LESSER OF SIX PERCENT OR THREE HUNDRED BASIS POINTS ABOVE THE THREE-YEAR AVERAGE OF TWENTY-YEAR TREASURY YIELDS; BY REPEALING CHAPTER 20, TITLE 9, RELATING TO THE STATE OPTIONAL

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RETIREMENT PROGRAM; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CHANGES.

sr-0310km23.docx : 2eda7b6b-a846-47f6-8b6d-7c6131900729

Read the first time and referred to the Committee on Finance.

S. 623 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-63-100, RELATING TO THE PROCESS THROUGH WHICH A PERSON MAY MAKE CHANGES TO HIS BIRTH CERTIFICATE, SO AS TO PROVIDE THAT GENDER CHANGES TO A PERSON'S BIRTH CERTIFICATE MAY ONLY BE TO CHANGE FROM MALE TO FEMALE OR FROM FEMALE TO MALE AND TO PROVIDE FOR AFFIDAVITS THAT MUST ACCOMPANY A PETITION TO MAKE A GENDER CHANGE TO A PERSON'S BIRTH CERTIFICATE.

sr-0066jg23.docx : 817a10a0-2692-4946-8018-97c8766b9b2d

Read the first time and referred to the Committee on Medical Affairs.

S. 624 -- Senator Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, BY ADDING SECTION 16 TO PROVIDE THAT A PERSON'S BIOLOGICAL SEX AT BIRTH CONSTITUTES THAT PERSON'S GENDER FOR THE PURPOSES OF THE STATE CONSTITUTION AND LAWS.

sr-0065jg23.docx : 00e22cab-47d3-47b8-a373-49262128604f

Read the first time and referred to the Committee on Judiciary.

S. 625 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ANDERSON COUNTY EMS DIRECTOR STEVE KELLY FOR HIS EXCELLENT WORK IN LEADING ANDERSON EMS AND TO CONGRATULATE HIM UPON RECEIVING EMS DIRECTOR OF THE YEAR.

lc-0190dg-gm23.docx : 9ada21e0-8dde-4af6-8f4b-8baa44dce1df

The Concurrent Resolution was adopted, ordered sent to the House.

S. 626 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ANDERSON COUNTY EMS FOR ITS EXCELLENT WORK TO SAVE LIVES AND RESCUE THOSE IN DISTRESS COUNTYWIDE AND TO CONGRATULATE THE EMS RESPONDERS UPON RECEIVING SYSTEM OF THE YEAR.

lc-0100ha-gm23.docx : 72e85eeb-00c4-43ef-936f-f955f0b91035

The Concurrent Resolution was adopted, ordered sent to the House.

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S. 627 -- Senators Verdin, Cash, Martin, Climer, Bennett, Campsen, Hembree, Peeler, Loftis, Goldfinch, Cromer, Grooms, Kimbrell, Adams, Young, Gambrell, Gustafson, Talley, Rice, Shealy, Turner, Alexander, Garrett, Corbin, Reichenbach and Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-47-300 SO AS TO DEFINE GENDER, SEX, AND OTHER TERMS; BY ADDING SECTION 40-47-310 SO AS TO PROHIBIT THE PROVISION OF GENDER TRANSITION PROCEDURES TO A PERSON UNDER EIGHTEEN YEARS OF AGE; BY ADDING SECTION 40-47-320 SO AS TO PROVIDE EXCEPTIONS; BY ADDING SECTION 40-47-330 SO AS TO PROHIBIT THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES; BY ADDING SECTION 40-47-340 SO AS TO PROVIDE PENALTIES; AND BY ADDING SECTION 59-32-36 SO AS TO PROHIBIT SCHOOL STAFF AND OFFICIALS FROM WITHHOLDING KNOWLEDGE OF A MINOR'S PERCEPTION OF THEIR GENDER FROM THE MINOR'S PARENTS.

sr-0261km23.docx : 8b4caac8-df49-4844-8a50-a7d21fe929f8

Read the first time and referred to the Committee on Medical Affairs.

S. 628 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 FROM ITS JUNCTION WITH TUGALOO AND SMITH ROADS TO THE INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 IN GREENVILLE COUNTY "DEAN STUART CAMPBELL, SQUIRE OF THE DARK CORNER SCENIC MEMORIAL BYWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0323km-vc23.docx : 4cbaeea7-e281-40da-9a15-990243cd2181

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 629 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO HONOR THE IMPORTANT WORK BEING DONE TO COMBAT CHILD ABUSE,

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AND TO DECLARE APRIL 4, 2023, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

sr-0333km-vc23.docx : 3d82a777-2878-4361-80a2-88ab073ac98a

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 630 -- Senator Garrett: A SENATE RESOLUTION TO CONGRATULATE FRANK TAYLOR OF THE NINETY SIX HIGH SCHOOL WRESTLING TEAM ON A TREMENDOUS SEASON AND TO HONOR HIM FOR WINNING THE 2022-2023 SOUTH CAROLINA HIGH SCHOOL LEAGUE CLASS A/AA INDIVIDUAL STATE CHAMPIONSHIP TITLE IN HIS WEIGHT CLASS.

lc-0218vr-rm23.docx : b2af9ab2-cd5c-41f4-97d5-2d0be1b89cd0

The Senate Resolution was adopted.

S. 631 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KIRBY ELIZABETH SELF FOR HER EXCEPTIONAL POISE AND BEAUTY AND TO CONGRATULATE HER ON BEING NAMED MISS SOUTH CAROLINA USA 2023.

lc-0275wab-rm23.docx : 2cad0bf4-985d-4a50-baa7-cfc263b0fcd6

The Senate Resolution was adopted.

S. 632 -- Senators Matthews and McLeod: A SENATE RESOLUTION TO RECOGNIZE MARCH 14, 2023, AS "EQUAL PAY DAY" IN SOUTH CAROLINA.

sr-0331km-vc23.docx : dd29598f-686a-4abf-8c19-237b2976024d

The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 633 -- Senator Verdin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 2 AND FRIDAY, NOVEMBER 3 AND MONDAY, NOVEMBER 13, 2023. HOWEVER, THE CHAMBER MAY NOT BE

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USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

lc-0171hdb-jn23.docx : e2cbdd31-d117-41f6-9920-d564b3e8d9c6

The Senate Resolution was introduced and referred to the Committee on Operations and Management.

S. 634 -- Senators Kimbrell, Rice, Climer, Loftis, Corbin, M. Johnson and Peeler: A SENATE RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT PUBLIC FUNDS SHOULD NOT BE DEDICATED TO ECONOMIC DEVELOPMENT PROJECTS THAT BENEFIT A CORPORATION THAT IS ACTIVELY ENGAGED IN PROMOTING ENVIRONMENTAL, SOCIAL, OR POLITICAL GOALS, OBJECTIVES, OR OUTCOMES.

sr-0335km-km23.docx : ddef5af0-4645-4899-b262-d6f3f69f0569

The Senate Resolution was introduced and referred to the Committee on Finance.

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M. M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J. L. Johnson, Jefferson, B. J. Cox, Garvin, B. L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

lc-0003ahb23.docx : e0eaed1c-510b-4665-a1e1-9d0a68ca6313

Read the first time and referred to the Committee on Judiciary.

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H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

lc-0056cm23.docx : cd4400bc-736f-48d6-aeb3-b076089fc9a7

Read the first time and referred to the Committee on Judiciary.

H. 3726 -- Reps. G. M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M. M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT" BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND

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ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.
lc-0155wab23.docx : 38091ee9-a6ba-47ad-b4ce-35d649926733

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J. L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

lc-0197sa23.docx : d908aa50-9f43-4a1b-bc2a-400d14eff3fd

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4088 -- Reps. G. M. Smith, Bannister, Hiott, Rutherford, Bernstein, Garvin, Ballentine, McDaniel, Bauer, Howard, J. L. Johnson, Rose, Murphy, Robbins, Gatch, Hart, Thigpen, Erickson, Bradley, Hager, Connell, Herbkersman, Pedalino, Anderson and King: A JOINT RESOLUTION TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.

lc-0186dg23.docx : af4458e7-7971-42c0-8e2c-0628abf0cf5d

Read the first time and referred to the Committee on Finance.

H. 4140 -- Reps. Gilliam, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino,

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Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO COMMEMORATE THE FIFTIETH ANNIVERSARY OF THE DAY THE LAST UNITED STATES COMBAT TROOPS LEFT VIETNAM, TO RECOGNIZE AND HONOR LUCY CALDWELL FOR HER WORK OF ENCOURAGEMENT TO MEMBERS OF THE UNITED STATES ARMED FORCES DURING THE VIETNAM WAR, AND TO REMEMBER THOSE WARRIORS WHOSE LIVES WERE TOUCHED BY HER.

lc-0270sa-gm23.docx : 95c3fc07-b08f-4ebe-ace3-5e00cc319ee9

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4141 -- Rep. Taylor: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF APRIL 2023 AS "DISTRACTED DRIVER AWARENESS MONTH".

lc-0270cm-gt23.docx : 59072ff4-b968-4155-a044-70f68ac74747

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

Appointments Reported

Senator HEMBREE from the Committee on Education submitted a favorable report on:

Statewide Appointments

Initial Appointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Anne Hancock, 108 Live Oak Court, Greenwood, SC 29649-8960
VICE Thomas R. Love

Received as information.

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Reappointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2023, and to expire April 1, 2028

At-Large:

Yvonne C. Knight Carter, 1349 Old Cherry Hill Road, Moncks Corner, SC 29461-4571

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 138 -- Senators McElveen, Senn, Cromer, Loftis, Stephens and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

On motion of Senator MALLOY, the Bill was carried over.

READ THE THIRD TIME

SENT TO THE HOUSE

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

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Senator MARTIN spoke on the Bill.

The question being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

READ THE THIRD TIME

SENT TO THE HOUSE

The following Bills were read the third time and ordered sent to the House:

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen, McLeod, Senn and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF

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PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

S. 343 -- Senators Shealy, Jackson, Hutto and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

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S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

CARRIED OVER

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

On motion of Senator CLIMER, the Bill was carried over.

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A

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CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator HEMBREE objected to consideration of the Bill.

AMENDED, CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND

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SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

The Senate proceeded to the consideration of the Bill.

Senator CASH proposed the following amendment (SR-142.JG0012S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-3-2020(F) and (G) and inserting:

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, ~~or incidental or related to,~~ trafficking. A victim of trafficking in persons convicted of a violation of this article, ~~or prostitution, or any other nonviolent offense~~ may motion the court to vacate the conviction and expunge the record of the conviction for a nonviolent offense committed by a minor as a direct result of trafficking. The court may grant the motion on a finding by a preponderance of the evidence that the person's participation was a direct result of ~~being a victim~~ being a victim of trafficking. An alleged victim of trafficking who files a motion to vacate a conviction and expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60. The affirmative defense may be raised only in cases where the victim was a minor at the time he committed the offense.

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted ~~in court pursuant to~~ or have a delinquency petition filed against him for a violation of this article, a prostitution offense, or for any other nonviolent offense if it is determined after investigation that the victim committed the offense as a direct result of, ~~or incidental or related to,~~ trafficking. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The amendment was adopted.

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On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-330.BJ0010S):

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Section 16-11-740 of the S.C. Code is amended to read:

Section 16-11-740. (A) For purposes of this section only, "electric utility system" means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

(B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

—(1) (a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

—(2) (b) obstruct, impede, or impair their services or transmissions; or;

—(3) (c) aid, agree with, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this section subsection.

(2) A person who violates the provisions of this section subsection is guilty of a felony and, upon conviction;

(a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years, or both;

(b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

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(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both; or

(d) if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(3) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

(C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

(a) destroy, damage, or in any way injure:

(i) an electric utility system; or

(ii) a gasoline, natural gas, or propane utility system, including poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

(iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

(2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

SECTION X. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

The Senate proceeded to the consideration of the Bill.

Senator GARRETT proposed the following amendment (SR-445.JG0001S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-49-320(3) and inserting:

(3) "Recovery housing" means recovery residences, recovery homes, sober living homes, work-rehab homes, three-quarter houses, and other similar dwellings that provide individuals recovering from alcohol and substance use disorders with a living environment free from alcohol and illicit substance use and centered on peer support and connection to services that promote sustained recovery, including continued sobriety, improved individual health, residential stability, and positive community involvement. Recovery housing does not include treatment facilities as defined in Section 44-52-10.

Amend the bill further, SECTION 1, by striking Section 44-49-330(C)(5) and inserting:

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(5) have safeguards in place to uphold residents' rights;
(6) assist residents in finding suitable employment; and
(7) assist residents who desire to relocate upon completion of the recovery program with relocation assistance services.

Amend the bill further, SECTION 1, by adding:

Section 44-49-370. It is unlawful for an owner or operator of recovery housing that is not certified pursuant to this article to advertise or otherwise represent that such recovery housing is certified pursuant to this article. An owner or operator of recovery housing who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was withdrawn.

On motion of Senator GARRETT, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-459.KM0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 55-9-235(A) and (B) and inserting:

(A) During the hours of airport operation, any business establishment or concessionaire operating in the Transportation Security Administration-screened portion of Charleston International Airport, Columbia Metropolitan Airport, Florence Regional Airport, Greenville-Spartanburg Airport, Hilton Head Island Airport, or Myrtle Beach International Airport may, upon the written approval of the respective airport authority, sell alcoholic liquor by the drink to a person

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twenty-one years of age or older for consumption throughout the Transportation Security Administration-screened portion of the establishment's or concessionaire's respective airport terminal, provided that the establishment or concessionaire is licensed in South Carolina to sell alcoholic liquor by the drink for on-premise consumption.

(B) A person twenty-one years of age or older may purchase and consume alcoholic liquor by the drink throughout the interior of the Transportation Security Administration-screened portion of the respective airport terminal, provided that the purchase is from an approved business establishment or concessionaire licensed in South Carolina to sell alcoholic liquor by the drink for on-premise consumption.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 12; Present 1

AYES

Adams	Allen	Bennett
Climer	Davis	Fanning
Gambrell	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Martin	Matthews
McElveen	McLeod	Reichenbach
Sabb	Scott	Setzler
Shealy	Stephens	Turner
Williams		

Total--28

NAYS

Alexander	Campsen	Cash
Corbin	Garrett	Loftis

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Massey
Senn

Peeler
Verdin

Rice
Young

Total--12

PRESENT

Malloy

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

Senator HARPOOTLIAN objected to consideration of the Bill.

OBJECTION

S. 440 -- Senators Corbin, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

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Senator SHEALY objected to consideration of the Bill.

READ THE SECOND TIME

S. 569 -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell, Young, M. Johnson, Turner, Sabb, Matthews, Campsen, Setzler and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

The Senate proceeded to the consideration of the Bill.

Senator KIMBRELL explained on the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin

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Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The Senate proceeded to the consideration of the Resolution.

Senator GAMBRELL explained the Resolution.

The question then being second reading of the Resolution.

Senators CLIMER and MATTHEWS objected to further consideration of the Resolution.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The Senate proceeded to the consideration of the Resolution.

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The Committee on Finance proposed the following amendment (SF-3604.CH0025S), which was adopted:

Amend the Joint Resolution, as and if amended, by striking all and inserting:

A JOINT RESOLUTION

TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND OTHER PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.

Whereas, the General Assembly has through prior enactments determined that the construction of certain infrastructure, including in certain circumstances infrastructure constructed for use by private parties, enhances the recruitment of businesses to and the expansion of businesses within the State; that such infrastructure facilitates the operation and growth of businesses in the State, and thereby provides significant and substantial direct and indirect benefits to the State and its residents, including employment and other opportunities; that such benefits outweigh the costs of such infrastructure; that for such reasons it is in the best interest of the State to provide funding that serves a public purpose in fostering economic development and increasing employment in the State; and that the primary beneficiaries of such funding and the construction of such infrastructure are the State of South Carolina and its residents; and

Whereas, the General Assembly further finds that under certain circumstances it is appropriate for the State to undertake construction of infrastructure and to make other improvements that promote or improve state readiness for further economic development; and

Whereas, the General Assembly further finds that public confidence may be enhanced by identification of the amounts and purposes for which funding may be made available, for specific projects and for state readiness for further economic development; and

Whereas, the General Assembly further finds that processes of review, approval, and oversight, are appropriate and warranted for public funds designated for purposes of economic development; and

Whereas, the General Assembly further finds that sufficient unobligated funds are presently available and the interest of the State will be served by their appropriation for the purposes and subject to the terms and conditions described herein.

Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

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SECTION 1. (A) The sources of revenue appropriated in this joint resolution are: (1) \$1,204,834,516 from the Fiscal Year 2021-2022 Contingency Reserve Fund as recognized by the Board of Economic Advisors; and (2) \$86,248,470 from the Fiscal Year 2022-2023 Projected General Fund Surplus as forecast by the Board of Economic Advisors.

(B) The Department of Commerce is appropriated \$1,091,082,986 as set forth in this section to provide funding to Project Connect for the following purposes:

- (1) bridge to support rail spur construction;
- (2) land acquisition;
- (3) required site improvements and mitigation;
- (4) road access and improvements;
- (5) soil stabilization;
- (6) training center;
- (7) water and wastewater infrastructure; and

(8) any such other purpose as is necessary and recommended by the Department of Commerce for Project Connect. Such other purpose is subject to review and comment by the Joint Bond Review Committee.

(C) The Department of Commerce is appropriated \$200,000,000 to loan the Project Connect sponsor for additional soil stabilization to be paid back in full in a manner prescribed by the sponsor and the Department of Commerce. All payments and interest shall be returned to the general fund of the State upon receipt. This loan is not eligible for forgiveness.

SECTION 2. Funds appropriated pursuant to SECTION 1 may be carried forward into subsequent fiscal years for the same purpose as originally awarded, committed, or authorized. Earnings and interest on accounts created pursuant to this joint resolution must be credited to the general fund of the State.

SECTION 3. This joint resolution applies solely to the funds subject to this authorization and has no effect on any provision of permanent law. The expenditure authorizations contained in this joint resolution are supplemental to the expenditure authorizations for receiving entities as contained in Act 239 of 2022, the General Appropriations Act for Fiscal Year 2022-2023, and future expenditure authorizations enacted by the General Assembly. The provisions of this joint resolution terminate on fulfillment of their terms.

SECTION 4. On a quarterly basis, the Department of Commerce shall send a project status report to the Joint Bond Review Committee until all funds are expended and upon certification by the Secretary of Commerce that all project obligations have been met.

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SECTION 5. The State Treasurer shall disburse the funds pursuant to SECTION 1 from Fiscal Year 2021-2022 Contingency Reserve Fund within five days of the effective date of this joint resolution. The State Treasurer shall further disburse all funds available, up to the amount set forth in SECTION 1 from the Fiscal Year 2022-2023 Projected General Fund Surplus within five days of the close of the state's books for Fiscal Year 2022-2023 by the Comptroller General or by November 1, 2023, whichever occurs first.

SECTION 6. Any funds remaining after the completion of Project Connect must be remitted to the general fund.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this joint resolution is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this joint resolution, the General Assembly hereby declaring that it would have passed this joint resolution, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This joint resolution takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

Remarks by Senator PEELER

Thank you, Mr. PRESIDENT and members of the Senate. This Finance Committee amendment deals with the Scout Motors infrastructure incentive package. Senator ALEXANDER, members of the Senate, this is the most transparent economic development project in history. You may want to talk about what is transparency. Senators, what does transparency mean in our talk in Columbia? Let me explain it to you. See the glass windows in those doors and windows there? You can see through them. It's transparent. You can see through those glass windows. When you look through those glass windows in the doors, let me tell you what you see. You see our Secretary of Commerce, Harry Lightsey III, and his Department of Commerce team. They are available here to answer any questions or concerns that Senators may have like they have from the get-go of this project. This incentive package we're

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talking about is a total cost of \$1.291 billion. That's a huge sum. I'll admit it. It's a huge sum. It's also a huge project for this State and especially for the Midlands of this State. Let me tell you what else is huge. Our competition for businesses like this. The states of Georgia, North Carolina and Tennessee seem to outbid us time after time after time. But this is one that we have won. We landed it with the hard work of our Department of Commerce and leaders of this Senate and the House of Representatives. \$1.291 billion -- the funding source for this money -- it's totally paid in cash. Although we could have borrowed money, we decided to pay cash for it. To me and the members of the committee we feel like this is the most prudent way to be able to fund this.

Why did we have this cash? In large part because we kept our doors open when many states did not, and thanks to the prudent and wise funding decisions of this Senate and House of Representatives, we have surplus money to be able to pay cash for this project. What's the break down for this \$1.291 billion? First, \$650 million is for the construction of a new I-77 interchange. It pays for road improvements to mitigate traffic problems for the residents of that area. It pays for the construction of the railroad bridge, water and wastewater infrastructure and mass grading and wetlands mitigation. A \$400 million grant for hard assets needed, \$16 million to acquire property to connect the class one rail mainline, \$25 million to build a training center, publicly owned by Midlands Technical College to train South Carolinians for employment with Scout Motors and a \$200 million loan to Scout Motors repayable with interest.

Now let's talk about what Scout Motors brings to this State. It brings \$2 billion in capital out lay. It brings 4,000 jobs. Scout Motors is backed by Volkswagen on all the incentives and loans. Volkswagen in my era-- you think of that little bug with the engine in the back. Let me tell you about Volkswagen, it's one of the largest companies in the world. They're backing this.

And last, but not least, clawbacks are in place. Clawbacks -- they've been lawyered by two of the best lawyers and in Senate -- Senator RICHARD HARPOOTLIAN and Senator MICHAEL JOHNSON. They have lawyered this thing up. They are among the best -- not just two. They've lawyered this about as much as you can lawyer it. This project with Scout Motors has the potential of becoming the BMW of the Midlands. I shared with the Finance Committee about what BMW means to the Upstate. Senator THOMAS ALEXANDER and Senator NIKKI SETZLER, you all remember when Governor Carroll Campbell asked for our help to get BMW into the State of South Carolina? We had

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critics back then, many, many critics about what it took to bring BMW to South Carolina. Back then, when we brought BMW to Greer, one of the best jobs you could get in Greer was changing flat tires at Verne Smith's tire company. That was one of the best jobs you could get. But now you try to take BMW from the Upstate? Somebody would get their feelings hurt. Senator THOMAS ALEXANDER, I'm here to speak in favor of the Scout Motors incentive package.

On motion of Senator SABB, with unanimous consent, the remarks of Senator PEELER were ordered printed in the Journal.

Senator SETZLER spoke on the amendment.

Remarks by Senator SETZLER

Mr. PRESIDENT, ladies and gentlemen of the Senate, it is an honor that I, as the Chairman of the Economic Development subcommittee of the Senate Finance Committee, am asked to speak about this project. There is one word that describes this project -- transformational -- not only to the Midlands of South Carolina but also to the State of South Carolina. This project will transform the Midlands of South Carolina, and it will continue the transformation of South Carolina overall.

We are now known as an automobile manufacturing mecca across the Southeast. What we have produced speaks to our accomplishments. Think about the vision, the tenacity and the courage you, as individual members of the South Carolina Senate, and your predecessors have to bring these companies to South Carolina. Think about Michelin and BMW in the Upstate; Volvo in the Low Country; and now you will have Scout Motors as backed by Volkswagen in the Midlands.

You have Michelin, you have Bridgestone in Aiken, you have Continental in Sumter -- all are world-class tire companies. Economic development news from today announced a new tire company locating in Allendale County with more than a thousand jobs. You have Boeing in Charleston. You have fighter jets made in Greenville. You have Amazon -- these are world-class companies that have located in our State that bring prosperity. They bring jobs. They bring economic development. They bring commerce to small businesses of South Carolina. We are now adding another giant to the inventory of companies in South Carolina.

On motion of Senator SABB, with unanimous consent, the remarks of Senator SETZLER were ordered printed in the Journal.

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Senator SCOTT spoke on the amendment.

Remarks by Senator SCOTT

Mr. PRESIDENT, members of the Senate, I can't tell you how much this project means to the northeast and Blythewood which is part of Senate District 19. Let me say that we didn't just wake up one day and all the pieces came together. For the last thirty-five years I've represented that total community. Let me tell you a little bit about that community which makes all these pieces fall in place. You heard a lot about the K-12 education in which we have an abundance of high schools in that area -- Richland Northeast, Eau Claire, Columbia High, Keenan, Spring Valley, Westwood, Ridgeview, Dutch Fork and others that make up the other locations in Richland County. So, we do have that infrastructure. We need to make sure that the training force is actually there. But outside just the K-12 training force, let me also say we represent several colleges just in District 19 -- Columbia College, Lutheran Seminary, Columbia International, South University -- I'm going to stop at Midlands Tech because Midlands Tech this time is doing something under the leadership of Dr. Ron Rhames that probably never has been done before in the State. This new training facility is not built at Midlands Tech. It's actually built on the Tech site. But you see, there are two other additional technical schools that are going to also be impacted by Scout coming to South Carolina -- that's Orangeburg Regional Tech, led by Dr. Walter Tobin and also Denmark Tech, lead by Dr. Willie Todd.

How important is this? I have shared with you over and over again the twenty-two counties who have lost population. Our challenge will be how many of those counties that lost population -- also counties in the surrounding areas -- those counties that are going to be affected by this plant. Let me just first back up a little bit. Richland County -- that area has a 2.9% unemployment rate. I share with you lots of times what the income levels were like in that area. Salaries in that area are \$50,000 to \$200,000 approximately, 21,000 individuals who already have the income this factory will probably allow. Hospitals and services -- you can't grow these companies and organizations without having better health care. Probably the only location with three hospitals -- three of the largest hospitals in that area -- Prisma, Lexington and MUSC. Also, we have Fairfield Electric and Dominion. So, we are highly efficient in terms of meeting those challenges. We also talked about the railway system coming that's going to help us to get the freight out and be able to get it where it needs to be. It's also surrounded by US 21, US 321, I-77 into I-20, I-26, Hwy 555 and of course Monticello Road -- all these

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roads lead to somewhere -- let me tell you a little bit about where they lead to. They lead to approximately fifteen counties that sit in the region. I'm talking about the Central Midlands Region. I want to talk about the region itself -- that region which also includes Aiken County, which is about fifty miles away. Barnwell County which has been struggling, which is about sixty-two miles away, Calhoun County is about thirty-one miles away, Chester County is forty-five miles away, Clarendon County is fifty-three miles and Fairfield County is right at the back door which was hit by a major utility closure real hard. Kershaw County is forty miles away, Lancaster County is forty-six miles away, Lee County is forty-three miles away, Lexington County, and you've heard a lot from Senator SETZLER, as well Newberry County is thirty-eight miles away. You've heard from Senator HUTTO, which is about thirty-nine miles away. Saluda County is forty-five miles away. Sumter County is forty miles away and Union County is fifty-six miles away. All of these counties will be affected by this plant. And what we're hoping is that we get a lot of people who come into the region but also we're hoping these folks are able to go back into their homes, continue to develop their homes, because this makes a difference in terms of whether or not they continue to create a local tax base and continue to do some of the things that need to get done.

We have a ton of automobile dealers which will also be affected by the growth of this company coming in from BMW, Jim Hudson, Buick of the Midlands, Toyota, Nissan, Volkswagen and Honda. We have what a major corporation would look for high income, educated community and high income housing. This plant is dropped right in the middle of these middle-income communities, not just one, but several communities. We are looking forward to what this corporation is going to do for the Midlands. We think it's a powerful tool -- it's not a perfect tool -- but we think it's a powerful tool that could help fix a lot of the surrounding counties.

So, I hope you don't just look at this project as a Midlands project. This is a regional project that expands even beyond the region to help a lot of communities that are in dire straits, especially in terms of losing population. We also are hoping that this company will bring the spin-off of the smaller manufacturing company -- parts companies and others will come -- not necessarily just located in Richland County, but also located in some of these other surrounding counties. As you put that infrastructure together, working in conjunction with the seven HBCUs and what they're doing with the SCIII Institute and making sure that these pieces all come together to help these small surrounding counties.

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On motion of Senator SABB, with unanimous consent, the remarks of Senator SCOTT were ordered printed in the Journal.

Senator MARTIN spoke on the amendment.

Remarks by Senator MARTIN

Thank you, Mr. PRESIDENT. Members of the Senate I am here today not to begrudge anybody. First, I want to thank Mark Hendrix with the Department of Commerce who is always available to answer my questions. I may not always like the answer and he may not always like the question, but he does a great job and provides what I need. I also want to thank the Senate Finance staff who always answer my questions and provide the details I need.

However, I am here today to talk about the constituent input I have received. I heard it mentioned earlier from Senator KIMBRELL who filed a Bill dealing with ESG. Volkswagen is currently the poster child for ESG. They just paid thirty billion dollars to settle the diesel emission fraud scandal and they are now neck-deep in, "corporate responsibility". A member of VW sustainability council wrote last December that, "Embracing a fundamental shift to clean e-mobilities technology was the best option for both restoring the brand and complying with tightened emission regulations across the world. The best option going forward was for VW to change its position with regulators and NGOS, (non-governmental organizations) in all key markets and become an advocate for ambitious standards that reduce pollution and drive e-mobility, rather than fighting with policy makers and regulators. During the Trump administration, VW put its support behind California's ambitious greenhouse gas (GHG) standards -- despite the legal threats made by the White House. Even more recently, VW took a firm stance against the legal challenges by conservative states in support of President Biden's greenhouse car policies." So, if anybody thinks or wonders will VW or Scout exert political influence in South Carolina, the answer is yes. They will exert political influence in South Carolina. They are already doing it.

My argument lies in these three things: let's talk about the money. Roughly three hundred fifty thousand dollars per job. That is too much, period. The current House budget appropriates \$3,915,798,570 in general funds Section 1 for education. That equates to \$76,630 for every teacher in South Carolina, Senator FANNING. That number is high, because your Governor likes to include other people when they make the ratios. It appropriates \$86,608,761 to the State Law Enforcement

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Division (SLED) or \$138,796 per SLED employee. It appropriates \$162,901,482 to the Department of Public Safety (DPS), \$133,307 per DPS employee, and \$546,314,013 to the Department of Corrections or \$93,450 per employee. So, our law enforcement and correctional officers in this State are not even worth half as much, and our teacher's not worth one-fourth as much, Senator FANNING, as Volkswagen employees. Now, 1.3 billion dollars will not be spent on critical one-time needs at our existing agencies.

On January seventeenth, we were told that we would have \$1,944,305,019 in non-recurring surplus. Now under this, Volkswagen gets \$1.3 billion dollars, or sixty-eight percent of that. So, for those of you watching at home or maybe listening in the audience, \$1.3 billion dollars, that is \$1,300 million dollars -- is what that number comes out to be. The Department of Corrections asked for one hundred forty-four million dollars. Now, the best they are going to get is forty-six million. The Department of Public Safety asked for thirteen million dollars for school resource officers' equipment, Senator SETZLER. Now, they are only going to get four million. Anybody remember the Department of Juvenile Justice (DJJ) on the news and all their issues we were going to try to fix? DJJ requested \$84.5 million in our one-time money. Now, they are only going to get twenty-seven million dollars. State Law Enforcement Division asked for nine million dollars. They are only going to get three million dollars. And this only reflects the finance budget subcommittee that I chair. I have no idea what our schools are losing. I don't know what our local governments are losing. I have no idea how it will affect the expansion of broadband for our rural areas, or the paving of our roads, or the funding of rural hospitals. Seventy thousand dollars is what it takes to run one mile of broadband in a rural area. How much of \$1,300 million would I need just to get southern Spartanburg County and Union County broadband? They would probably like to have a little bit of that. I cannot fathom all this money going away when we have so many needs.

The third thing, and then I will take questions, the third thing is China. China dominates the position in downstream supply chains for all the metal that goes into the batteries. China only mines thirteen percent of the world's lithium, but it controls forty-four percent of the global lithium chemical production. One of my colleagues from Spartanburg currently sponsors a Bill to greatly limit South Carolina land ownership by Chinese firms, and he was recently quoted, "If a targeted tax incentive went before the Senate right now for a company coming from China, I don't think it would pass." Well, this company is not coming from China,

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but nearly all of its ability to do business is coming from China. Our Majority Leader currently sponsors a Bill that, "No corporation controlled by a foreign adversary may acquire any interest in real property within the limits of this State." I understand what this Bill does and defines as "control," but I think we agree that China is going to have a lot of control here. The Financial Times of London recently reports that, "VW relies on the country for at least half of its annual net profits. The precise number is not disclosed. A VW car, or one made by its subsidiaries, is sold in China every 9.5 seconds in 2021. Over the years, VW has come to be 'viewed as the synonym for German business community' in that country." The Financial Times also noted last December, "Lithuania angered Beijing by recognizing a de facto Taiwanese Consulate. Then, German auto suppliers, Continental and Hella, suddenly found products made at their Lithuanian sites were being held up at Chinese ports." China controls VW and it will end up controlling this plant. That is what I am concerned about. I am concerned about the money that is not going to our agencies. Some people will say, well, it is going to bring "x" number of billion dollars if all these jobs come, and that may be true, and I hope it is true. The problem is, regardless of whether this comes or another one comes, and I wish it to be successful if it does come, but our agencies, our corrections, and our law enforcement desperately need this money. I do not want to see it given away because it is currently in our bank account when we can be using it for them. I will yield for questions now, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator MARTIN were ordered printed in the Journal.

Motion Adopted

On motion of Senator SETZLER, with unanimous consent, Senators SETZLER, WILLIAMS, CORBIN, SHEALY and GAMBRELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator HARPOOTLIAN spoke on the amendment.

Remarks by Senator HARPOOTLIAN

A few years ago, I developed a reputation of questioning and opposing certain big projects that were developed by the Department of Commerce. You all remember the word "Panthers," I suppose. Since then, I have sued the Department of Commerce on their application --

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how they applied the Freedom of Information Act information and litigated that for a year or so. It was on appeal when Secretary Lightsey took over, and he and I resolved that case by them being more transparent. He has furnished literally thousands of pages of past deals for me to look at for the specific cost benefit analysis. And I have got to tell you, these are deals before the Lightsey administration, and many of them raise huge questions. So, when this deal was initially announced, I had some skepticism and immediately asked Secretary Lightsey for a meeting to review my primary concern, the claw-back provision. Senator MICHAEL JOHNSON and I were granted a meeting. Secretary Lightsey brought his staff and lawyers, and we reviewed that claw-back provision. And I can tell you as someone who was a skeptic, as someone who was opposed to other economic development projects, that this claw-back provision is the belt and suspenders -- a billion dollars we get back if they abandon this project, and we end up with a site. Most of this money is going into the development of a site and we get the site, too. Volkswagen AG has guaranteed, if they own less than 50%, they have to come up with somebody else to guarantee the project. Senator JOHNSON and I reviewed it in great detail and again, we believe it could not be any better.

I want to thank and give credit to Senator PEELER for driving a hard bargain. My understanding is this is not where you started, this is where you ended up. A number of folks that participated in that from this Body were on Senate Finance. The PRESIDENT of the Senate also participated. I also want to commend -- and I never thought I would say this -- Governor McMaster for his involvement in this process. Of course, Harry Lightsey has gone out of his way to make the details available to anybody that could impact that decision. In terms of the scope of it -- I am from Richland County -- our number one industry in Richland County is government. That is the biggest employer we have; state, local, federal, fort, and that is not diversified enough. This would be the first major manufacturing plant we have had in this area ever. So, Chairman PEELER, I want to thank you on behalf of the people of Richland County and those who worked with you to make this a great deal. I believe it's going to be transformative. I am voting for it. It is not anything like what we have seen in the past. This administration and Secretary Lightsey have done a tremendous job of getting you the tools to get that done. So, I encourage all of you to vote for this. I mean, some of you have philosophical problems with picking winners and losers, but I tell you who is going to be the winner on this -- South Carolina, Richland County and the Midlands.

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On motion of Senator SABB, with unanimous consent, the remarks of Senator HARPOOTLIAN were ordered printed in the Journal.

Senator CASH spoke on the amendment.

Senator MALLOY spoke on the amendment.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Senators DAVIS, SCOTT, CORBIN, K. JOHNSON and TURNER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator K. JOHNSON spoke on the amendment.

The amendment was adopted.

Statement by Senator REICHENBACH

As the owner of a Volkswagen franchise, Project Connect creates the possibility of a conflict of interest therefore, out of an abundance of caution, I abstained from voting on H. 3604.

Senator MASSEY proposed the following amendment (SR-3604.KM0026S), which was tabled:

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. The Department of Commerce and the Project Connect sponsor have agreed that the sponsor will meet certain employment thresholds. Of the employees employed by the Project Connect sponsor at its facility in this State pursuant to their agreement with the Department of Commerce, eighty percent must have been residents of South Carolina for at least three years prior to the date the employee is hired.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator PEELER moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 29; Nays 10; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Climer	Davis
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Turner
Williams	Young	

Total--29

NAYS

Campsen	Cash	Corbin
Garrett	Grooms	Loftis
Martin	Massey	Rice
Verdin		

Total--10

ABSTAIN

Reichenbach

Total--1

The amendment was laid on the table.

Statement by Senator REICHENBACH

As the owner of a Volkswagen franchise, Project Connect creates the possibility of a conflict of interest therefore, out of an abundance of caution, I abstained from voting on H. 3604.

The question then being second reading of the Resolution, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 4; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Climer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Turner	Williams	Young

Total--36

NAYS

Cash	Corbin	Martin
Verdin		

Total--4

ABSTAIN

Reichenbach

Total--1

There being no further amendments, the Resolution, as amended, was read the second time, passed and ordered to a third reading.

Statement by Senator REICHENBACH

As the owner of a Volkswagen franchise, Project Connect creates the possibility of a conflict of interest therefore, out of an abundance of caution, I abstained from voting on H. 3604.

H. 3604 -- Ordered to a Third Reading

On motion of Senator PEELER, H. 3604 was ordered to receive a third reading on Wednesday, March 15, 2023.

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Motion to Ratify Adopted

At 5:22 P.M., Senator MASSEY asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kelik Fling, 2715 East Highway 76, Suite B, Mullins, SC 29574-6015

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Alphonzo Delaney "Al" Gaines, Sr. of Seneca, S.C. Dr. Gaines was the first African American principal in Oconee County following desegregation at Seneca Junior High School. He was also the first African American elected to the Seneca City Council where he faithfully served for twenty-eight years. Dr. Gaines was a dedicated educator and devoted community member who cared deeply about the citizens of Seneca. Dr. Gaines was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 5:22 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

Wednesday, March 15, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Amos 7:7

Amos the prophet reported: "This is what he showed me: The Lord was standing by a wall that had been built true to plumb, with a plumb line in his hand."

Let us pray: O Lord, there is not a one of us that doesn't wrestle now and then with the issue of whether we ourselves or the project we've devoted a great deal of time and energy to actually does measure up. Are we being honest in our evaluation? Do our efforts genuinely come across as being right and true? Certainly it is Your plumb line, Lord, which can reveal whether our efforts are all that they ought to be. And that is why we pray today, O God, that You will guide and bless each of these Senators. Grant that together they will continue to build an ever greater and more prosperous South Carolina, bringing sound and true benefits to all of our citizens. In Your loving name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RECESS

At 10:04 A.M., on motion of Senator PEELER, the Senate recessed from business until 1:00 P.M.

At 1:05 P.M., the Senate resumed.

Call of the Senate

Senator GROOMS moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Harpootlian	Hembree

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Hutto	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John R. McLeod, 32 Braddock Point, Columbia, SC 29209-0809
VICE Tobias Ward

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 5175

Agency: Clemson University

Chapter: 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

SUBJECT: Plant Pests

Received by President of the Senate March 15, 2023

Referred to the Committee on Agriculture and Natural Resources

Doctor of the Day

Senator MARTIN introduced Dr. Brian Fowler of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator BENNETT, at 2:59 P.M., Senator ADAMS was granted a leave of absence until 4:00 P.M.

Leave of Absence

On motion of Senator BENNETT, at 2:59 P.M., Senator GROOMS was granted a leave of absence until 4:00 P.M.

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Leave of Absence

On motion of Senator CORBIN, at 6:18 P.M., Senator GAMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 6:21 P.M., Senator HUTTO was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

Remarks by Senator GROOMS

Members of the Senate, I rise today to share with you a report that was just placed on the desk of every member of the Senate. The report has now been publicly released and it is no easy task to stand here to give you a summary of this report. This is a report of the constitutional subcommittee of the Senate Finance Committee. The subcommittee members are Senator McELVEEN, Senator GOLDFINCH, Senator FANNING, and Senator YOUNG.

On February 9th, Comptroller General Richard Eckstrom appeared before the Finance Committee's constitutional subcommittee for his annual budget hearing. At the meeting General Eckstrom mentioned, almost in passing that his office has determined that there was a \$3.5 billion misstatement in the state surplus fund. That afternoon, Chair of the Finance Committee, Chairman PEELER, directed the constitutional subcommittee to do a deep dive into the Comptroller General's admission. While there are some things the Comptroller was never able to fully understand, there is much we do now know. We know the next best step. We know what needs to be done. And in a moment, I'll ask you to help ensure that the right thing is done. But first some background. The Comptroller General compiles the annual comprehensive financial report. That's this document right here. According to the Comptroller General, this annual comprehensive financial report, or the ACFR provides financial information about the statement's operations during the year and describes its financial position at the end of the year. The Comptroller further assured us that this report, and I quote, "Management, that is the Comptroller, fully assumes full responsibility for the completeness and reliability of the information contained in this report." Based on a comprehensive framework of internal controls, that was established for this purpose. The last ACFR for this year ending June 30th, 2022, is over 300 pages. The above quotes and report are given

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under his hand and signed Richard Eckstrom, C.P.A., Comptroller General unfortunately despite this assertion, the subcommittee finds that the internal controls use in the compiling of ACFR are not comprehensive, and the ACFR is neither complete nor reliable. The Comptroller overstated South Carolina's cash and investments by over \$3.5 billion. But for the record, let us correct that. The erroneous figure is actually in excess of \$4 billion. That's because we later learned the Comptroller overstated overall fund balances by \$3.5 billion, he understated fund balances at the DOT by \$500 million, and it seems that someone thought that \$3.5 billion seemed less problematic than \$4 billion. Anyway, this morning we learned that the Comptroller never even told the DOT about the DOT understatement.

At its most basic level, the problem is the Comptroller was double counting funds. While most state agencies use the South Carolina automated enterprise system, known as SCEIS, one-time accounting commissions are known as lump sum agencies that use other accounting systems. These are appropriated agencies, but lump sum agencies have their own accounting systems and are audited separately. An example would be Clemson University, the State Ports Authority, Santee Cooper -- not included as part of the SCEIS system, but what they do at the end of close of their year -- they have audited financial statements. Those audited financial statements are then transmitted to the Comptroller General at the Comptroller General's request. He sends out an information packet that they must fill out with all sorts of information to help the Comptroller compile the annual comprehensive financial statement. These non-SCEIS agencies, it appears, that the Comptroller had been double counting cash, that is -- we would appropriate, let's say, \$100 million to Clemson. Clemson would get the \$100 million, deposit it, they may spend \$50 million of it, in their budget. At the end of the year, their financial statement would show \$50 million in cash. The Comptroller General would report \$100 million as their cash. If he had done the same thing to the University of South Carolina -- we sent them \$100 million -- let's say they spent \$50 million, their financial statement shows \$50 million remaining in cash, but the Comptroller General would combine those two showing that there were \$200 million left in cash. The ACFR has been incorrect every year for the past ten years with an incorrect cash balance growing every year. There has been attempt to reconcile this. The last attempt was in 2017 with \$1.3 billion adjustment to the state finances. The explanation then was that we were moving away from an old accounting system called STARS and we were moving into the new accounting system called SCEIS. The two accounting

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systems ran in tandem for a period of five years to make sure that one was right with the other. But once we got fully on SCEIS, there was a large cash balance that no one could explain. So, the Comptroller General charged it off as a one-time expense due to a conversion error. The problem is, it continued and continued and continued until the problem was so big that it could no longer be ignored. For years the Comptroller knew that that was a cash problem. He knew that something was wrong. He, in testimony before the subcommittee, called this the long-standing riddle. Although later in testimony, he tells us that he first knew about the problem -- and I believe what he meant to say was he knew exactly what the problem was. He knew there was a cash problem but didn't know exactly what it was until October. He hired someone from the Treasurer's Office, and I believe he told us in testimony that she was hired specifically to try to find the problem. And she did. After two years working there, she discovered what was deemed a mapping error or an accounting error in the way the accounts worked. So, when Clemson would get \$100 million, lump sum appropriation from the State of South Carolina, there should have been a corresponding decrease of \$100 million. Monies came into the State and monies went to the college. \$100 million came in. \$100 million went out. The account should have zeroed out. At the end of the year, after Clemson spent \$50 million, their financial statement would have said they had \$50 million in cash. The Comptroller should have then taken that \$50 million, from Clemson, and the other cash balances in the other non-SCEIS agencies and added them all together, to come up with a cash position. He did not do that. He double counted money. Monies came in and were never accounted for when it went back out which overstated our state's cash position by over \$4 billion.

Now, why is that a problem? Well, in the history of accounting errors, this is probably one of the largest, if not, the largest accounting error. A lot of people depend on the accuracy of this report. Namely, the rating agencies in New York that grade our bonds. Our AAA Credit Rating enables us to enjoy the lowest possible interest payments on monies that we borrow. Lots of monies -- a lot of bonding -- a lot of bonds have been issued. A lot of bond counsels are very interested in what happens to the value of their bonds. It just so happened in 2022 when the books were closed, instead of having \$10.5 billion, the rating agencies were notified we only had \$7 billion in cash -- total cash among the State of South Carolina. That would have sent alarms, except for the fact that so much money came into the State that same year. In your business you know there are two statements that you look at to judge your financial health

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or to judge the finances of your business. The State is sort of the same way. There is what's called the balance sheet. And then there is your profit and loss or your income statement. Profit and loss statement is sort of like what we do here when we do the annual appropriations. We estimate what revenues are coming into the State, then there are expenses, or budgeted items. We believe that there will be \$10 billion coming into the State, so we will base our budget on \$10 billion -- we appropriate \$10 billion. We estimate ten comes in, we appropriate ten. If it all works out the same, if the numbers come in, as projected, ten will come in and ten will go out. And the amount that we had in the bank at the beginning of the year and the ending of the year will remain the same. That would be an asset. Your cash is an asset. That's what appears on the balance sheet. The balance sheet for the State is what's in this report. The balance sheet said that we had \$10.5 billion in cash. When, in fact, we only had \$7 billion. But last year, if you remember, there were a lot of appropriations from the federal government that flowed through the State of South Carolina. Yesterday we sent over to the House of Representatives \$1.2 billion of those monies that we had carried over. There were other revenues that came into the State. So, in a year, where we tell the New York rating agencies that we underestimated cash -- that we only had \$7 billion in cash -- we still ended the year with \$10 billion. That is, we had \$3.5 billion, almost the same amount as the misstatement, sitting in bank accounts. So as far as they're concerned, they're looking at the beginning of the year, that was corrected, and the end of the year -- as it actually happened -- to be about the same amount -- \$10.5 billion. No monies have been taken. No monies have been stolen. We're not missing any monies. We just had our chief financial officer misstate our cash position. We were tasked with finding out what happened. Will this occur again? We brought in the Comptroller General, placed him under oath -- and as some of the subcommittee members -- I asked if they would please give me one or two words to describe the testimony of Comptroller General Eckstrom -- his testimony under oath. And in their own words, here is how they described it -- confusing, bizarre, concealed, nonchalant, cavalier, evasive, and incoherent. We find him incapable of answering the questions we asked with any confidence of certainty. I want to thank the subcommittee members for their work. No one went in this with any preconceived notions. We gave the Comptroller the benefit of the doubt. We asked questions in a different way. We repeated the questions. We asked for clarifications. We joined with in-person hearings, and we watched and rewatched tapes. One member had legal pads filled with notes, but the bewildering testimony

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continued on and on and on. Not until relatively late in our investigation did we get some straight answers.

In one of the meetings the Comptroller turned to a staffer, a person who ultimately figured it all out, she told us about the duplicated reporting. She was also the one who found the solution and has made the correction that has been noted. The single greatest relief, the most welcoming testimony, was from that staffer who told us that after she figured it out, she was able to reconcile the state's books to 49 cents. On the other hand, among the most, and frankly cringe-worthy testimony was related to whether the Comptroller would have hired an attorney. He was point blank asked, "Have you hired an attorney?" The committee had unequivocal evidence that an attorney himself had been hired. The attorney had sent that information to the Senate Finance Committee to inform us that he had been retained by Comptroller General Eckstrom. He flatly denied hiring an attorney. You have a portion of that testimony also on your desks.

The Comptroller's job is well defined. Several statutes outline his role as the state's chief accountant. He himself says, on his website, that he is the chief financial watchdog. Further, per proviso 96.2 of the 2014 Appropriations Act, the Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply with generally accepted accounting principles. Additionally, the Comptroller is given full authority to conduct surveys, acquire consulting services, and to implement new procedures required to implement full changes required by the generally accepted accounting principles. This proviso has been in the appropriations act each fiscal year since 2014 and can be found in the most recent appropriations act as proviso 97.2. The Comptroller General is the person where the buck stops when it comes to reporting the state's finances and reporting them accurately. We had testimony from the State Treasurer, we had testimony from the state's auditor. We had testimony from Marsha Adams with the Department of Administration. Every one of them let us know that the problem lies with the Comptroller General's office. The Comptroller General let us all know under oath that the problem was not him. The problem was everybody else. The problem was with the Comptroller's office. The problem was with the auditor's office. The problem was everywhere but his office, even though he is the one charged with executing and producing documents such as this that not only we rely on, but others rely on.

Therefore, in view of the above, it is the collective opinion of the subcommittee that certain actions take place. Number one, that the

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Comptroller General, Richard Eckstrom has repeatedly demonstrated his inability to perform statutory duties of the office of which he was elected. We also believe that the Comptroller should be relieved of the duties of his office. We believe that the General Assembly should begin proceedings to remove the Comptroller from office pursuant to Title 15, Section 3 of the Constitution of South Carolina for willful neglect of duty or other reasonable care -- which shall not be sufficient grounds of impeachment. The House has introduced Articles of Impeachment. I don't believe criminal activity occurred. I believe there was willful neglect of duty. I think we demonstrated that. This is a very comprehensive, 80-page report, every finding is footnoted, and the testimony is footnoted. We also believe the responsibility of the Office of Comptroller General be given to other offices of the State. We believe that the Senate Finance Committee should recommend which offices of the State should receive those responsibilities. And we believe that the General Assembly should advance an amendment to the Constitution of the State of South Carolina to remove the Comptroller as an elected official. With that, Mr. PRESIDENT, I would be happy to answer any questions.

Senator FANNING: Senator do you know I thank you for your leadership on this? Did you know that I also thank the Chairman of Senate Finance, who the second you shared with him what happened, focused like a laser beam on finding out what the problem was, who to hold accountable and what steps to take to make sure this never happens again. Would you believe that that's what we've done?

Senator GROOMS: Yes, I believe we have done that.

Senator FANNING: And before I move to the next one, could you speak to our unbelievable staff that worked countless hours, emailing us at 2:00 in the morning on a weekend?

Senator GROOMS: I would like to recognize, Jessa Wiginton, if you can stand. She has worked night and day and she has work weekends correlating all the testimony and other documents that have been provided to the committee. She has done well and beyond the call of duty, and I thank her, and the subcommittee thanks her.

Senator FANNING: Do you think the Body knows that this is her first time in this new role, first time inheriting a Senate Finance Committee and on top of our committee meetings having to do this on top of -- we all appreciate her, did you know?

Senator GROOMS: I do know that.

Senator FANNING: Yes.

Senator GROOMS: I do know that.

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Senator FANNING: And did you know that when I say we got emails from her on a Saturday night or Sunday morning at 2:00 in the morning, did you know that that is the truth?

Senator GROOMS: Yes, I do know.

Senator FANNING: And was this vote unanimous in subcommittee?

Senator GROOMS: This was the unanimous vote of the subcommittee.

Senator FANNING: Did you know that I appreciate the work of you making sure this is a bipartisan look, not a witch hunt, but defining the facts, as they were in the case, in the testimony. Is it true that we started without swearing in, and that after some confusing thoughts, we then moved quickly to swearing in, is that correct?

Senator GROOMS: We normally don't swear in witnesses, and after our first budget hearing, when the Comptroller made the admission of a \$3.5 billion error, and then was unable to answer questions, was unable to give us the right timelines, we carried over his testimony. And then in subsequent meetings, we had him and any other witness placed under oath. And during that meeting, I do want the Body to know and hear this, that at the first meeting when he talked about an error -- when did he know about it? What did he do about it? He told us, "I knew about it in October, and I informed the Governor and legislative leadership in October." And then when we asked, well, who did you speak to in legislative leadership? Who specifically did you speak to? He could not give us a name. And he said, "Well, it may have been in November." We find out now, that he had conversations with Senate Finance Committee staff but they didn't occur until January of this year. It is amazing the misinformation that we received. The Comptroller was either unable or unwilling to answer basic questions related to his job, how this occurred, and how he operates his office.

Senator FANNING: So, would it be true that not only did he not take responsibility in the situation that happened -- is that we were getting confusing information on things that really weren't even a criminal act. We were just -- isn't it true, just trying to find basic things -- what happened, when it happened, who he talked to.

Senator GROOMS: Although it is without question that it is the responsibility of the Comptroller, only the Comptroller can create a code within the new SCEIS system. I say new -- it has been around now for a while -- only the Comptroller can, even though he tried to deflect blame on the mapping and coding issues elsewhere. There are a number of things that only the Comptroller can do. And he told our committee that he does not except responsibility for the problem, but he accepts responsibility for the solution. One thing, and you'll also see this in our

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report, and we heard this under testimony, under sworn testimony from the Treasurer -- we suspected as much. But sometimes shortcuts occur. Staff sometimes at the Comptroller's office feel pressure to produce documents, when they say, and we have seen these in internal emails also included in our report, that sometimes there have been some shortcuts. We need more time to do this, but there is a short timeline. We need to produce this now, but we need more time to make sure it is accurate. It seems that the Comptroller was more interested in personal vanity in receiving awards than he was in the accuracy of his reporting.

Senator FANNING: Could you describe in the thick packets we received, asking for a timeline what you found -- on one page in the middle of all of that -- we were worried about transparency and openness, and accountability, and when we didn't get it from testimony -- did you find a certain certificate included in a packet?

Senator GROOMS: There is a certain certificate included in our comprehensive report, that we've laid on everybody's desk. It appears on page 79 of the 80-page report. It was also included in our state's annual comprehensive financial report. The Comptroller General thought everyone should know that he does excellent work. So much so, that he included his -- I kid you not -- his certificate of achievement in excellence in financial reporting. The award was more important than the accuracy of the report.

Senator FANNING: Speak a little bit about the timeline. I don't want to belabor this, but I think the timeline is so important. We didn't know until early February and the Governor's office didn't know until December. But do you remember that in 2017, he was warned that the books were off then by I believe it was \$1.3 billion, and did he contact any of us in 2017 to let us know that the error was beginning to accumulate?

Senator FANNING: And so, is it true, he waited until we think maybe a staffer brought it to him, and then he knew in October, I believe we were told, and then took it to the Governor's office to share in November? One of the most enlightening points, did you know, was when we were worried about that bond rating. You mentioned earlier that one of the reasons, this is critical, people would say if the money is not missing why is it important? Did you know that we believe that if your job is to be the state's auditor, you being accurate at auditing is important. But did he not share in testimony, and the Treasurer's office I believe shared in testimony, that he talked to the bonding agencies at the New York Stock Exchange in October of last year about would this impact their bond rating, which means they knew before we knew. Is that not correct?

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Senator GROOMS: He contacted the three ratings agencies. Normally the person who has contact with the rating agencies to report on the state's finances is the State Treasurer. The State Treasurer has an ongoing relationship with the bonding agencies, with the rating agencies -- not the Comptroller. But the Comptroller felt the need to pick up the phone and give them a call to say, listen you all, there has been a mistake but don't worry, it is all good. And then he told us that the bonding rate -- the bonding agencies seem to be okay with it. That they didn't seem to -- that they thanked him for giving them a call.

Senator FANNING: It is what he told us at the meeting.

Senator GROOMS: And we have internal communications that Moody's Analytics had serious questions and concerns related to the misstatement, despite General Eckstrom's testimony to the contrary.

Senator FANNING: And did you know while that's scary, what was even more scary, is that he shared with folks on the New York Stock Exchange information before he shared anything with the Finance Chairman, the Governor, and the Treasurer himself. Isn't that scary?

Senator GROOMS: The information was first shared with those outside of the State before it was shared with those inside of the State.

Senator FANNING: And speak to the sense of urgency-- because your report, that you issued today, on behalf of the committee that was passed unanimously, talks about going forward with what we should feel safe in doing, and why we need to make changes. We've already stated that he took no responsibility for what happened in the past but is ready to take responsibility in the future. What sense of urgency did the committee hear from him that would make us feel good about making sure this problem wouldn't happen again? Was there a sense of urgency in his responses?

Senator GROOMS: The committee requested information. The letter is in your packet in the report. There was a response to some of the questions, so we did receive some information, but most of what we requested has still not been forwarded to the Senate Finance Committee staff. So, there are still questions that we had posed and documents that we requested that we have not yet received.

Senator FANNING: That's why I feel so good about the hard work you put us through on the committee -- working us to death. Holding people accountable is one thing but fixing it so it doesn't happen again is even more important -- speaking to the integrity of faith that we might have with the general taxpayers, would you not agree?

Senator GROOMS: I certainly would agree with that. And if you remember, also, under testimony, the Comptroller tried to blame the

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state's internal auditor and the external auditor -- Remy Osmore with CliftonLarsonAllen. CliftonLarsenAllen -- the State contracts with them for auditing services -- and the State Auditor, George Kennedy. They both testified under oath, noting that they had reported in each of the last ten years to the Comptroller General material weaknesses within the Comptroller General's office. Citing weak internal controls in their audits of the office, that there is a lack of appropriate and robust quality controls in the annual comprehensive financial report. And they repeatedly noted that there were a lack of assurances, and there were inadequate reviews of documents necessary to ensure that this report is accurate and consistent. Every year except for 2018, for the past ten years, the state's auditor issued reports to the Comptroller General's office citing deficiencies in their work. They've even testified had there been more staff, they would probably have caught this a lot earlier. When the Comptroller General took office there were seventy employees. Today there are now twenty-six. And every year on his web page, he likes to speak about how much money he's been able to save the taxpayers -- how he's able to do more with less. I submit, that he does less with less. And that his work has possibly endangered the AAA Credit Rating of the State. The only saving grace was the amount of new revenues we had coming into the State that year and how we had shepherded them. And how the ending balance of the State was still close to the \$10.5 billion as was the erroneous beginning balance of \$10.5 billion, which had to be restated. So, during the ratio analysis, and the other tests that the rating agencies do, we still had cash reserves, sufficient probably, to maintain our AAA Credit Rating, but that is still yet to be determined. The rating agencies could possibly give us a downgrade. I don't know that they will. Probably not, because our cash revenues are high -- we budget conservatively -- and the state's economy seems to be doing well. So, all those things factor in. But if there had been a downgrade or if there is a downgrade, the million, the tens of millions or the hundreds of millions of dollars in bonds that are outstanding would be less than what they would be otherwise. If you buy a bond for a thousand dollars, and all sudden the bond's only worth \$900. The value of that bond decreased because of the credit worthiness of the one who issued the bond -- you would be upset.

Senator FANNING: Yes.

Senator GROOMS: Bond council would then probably file a lawsuit because their value had decreased. They lost money because of the actions of someone else. So, it is important to maintain our AAA Credit Rating to receive the lowest possible interest on the bonds we issue. But

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it is also important that we have accurate financing so that through dereliction of duty we don't end up having a loss of our AAA Credit Rating such that we open ourselves up to liability from bond council of the various bond issued.

Senator FANNING: You mentioned just a couple of questions. \$3.5 billion is the figure we have learned, you mentioned it earlier -- it is actually \$4 billion. We just got blessed, is it not correct, that one of the \$500 million errors subtracted from the larger, is that correct?

Senator GROOMS: Not only is that correct, if you look in our comprehensive report of the subcommittee, on page 45, you'll even see a draft of a \$4.4 billion restatement that the staff and the Comptroller discussed. We found this in email documents -- that they almost put this draft into the comprehensive financial report. Instead of showing a \$3.5 billion misstatement, here is an actual draft of a \$4.4 billion restatement. After discussing it, they thought it would look better if we sent the rating agencies a \$3.5 billion restatement.

Senator FANNING: Last question. It's important, and a lot of people will focus today on the removal of office portion. But did you know that the majority of citizens don't know what the Comptroller General does when we vote for them on a ballot? And that another recommendation the committee is giving is that this become an appointed position -- that might be the only way to make sure that we hire a professional we can hold accountable and do what other states have done. Is that not also important?

Senator GROOMS: That's important. And this is serious business we're talking about -- undoing an election. But we've heard sworn testimony. And this sworn testimony is available online for anyone to listen to. We have over six and a half hours of testimony, I believe, from the Comptroller General alone. Anyone who watches only ten minutes of his testimony would begin to have questions about his abilities. You listen to some of the answers, and you'll begin to have questions about his ability to discharge the duties of his office. You listen to all of his testimony and there will be no doubt in anyone's mind that he does not have the ability to discharge the duties of the office to which he was elected.

PRESIDENT ALEXANDER: Senator Campsen, for what purpose do you rise?

Senator CAMPSSEN: Would the Senator yield?

PRESIDENT ALEXANDER: Time has expired. Senator?

Senator GROOMS: Unanimous consent to give the Senator ten more minutes.

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PRESIDENT ALEXANDER: Is there objection to ten minutes? Hearing none, so ordered. Senator from Charleston.

Senator CAMPSSEN: Senator, there are two ways to remove a public official from office under our State Constitution. Is that correct?

Senator GROOMS: That's correct.

Senator CAMPSSEN: And the House has chosen the procedure which everyone is familiar with, generally speaking, that's impeachment. And impeachment is under Article 15, Section 1 of our Constitution. But you're recommending another process. What is the difference between impeachment and the process you are recommending, which also is in Article 15, Section 3?

Senator GROOMS: Yes, Article 15, Section 3 of the Constitution allows for a provision, where a two-third vote of both bodies can remove an elected official for willful neglect of duty or other reasonable cause which shall not be sufficient grounds of impeachment.

Senator CAMPSSEN: So, this provides for removal on grounds that don't have to rise to the level of impeachment. Is that correct?

Senator GROOMS: That's correct.

Senator CAMPSSEN: To impeach an official in South Carolina it must be serious crimes, according to Section 1, Article 15 -- Section 1, serious crimes, or serious misconduct. But in Section 3, this other removal process, the standard is willful neglect of duty. A lower standard doesn't have to be a crime just a neglect of duty or other reasonable cause. And so, this is a lower standard for removal than impeachment requires. Is that right, Senator?

Senator GROOMS: It is a lower standard, but this is a well documented report we placed on everybody's desk. I think there is more than ample evidence that we have more than ample testimony to meet the threshold of removal.

Senator CAMPSSEN: And the threshold is willful neglect or other reasonable cause and reasonable is in the mind of the General Assembly, right? Because we're the ones who vote on whether we remove or not.

Senator GROOMS: One of the most egregious things that the Comptroller has done was ignore the warnings that were issued annually for the last ten years that there could be a serious misstatement in the state's financial document if internal controls are not changed. They documented internal weaknesses. And the Comptroller under sworn testimony last week said he was surprised to learn that the auditors had issues with his internal controls -- when it is documented, and the documents are also included in pages 61 through 66 of our report that is laid on everyone's desk -- of the repeated warnings that something bad

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could happen if you don't change your controls. And what the Comptroller did, instead of beefing up his controls -- other staff was still let go and not replaced -- going from seventy employees down to I believe it is twenty-six now, or maybe twenty-three.

Senator CAMPSSEN: So, Senator, the House proposed the impeachment route.

Senator GROOMS: Not only imposed the impeachment route in the annual appropriations act just voted on by the House but they reduced the salary by a vote of 107 to 6 of the Comptroller General to a dollar a year.

Senator CAMPSSEN: And impeachment involves impeachment by the House by a two-thirds vote, and then a trial in the Senate. Is that correct that the House members would actually have a trial before us in the Senate? Then the Senate would have to vote two-thirds vote to impeach and remove him from office?

Senator GROOMS: That's how that would work. That's how the impeachment would work. The Comptroller, as I've said earlier, and in the report, was completely unable to answer basic questions. He was just not able to. No matter what you asked him, he couldn't do it. You ask him how something happened -- he couldn't explain it.

Senator CAMPSSEN: But one reason that we're proposing to proceed under Section 3 of Article 15, instead of Section 1, which is impeachment, is that may not necessarily rise to the level of a serious crime, which is what is required for impeachment under Article 1 of Section 15.

Senator GROOMS: I would like to quote editorial writer Cindi Ross Scoppe. She opined about this in Sunday's Post and Courier. She writes, I quote, "I'm not sure that would produce a criminal conviction because a jury listening to Mr. Eckstrom's testimony likely would conclude that he is too disconnected from reality to perjure himself."

Senator CAMPSSEN: I'm not going to comment any further on that, Senator.

Senator GROOMS: That he was too disconnected from reality to perjure himself. That's probably an accurate statement. He looked straight at us and lied when asked a direct question, but he's clearly disconnected from reality.

Senator CAMPSSEN: But proceeding under Section 3, Article 15 the standard for removal is willful neglect of duty. Do you think what you found through your hearings constitutes willful neglect of duty? It went on for multiple years, with knowledge, that has to be willful neglect of duty, does it not, Senator?

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Senator GROOMS: Without a doubt. Willful neglect of duty.

Senator CAMPSSEN: So therefore, it is more prudent for us to proceed under Section 3 of Article 15, which is not impeachment, but removal for willful neglect or reasonable cause.

Senator GROOMS: Or reasonable cause, correct.

Senator CAMPSSEN: So that's a lower bar to clear than impeachment, and therefore, you have a better chance of that succeeding versus the impeachment route.

Senator GROOMS: Anyone who looks at the testimony, reads the report, and reads the footnotes would come to the same conclusion.

Senator CAMPSSEN: Senator did you know I did a little research into this -- the history?

Senator GROOMS: As the author of the constitutional amendment, Senate 95 -- as the author of the constitutional amendment to remove the Comptroller General as an elected officer under Constitution -- that's you. You offered that amendment.

Senator CAMPSSEN: I authored that amendment.

Senator GROOMS: Also, I am recommending that we move forward with your constitutional amendment.

Senator GROOMS: That's good. It would be an appointed position not an elected position.

Senator GROOMS: Just an elected position.

Senator CAMPSSEN: A bit of history, you know that I have a weakness, I want to look at the history of the constitutional provisions. I looked at this because it drew my interest, because there is no provision like this in the Federal Constitution. It is only impeachment. Impeachment is the only way to remove a federal officer. But we have impeachment plus removal by vote of two-thirds of the House and two-thirds of the Senate for willful neglect of duty. And so, I did little research to determine why did we have this in our State Constitution? And some other states have it, but the Federal Constitution does not. And what I found is it was adopted in 1868, right after the Andrew Johnson impeachment effort. And the states were looking at the Andrew Johnson impeachment proceedings that went on and on and on. And he was impeached for the violation of the Tenure in Office Act, which is an act that protected federal officers from being removed by the President. But his impeachment went from February 24th to May 26th. There was a trial that lasted longer than the trial that Senator HARPOOTLIAN was in down in Colleton County a couple of weeks ago, how long was that?

Senator GROOMS: That was a long trial.

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Senator CAMPSER: That was a long trial, but this one went from February 24th to May 26th. And so, the states saw that -- they saw that process and concluded we need something impeachment like. We need some other way to remove officers for willful neglect of duty other than impeachment. And so, these provisions were adopted in 1968. We had a constitutional convention. We talked about a convention of states on the Federal Constitution. We had many constitutional conventions and I'm looking at the proceedings of the South Carolina constitutional convention, January 11, 1968, the year this amendment was adopted. My last point I'm making but it's very -- I don't know if ironic is the term to use -- but certainly it indicates that this process that we're choosing is appropriate and relevant for the situation before us. And I'm quoting from that constitutional convention in 1968 -- and this is Mr. F. J. Moses, Jr., 1968 -- by referring to Section 4 of the article, which is Section 3 that we currently have in our Constitution, the non-impeachment process. By referring to Section 4, it will be seen that the Governor may for any willful neglect of duty remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly -- on the address means upon the vote of two-thirds, and reasons given. The Governor must remove, doesn't have the choice, must remove. But this is what is really ironic. If we place a man in the Office of Treasurer or Comptroller General, incapable or unworthy of the confidence of the people, what is easier than to adopt the core suggested by the Constitution in that provision. Now, that's from 1968. That's not from yesterday. In 1968 the framers of that constitutional provision that we're implicating, that you recommend that we implicate and I agree with you, actually used the Comptroller General or the Treasurer as being the type of office that would be used to remove, because those offices -- one reason, is those offices were for four years then, and the Governor's office was only two. And so, the Governor, you could kind of withstand a bad governor for couple of years -- my time is up. You can withstand a bad governor for two years but not a bad Comptroller General or Treasurer for four years.

Senator GROOMS: Senator I did not know that.

PRESIDENT ALEXANDER: The time has expired. Senator from Sumter, for what purpose do you rise?

Senator McELVEEN: I would ask unanimous consent to give the Senator from Berkeley about five more minutes.

PRESIDENT ALEXANDER: Is there objection to five more minutes, Senator from Berkeley? Hearing none, so ordered. Senator from Sumter

Senator McELVEEN: I ask if the Senator would yield for few questions.

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Senator GROOMS: Yes.

Senator McELVEEN: I would ask you to forgive me, first of all. I came in the Chamber toward the end of your introductory remarks. I had to meet with a group of high school students from my district, but I want to go back and touch on a few things. And the first thing I want to say, as a member of the subcommittee, I certainly take no pleasure in what we're doing right now.

Senator GROOMS: No.

Senator McELVEEN: I took no pleasure in what we had to do in the last few weeks, and I don't think, from my perspective, anybody on our subcommittee took pleasure in that.

Senator GROOMS: No, the members of the subcommittee were outstanding, every member of the subcommittee went into this with great care and great thought. Everyone participated and it was our unanimous conclusion with this report.

Senator McELVEEN: Did you know Senator one thing I'm glad about, I think this is the most recent thing to underscore the role we have as legislators on oversight. Right? Part of our duty is oversight. And that's the reason why you convened our finance subcommittee to hear from some of our agency folks every year in the first place. Right?

Senator GROOMS: That's correct. Just as the internal auditor pointed out annually of the material weakness, the deficiencies, within the Comptroller General's office, we're now pointing out the deficiencies to the General Assembly in that office. He didn't act. It is time for the General Assembly to act. Operating not knowing is one thing. We now know that there are issues in that office that will go unresolved until we correct the problem.

Senator McELVEEN: And Senator, while you're up there did you know I want to thank you number one for your leadership in dealing with this issue -- in a quick, efficient, and professional manner. That's the first thing. Thank you for your leadership. When the Senate got this, when we became aware of this, we acted quickly. Did you know I want to also thank the Chairman of Finance. You recall he came to us to our subcommittee and told us very directly, get to the bottom of this. Do your job. Do the oversight. And I want to also thank him for giving us the staff to do that. And I heard Senator FANNING say it once, the staff just did an amazing job on this -- putting these meetings together, getting folks in to testify and working on our report. I would also second your plea to this Body to read that report from our subcommittee. It is thorough. It is well written. I want to thank all of our staff members for their hard work on this because it has been quick. It has been a lot of work, a lot of

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weekend work, so I just don't think most members will understand or appreciate how much they really had put into this over a short period of time.

Senator GROOMS: I appreciate that, those remarks, Senator. And there is one thing that I want to make sure the Body also knows that we were also tasked with to make sure it didn't happen again -- make sure the problem is corrected. We're reasonably sure the problem has been corrected, but we're not experts. And we have asked the state's internal auditor if he would review the correction that Ms. Kip has made within the office. We believe that she has now actually corrected the problem and it has to do with the way you reconcile accounts. She has reconciled the accounts, things that have happened before, things the internal auditor has recommended occur for years. She has now done those things. So, to test the accuracy of the numbers within the system, they actually have to test, they actually have to perform some accounting tests within the system, to see if everything would then balance. And they estimate that that would take maybe up to a month. And so, we don't have assurances yet from the state's auditor that the problem has been corrected. We will report those findings once we receive them. But we're relatively sure the problem at this point has been corrected. But an issue is that the Comptroller's testimony is not reliable. It could not be counted on. If there are other problems that crop up, we have no assurances that they'll be dealt with. And we must have assurances with our budgeting numbers. When the Senate Finance Committee and the Ways and Means Committee receive information saying this much money is in this account, we base our decisions on that. We based our decision, yesterday, on what was it, \$1.2 billion? We based that decision on the fact that someone we trusted told us that it was \$1.2 billion in that account. We have to have reliance on our numbers. The people of the State need to have confidence in their government. The people of the State need to know that the finances of this State are in order and we have competent people that have professional credentials that can carry those out.

Senator McELVEEN: Senator, you know, I do have as a member of the committee several more questions I would like to ask you during this discussion, but I see the chairman stood up, so I'd like to yield my time to him but may have a few more questions after he gets finished. Go ahead. All right. So going back to just couple of things I want to make sure we talk about for a second here. Would you agree with me that this is my 11th year here? And the last time something like this came up before this Body, that I can recall, probably my first year here -- we had

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issues with the Department of Social Services. At some point in time this Body had drafted basically a Resolution, called for a vote of no confidence, which was laid on the desk and before we could even consider it there was a resignation and we kind of moved on. Do you recall that?

Senator GROOMS: Yes, I do.

Senator McELVEEN: That's the last time I can remember something of this magnitude since I've been here at least -- happening in, you know, a constitutional office or agency. That's the last thing I can remember that was even close to this. But going back to the issue at hand, Senator, one thing you touched on that caught my attention -- you talked about the staffing. You talked about the fact that every year, you know, this office and this Comptroller comes before your subcommittee and tells us the need, right?

Senator GROOMS: Yes.

Senator McELVEEN: And do you remember a few years ago, we had an issue, not the same but similar, with the Department of Motor Vehicles, where several stakeholders came to us and said a mistake was being made where we were not capturing commercial motor vehicle user fees like we should have to the tune of however many million dollars, I don't quite remember.

Senator GROOMS: Yes, it was over tens of millions annually.

Senator McELVEEN: So Senator, I'm sure you would agree with me, that nobody in this Body is for glut in government -- for having bloated bureaucracy -- we're not here for that. We don't look to do that. But back then, did you know, my comment was if the DMV would have come to us and said we have a new system, we just need FTE to deal with this one issue, to capture these revenues that should have been captured. That's money well spent, right?

Senator GROOMS: It is money well spent. When an agency director comes before a subcommittee and says I made a five and a half billion dollar blunder, but don't worry, I have all the staff I need. I don't need anybody else. And then we see in internal emails he really doesn't. We hear from the testimony of others, he really doesn't. When we hear that shortcuts are being made, we've now been warned.

PRESIDENT ALEXANDER: Senator the additional five minutes has expired.

Senator McELVEEN: Unanimous consent request for five more minutes.

PRESIDENT ALEXANDER: Is there objection to additional five minutes? Hearing no objection, so ordered.

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Senator McELVEEN: So, Senator, I mean, certainly wasting government over spending should concern all of us. But those times where under funding brings bigger picture issues and end up costing taxpayers' money, that should be a legal concern, right? Especially in our oversight role. Is that correct?

Senator GROOMS: Particularly in the oversight role.

Senator McELVEEN: So, Senator, you've covered most of the things already that really concern me about this, but here is one thing I want to go back to, I'm sorry -- I repeated this several times throughout the subcommittee and committee process. But do you recall me saying, you know, I'm not an accountant, I'm not a C.P.A. but, the question was asked several times during subcommittee, is when did you find out about this issue? And the response was: the issue or the amount? And response to that is you may recall, let's start with the issue itself. And I follow that up with, you know, if I'm an accountant and I'm sitting in my office, and somebody sits down in there and says there is a \$3.5 billion mistake. I'm pretty sure that's ten figures, I don't have to count that high usually, but that's a day I'm going to remember, like the day I got married, my birthdate, or the birth of my first child. Would you agree?

Senator GROOMS: I would absolutely agree. Accountants are particular people. The numbers have to balance, or it drives them nuts at night. And I like the example, that David Owens used, he said accountants are the people who can't stand for the check engine light to be on in their car. They see it every day and it bothers them. Everything needs to balance. But we've had a Comptroller General who signed his name on a comprehensive annual financial report knowing that there was something wrong with it. He didn't know exactly what was wrong with it, but we now know he believed there was something wrong with the reports that he was signing his name to as being accurate.

Senator McELVEEN: Do you share the same recollection as me? My comment to him was, if I find a mistake in my professional office, I'm going to start with the timeline, right. When did I find out about this? What was the damage? What did I do to correct it? And my recollection, Senator, is that the first day of testimony, the dates that we were given were very different than the report that was given to us or the actual written timeline given to us the following week. Is that your recollection as well?

Senator GROOMS: There were multiple different timelines when things occurred. And the final timelines in this report came after his office was able to sit down, review document to document when meetings occurred, and then they were put in a chronological timeline. But you are

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absolutely right. It is like there is the problem. There is the long-standing riddle. It's been solved. Hallelujah, it's been around a while. We know there has been a problem. The long-standing riddle has been solved. The \$4 billion question has been solved. Yes, I would absolutely remember that day.

Senator McELVEEN: Senator that's a different issue. Because, you know, with this particular situation, I felt like as a member of the subcommittee that we were approached with the kind of, mentality look what I fixed not look what I broke, right?

Senator GROOMS: By his testimony -- his own words -- I do not take responsibility for the problem even though statutory, constitutionally testimony from other agencies squarely tell us it was his problem and it occurred within his office. Let's forget that I do not take responsibility for the problem -- I take responsibility for finding the solution. Give me another reward.

Senator McELVEEN: What I'm trying to get at here, Senator, is my recollection is when we got actually handed that written timeline the first thing that I saw on there was October of 2022. Is that correct?

Senator GROOMS: Yes.

Senator McELVEEN: When asked the previous week when this problem came to light, I was told, and the answer that I heard, and maybe I'm hard of hearing sometimes, maybe I have selective hearing sometimes, I heard early summer of last year when this problem came up. All right, and I asked a question on that. Does that mean May? I mean was early summer two weeks ago when it was seventy-five degrees here. I don't think it means October. And so, I'm just calling those inconsistencies to the attention of this Body because here is what concerns me. What if that was known before -- Senator CAMPSSEN just talked about -- this is an elected official we're dealing with here. You have to be very careful about how we approach this. But I'm also talking about the voters here. Because if this was known, when filing closed in March of last year, is that fair to the voters? If this was known and not made public before a June primary last year, is that fair to the voters? We absolutely know by everyone's account this was known before the general election. But it wasn't made clear to the public. Is that right?

Senator GROOMS: That's correct.

Senator McELVEEN: So, we talk about things like transparency in this Body, in this State House. Would you agree that's hardly transparent, would you not?

Senator GROOMS: That's not transparent. And the last thing to ask you about, because I think most of this has already been covered but you

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know, you recall this, because you were intimately involved, when we had the discussion and debate about stability with Santee Cooper a few years ago, right?

Senator GROOMS: Yes.

Senator McELVEEN: I heard this to no end during that debate and I wanted to know if you heard it also, the question was asked over and over again, could this affect our AAA Credit Rating? You remember that?

Senator GROOMS: Yes.

Senator McELVEEN: But did you also hear the same thing that I heard, you know the good news here as you've already alluded here, there is no money gone, right, just overstatement of our cash position. Same as if you had a business loan. They're going to come to you and ask what are your assets, what's your liability and what's your worth, right. And you and I both know what happens if you misrepresent that. Right?

Senator GROOMS: That's right, you could go to jail for that. If it was your C.P.A. that made an error this size, they would be gone by now. If this were a private business, if this were a publicly traded company, if this were any other thing other than state government, the chief financial officer who compiled these statements would have been fired.

Senator McELVEEN: But you know, this, like we talked about earlier, you mentioned earlier, I believe, and I hope that our state's economy and our cash are strong enough. We certainly don't want to affect our credit rating, but the threat is when you overstate your cash position by \$3.5 billion, correct?

Senator GROOMS: Absolutely correct.

Senator McELVEEN: What bothers me, did you know this and maybe you'll agree, just the cavalier attitude about this. It doesn't really matter because our State doesn't operate on credit. Our State balances our budget every year.

Senator GROOMS: That was one of the troubling aspects when he first appeared before us. How are you doing? Done a great job. There's a little error, don't worry about it. Budget is fine. Don't need any help. Could you please repeat that little error thing again?

Senator McELVEEN: I heard error, I just didn't hear a lot about accountability within that office during the time that we spent taking testimony. I know others have questions, so I appreciate your leadership on this again Senator GROOMS. Thank you for answering my questions.

Senator GROOMS: I didn't mean to take up this much time with the members, but this was a serious issue.

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Senator PEELER: Senator Grooms, I appreciate your work, the work of you and your subcommittee -- did I hear you correctly, this is a unanimous report from the subcommittee?

Senator GROOMS: That's correct, three republicans, two democrats.

Senator PEELER: Thank you so very much. I appreciate your work -- you and the subcommittee and the staff. I think the report is fair, thorough, and complete. I watched some of the testimony during y'all's meetings and you're right. It was embarrassing to say the least. If you were the Comptroller General, and you had performed this blunder, and you came before the subcommittee, I think the Comptroller General should do the right thing. If it were you, what would you do?

Senator GROOMS: The honorable thing to do would be to resign.

Senator PEELER: Has he indicated any thought of doing that?

Senator GROOMS: He hasn't been asked. Reporters have asked me that question of what I believe, and I've asked to withhold any comment until we complete our report and published it. The report is now complete. It has been published. I'm asking the Comptroller General to resign. I believe that would be the honorable thing to do. I believe the votes are sufficient in the House and Senate to actually remove him from office. And I hope that he would help the General Assembly avoid us having to go through that. Thank you very much.

On motion of Senator CAMPSSEN, with unanimous consent, the remarks of Senator GROOMS were ordered printed in the Journal.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Remarks by Senator HARPOOTLIAN

I am one who scours the newspaper every morning. I actually have a paper; I am one of those old-time folks that like to hold the paper when I read it. I find that I see things that I do not see when I read the news on my telephone. I read with interest this morning that in the House of Representatives a Bill was introduced this week that would provide the death penalty for women who get an abortion. Now as you know, I am a proponent of the death penalty, but I think it should be used sparingly. I read the Bill and wondered how one would come to such a decision. By the way, the Bill had twenty-one sponsors and in one day it is down to sixteen, so support is quickly eroding for this proposition. But it said to me, maybe I should go look at this. So, I did a little research and found that in Afghanistan, where the Taliban rule, the maximum penalty for an

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abortion is seven years. In Iran, where the Ayatollah rules, the maximum penalty for an abortion is two years. As a matter of fact, the only sentence of death I could find for an abortion was in 1944, the Vichy government, the Nazi government in France, passed a law-making abortion punishable by death. And a woman was actually put to death by the guillotine in 1944. This Google thing is just wonderful, is it not? In scouring the records, I found that was the only instance. So, I said to myself, what is the goal? Is the goal to be tougher than the Taliban? Really? Really? So, I began looking at more about this Bill and we are getting national press on it. I know that helps Senator PEELER recruit industry to come to South Carolina, the only State in the country with the death penalty, or proposed death penalty for abortion. Obviously, I am being a little bit facetious here.

I understand it is that other Body across the hall, and we know they pass Bills, and we pass laws. I get all of that. But it seems to me, that there is something going on over there. I watched the budget process this week -- I would call it juvenile if not for the fact that there are twenty-one votes over there to do all kind of wacky things, including this. So, I wanted to bring it to your attention -- I looked at the list of sponsors, those that are still sponsors, and found a number of them are in your districts -- none in mine, thank God, but in a number of your districts. And I want to share with you their names. The next time you run into them you may suggest that perhaps they are on the wrong track, that they are not heading in the right direction and that they perhaps need to refocus their efforts. There is water, there is sewer, there are developments, investment, there are taxes -- there are all kind of things we need to deal with -- this is not one of them. Sponsors of this Bill are Representative Robert J. "Rob" Harris, District 36-Spartanburg, Representative James Mikell "Mike" Burns, District 17-Greenville, Representative William M. "Bill" Chumley, District 35-Greenville and Spartanburg, Representative Jordan S. Pace, District 117-Berkeley, Representative Roger Nutt, District 34-Spartanburg, Representative Thomas Beach, District 10-Anderson, Greenville, and Pickens, Representative Stewart Jones, District 14-Laurens, Representative Joseph S. "Joe" White, District 40-Lexington and Newberry, Representative Steven Wayne Long, District 37-Spartanburg, Representative David O'Neal, District 66-York, Representative Josiah Magnuson, District 38-Spartanburg, Representative Donald Ryan McCabe, Jr., District 96-Lexington, Representative Ashley Trantham, District 28-Greenville, Representative John Gregory "Jay" Kilmartin, District 85-Lexington, Representative Brandon Guffey, District 48-

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York, and Representative April Cromer, District 6-Anderson. These are the folks in your districts espousing this position. Whether you are pro-choice or pro-life, the death penalty, really? Really? If you talk to some of the responsible folks, mostly Republicans, in the House, they will tell you these folks are not interested in governing; they are interested in terrorism. Maybe that is why they are tougher than the Taliban on abortion. And by the way, both in Iran and Afghanistan, there are exceptions to save the mother's life or for fetal abnormalities. So, I point out, even where Sharia Law is in effect, it is not as tough as what these Representatives want.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator HARPOOTLIAN were ordered printed in the Journal.

Expression of Personal Interest

Senator CASH rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 234 Sen. Campsen
S. 305 Sen. Climer
S. 423 Sen. McLeod
S. 445 Sen. Matthews
S. 481 Sen. Verdin
S. 514 Sen. Shealy
S. 519 Sen. Cash
S. 546 Sens. Alexander and Campsen
S. 552 Sen. Cash

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 425 Sen. Senn

RECALLED

S. 606 -- Senators Garrett and Gambrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN THE CITY OF GREENWOOD IN GREENWOOD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH

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VINTAGE COURT “JOHN MCEL RATH MEMORIAL HIGHWAY”
AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS
LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to
recall the Senate Resolution from the Committee on Transportation.

The Senate Resolution was recalled from the Committee on
Transportation and ordered placed on the Calendar for consideration
tomorrow.

RECALLED AND ADOPTED

S. 632 -- Senators Matthews and McLeod: A SENATE
RESOLUTION TO RECOGNIZE MARCH 14, 2023, AS “EQUAL
PAY DAY” IN SOUTH CAROLINA.

Senator DAVIS asked unanimous consent to make a motion to recall
the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor,
Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take
the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The
question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted.

RECALLED

H. 3621 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey,
Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell,
Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey,
Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox,
B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder,
Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest,
Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes,
Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon,
Hosey, Howard, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W.
Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon,
Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel,
McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan,

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Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO IMPROVE THE CARE OF ATHEROSCLEROTIC CARDIOVASCULAR DISEASE IN THE STATE OF SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3975 -- Reps. Sessions, King, West, Felder, Hewitt, Pedalino, W. Newton, O'Neal, Hiott, Lawson, A.M. Morgan, B. Newton, Ligon, Harris, Guffey, Murphy, Williams, Chapman, Mitchell, Connell, Schuessler, Brewer, Wetmore, B.J. Cox, Vaughan, T.A. Morgan, J.L. Johnson, Moss, Robbins and Thayer: A CONCURRENT RESOLUTION TO RECOGNIZE THE RIGHTS OF CITIZENS WITH DOWN SYNDROME, TO PROMOTE THEIR INCLUSION AND WELL-BEING, AND TO DECLARE MARCH 21, 2023, AS "DOWN SYNDROME DAY" IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3973 -- Rep. Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE MARCH 2023 AS "CHRONIC KIDNEY DISEASE AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS FOR THE NEED FOR RESEARCH, SCREENING PROGRAMS, AND ACCESS TO CARE FOR INDIVIDUALS WHO SUFFER FROM CHRONIC KIDNEY DISEASE.

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Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4141 -- Rep. Taylor: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF APRIL 2023 AS "DISTRACTED DRIVER AWARENESS MONTH".

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 15, 2023, at 1:15 P.M. and the following Acts and Joint Resolution were ratified:

(R4, S. 361) -- Senators Grooms and Scott: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

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(R5, S. 478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

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(R6, H. 3604) -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND OTHER PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.
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(R7, H. 3741) -- Rep. W. Newton: AN ACT TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.
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(R8, H. 3961) -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: AN ACT TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT-LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.
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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 635 -- Senator Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 56-3-253, 56-3-376, 56-3-377, AND 56-3-385, RELATING TO THE ESTABLISHMENT OF BIENNIAL VEHICLE REGISTRATION PERIODS, SO AS TO ESTABLISH ANNUAL VEHICLE REGISTRATION PERIODS; BY ADDING SECTION 56-3-600 SO AS TO PROVIDE FOR THE ANNUAL PAYMENT OF VEHICLE REGISTRATION AND LICENSE FEES; TO AMEND SECTIONS 56-3-610, 56-3-620, 56-3-640, 56-3-645, 56-3-660, 56-3-700, 56-3-710, 56-3-720, 56-3-740, 56-3-750, 56-3-760, 56-3-770, 56-3-840, 56-3-900, 56-3-1230, 56-3-1450, 56-3-1510, 56-3-1530, 56-3-1610, 56-3-1630, 56-3-

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2010, 56-3-2020, 56-3-2150, 56-3-2160, 56-3-2540, 56-3-2810, 56-3-2820, 56-3-3410, 56-3-3420, 56-3-3500, 56-3-3600, 56-3-3910, 56-3-3950, 56-3-4100, 56-3-4200, 56-3-4410, 56-3-4510, 56-3-4600, 56-3-4800, 56-3-5010, 56-3-5200, 56-3-5300, 56-3-5400, 56-3-6500, 56-3-7000, 56-3-7010, 56-3-7050, 56-3-7200, 56-3-7300, 56-3-7310, 56-3-7320, 56-3-7330, 56-3-7340, 56-3-7350, 56-3-7370, 56-3-7610, 56-3-7700, 56-3-7750, 56-3-7800, 56-3-7890, 56-3-7910, 56-3-7940, 56-3-7950, 56-3-8000, 56-3-8100, 56-3-8200, 56-3-8300, 56-3-8400, 56-3-8600, 56-3-8710, 56-3-8910, 56-3-9000, 56-3-9100, 56-3-9200, 56-3-9300, 56-3-9400, 56-3-9500, 56-3-9600, 56-3-9710, 56-3-9800, 56-3-10010, 56-3-10510, 56-3-10810, 56-3-10910, 56-3-11310, 56-3-11420, 56-3-11810, 56-3-12010, 56-3-12110, 56-3-12210, 56-3-12310, 56-3-12410, 56-3-12510, 56-3-12610, 56-3-12710, 56-3-12810, 56-3-13010, 56-3-13310, 56-3-13410, 56-3-13520, 56-3-13610, 56-3-13710, 56-3-13810, 56-3-13910, 56-3-14010, 56-3-14110, 56-3-14210, 56-3-14510, 56-3-14610, 56-3-14710, 56-3-14810, 56-3-14910, 56-3-14920, 56-3-14930, 56-3-14940, 56-3-14950, 56-3-14960, 56-3-14970, 56-3-14980, AND 11-43-167, RELATING TO THE BIENNIAL PAYMENT OF REGISTRATION, LICENSE AND ROAD USE FEES FOR VARIOUS VEHICLES AND VARIOUS LICENSE PLATES, DELINQUENT REGISTRATION AND LICENSE PENALTIES, THE ISSUANCE OF REFUNDS OF REGISTRATION AND LICENSE FEES, LICENSE PLATE SPECIFICATIONS AND THE ISSUANCE OF LICENSE PLATES AND REVALIDATION STICKERS, THE ISSUANCE OF "YEAR OF MANUFACTURE" LICENSE PLATES, "AMATEUR RADIO OPERATORS" LICENSE PLATES, "EMERGENCY MEDICAL TECHNICIANS" LICENSE PLATES, "SPECIAL PERSONALIZED" LICENSE PLATES, LICENSE PLATES FOR VARIOUS ACTIVE AND RETIRED ELECTED OFFICIALS AND RETIRED JUDICIAL OFFICERS, "CONSERVE SOUTH CAROLINA" LICENSE PLATES, "VOLUNTEER FIREMEN" LICENSE PLATES, "NATIONAL WILD TURKEY FEDERATION" LICENSE PLATES, "PENN CENTER" LICENSE PLATES, "SOUTH CAROLINA NURSES" LICENSE PLATES, "SHAG COMMEMORATIVE" LICENSE PLATES, "KEEP SOUTH CAROLINA BEAUTIFUL" LICENSE PLATES, "SOUTH CAROLINA ELKS ASSOCIATION" LICENSE PLATES, "CAROLINA PANTHERS" LICENSE PLATES, "SHARE THE ROAD" LICENSE PLATES, "SOUTH CAROLINA WILDLIFE" LICENSE PLATES, "HOMEOWNERSHIP: THE AMERICAN DREAM" LICENSE PLATES, "SONS OF CONFEDERATE

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VETERANS" LICENSE PLATES, "PUBLIC EDUCATION: A GREAT INVESTMENT" LICENSE PLATES, "SOUTH CAROLINA: FIRST IN GOLF" LICENSE PLATES, "CHARTER LIMOUSINE" LICENSE PLATES, "FRATERNAL ORDER OF POLICE" LICENSE PLATES, "UNITED STATES NAVAL ACADEMY" LICENSE PLATES, "COUNTY VETERANS AFFAIRS OFFICERS" LICENSE PLATES, "UNITED STATES AIR FORCE ACADEMY" LICENSE PLATES, "ARTS AWARENESS" LICENSE PLATES, "SALTWATER FISHING" LICENSE PLATES, "EMERGENCY MEDICAL SERVICE" LICENSE PLATES, "BOY SCOUTS OF AMERICA" AND "EAGLE SCOUT" LICENSE PLATES, "NATIVE AMERICAN" LICENSE PLATES, "SOUTH CAROLINA PEACH COUNCIL" LICENSE PLATES, "CANCER RESEARCH CENTERS OF THE CAROLINAS" LICENSE PLATES, "SQUARE DANCE" LICENSE PLATES, "SPECIAL OLYMPICS" LICENSE PLATES, "FRATERNITY AND SORORITY" LICENSE PLATES, "SOUTH CAROLINA AQUARIUM" LICENSE PLATES, "OUR FARMS - OUR FUTURE" LICENSE PLATES, "H.L. HUNLEY SUBMARINE" LICENSE PLATES, "REDUCE, REUSE, RECYCLE" LICENSE PLATES, "HUNTING ISLAND STATE PARK" LICENSE PLATES, "NONPROFIT ORGANIZATION" LICENSE PLATES, SPECIAL LICENSE PLATES PRODUCTION AND DISTRIBUTION GUIDELINES, "ROTARY INTERNATIONAL" LICENSE PLATES, "LIONS CLUB" LICENSE PLATES, "DUCKS UNLIMITED" LICENSE PLATES, "NASCAR" LICENSE PLATES, "CHOOSE LIFE" LICENSE PLATES, "SERTOMA INTERNATIONAL" LICENSE PLATES, "SOUTH CAROLINA TECHNOLOGY ALLIANCE" LICENSE PLATES, "IN GOD WE TRUST" LICENSE PLATES, "UNITED WE STAND" LICENSE PLATES, "MORRIS ISLAND LIGHTHOUSE" LICENSE PLATES, "GOD BLESS AMERICA" LICENSE PLATES, "NO MORE HOMELESS PETS" LICENSE PLATES, "HERITAGE CLASSIC FOUNDATION" LICENSE PLATES, "BREAST CANCER AWARENESS" LICENSE PLATES, "PARROT HEAD" LICENSE PLATES, "I BELIEVE" LICENSE PLATES, "SOUTH CAROLINA TENNIS PATRONS FOUNDATION" LICENSE PLATES, "TREE MY DOG" LICENSE PLATES, "SECOND AMENDMENT" LICENSE PLATES, "STATE FLAG" LICENSE PLATES, "I SUPPORT LIBRARIES" LICENSE PLATES, "SOUTH CAROLINA EDUCATOR" LICENSE PLATES, "BEACH MUSIC" LICENSE PLATES, CITADEL ALUMNI ASSOCIATION "BIG RED" LICENSE PLATES, "LARGEMOUTH

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BASS" LICENSE PLATES, "HIGH SCHOOL" LICENSE PLATES, "SOUTH CAROLINA WILDLIFE FEDERATION" LICENSE PLATES, "DR. MARY MCLEOD BETHUNE" LICENSE PLATES, "GADSDEN FLAG" LICENSE PLATES, "2010-11 BASEBALL NATIONAL CHAMPIONS" LICENSE PLATES, "MOTORCYCLE AWARENESS" LICENSE PLATES, "SOUTH CAROLINA RIVERKEEPERS" LICENSE PLATES, "AUTISM AWARENESS" LICENSE PLATES, "SOUTH CAROLINA STANDS WITH ISRAEL" LICENSE PLATES, "AMERICAN RED CROSS" LICENSE PLATES, "CHASE AWAY CHILDHOOD CANCER" LICENSE PLATES, "SPECIAL PERSONALIZED MOTOR VEHICLE" LICENSE PLATES, "CLEMSON UNIVERSITY 2016 AND 2018 FOOTBALL NATIONAL CHAMPIONS" LICENSE PLATES, "2016 BASEBALL NATIONAL CHAMPIONS" LICENSE PLATES, "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" LICENSE PLATES, "VIRGINIA TECH" LICENSE PLATES, "POWERING THE PALMETTO STATE" LICENSE PLATES, "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES, AND "TWO HUNDRED FIFTY YEAR ANNIVERSARY REVOLUTIONARY WAR COMMEMORATIVE" SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE ANNUAL REGISTRATION AND LICENSING OF CERTAIN SPECIAL LICENSE PLATES REFLECTIVE OF VARIOUS AWARDS, SPECIAL LICENSE PLATES REFLECTIVE OF DISTINGUISHED SERVICE AWARDS, SPECIAL LICENSE PLATES REFLECTIVE OF EXEMPLARY SERVICE AWARDS, SPECIAL LICENSE PLATES REFLECTIVE OF A SERVICE-CONNECTED DISABILITY, SPECIAL LICENSE PLATES REFLECTIVE OF CAMPAIGN MEDALS, SPECIAL LICENSE PLATES REFLECTIVE OF MERITORIOUS SERVICE, SPECIAL LICENSE PLATES REFLECTIVE OF MILITARY SERVICE, AND SPECIAL LICENSE PLATES SHOWING SUPPORT FOR MILITARY-RELATED PRIVATE ORGANIZATIONS, SO AS TO PROVIDE FOR THE ANNUAL REGISTRATION AND LICENSING OF CERTAIN MOTOR VEHICLES, TO PROVIDE COUNTIES SHALL COLLECT CERTAIN FEES ASSESSED AGAINST VEHICLES POWERED BY ANY FUEL OTHER THAN MOTOR FUEL, AND TO PROVIDE A COUNTY MAY COLLECT CERTAIN DELINQUENCY FEES ON BEHALF OF THE DEPARTMENT; BY AMENDING SECTION 11-43-167, RELATING TO FEES AND FINES CREDITED TO THE STATE HIGHWAY FUND, SO AS TO PROVIDE THE

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DEPARTMENT OF TRANSPORTATION SHALL REDUCE THE ALLOCATION TO THE STATE-FUNDED RESURFACING PROGRAM BY A CERTAIN PROPORTION, SHALL TRANSFER NONTAX REVENUE TO THE INFRASTRUCTURE BANK IN AN AMOUNT DETERMINED BY THE DEPARTMENT, AND THE INFRASTRUCTURE BANK SHALL TRANSFER CERTAIN AMOUNTS OF MONEY TO THE DEPARTMENT; BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT MUST REFUSE TO RENEW THE MOTOR VEHICLE REGISTRATION OF A PERSON WHO HAS NOT PAID THE VEHICLE'S PERSONAL PROPERTY TAXES, AND PROVIDE A COUNTY OR MUNICIPALITY MUST NOTIFY THE DEPARTMENT OF PERSONS VIOLATING THIS CHAPTER; BY ADDING SECTION 56-3-205 SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE REVALIDATION DECALS AND ENTER INTO AND SUPERVISE CONTRACTS WITH CERTAIN ENTITIES TO ISSUE LICENSE PLATES AND REVALIDATION DECALS, TO PROVIDE GOVERNMENTAL ENTITIES THAT ISSUE REVALIDATION DECALS MAY CHARGE A FEE TO DEFRAY THE COST OF ISSUING PLATES AND DECALS, AND PROVIDE A PLAN MUST BE DEVELOPED TO ALLOW EACH COUNTY TO ISSUE LICENSE PLATES AND REVALIDATION DECALS; AND TO REPEAL SECTIONS 56-3-378, 56-3-905, AND 56-2-2740 RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ESTABLISHING A SYSTEM OF REGISTERING MOTOR VEHICLES, REFUNDING A PORTION OF THE VEHICLE REGISTRATION FEE WHEN A LICENSE PLATE AND REGISTRATION IS SURRENDERED TO THE DEPARTMENT, AND THE ISSUANCE OF BIENNIAL LICENSE PLATES AND REVALIDATION DECALS.

lc-0267cm23.docx : 4c6f5f88-478b-4025-96b8-5e03ec8b2c22

Read the first time and referred to the Committee on Transportation.

S. 636 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-1000, RELATING TO COMMISSIONS PAID BY A TITLE INSURER, SO AS TO REMOVE THE CAP ON THE COMMISSION.

sr-0301km23.docx : 7d5fcf76-c9ad-4096-aac4-fb28def9d3b6

Read the first time and referred to the Committee on Banking and Insurance.

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S. 637 -- Senators Kimbrell, M. Johnson and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING CHAPTER 20, TITLE 12 RELATING TO CORPORATION LICENSE FEES.

sr-0326km23.docx : bcafac8d-1900-4f68-9d47-b0768af6a7c5

Read the first time and referred to the Committee on Finance.

S. 638 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-31-1100 RELATING TO FIREARMS, SO AS TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO ESTABLISH THE SOUTH CAROLINA VOLUNTARY DO-NOT-SELL FIREARMS LIST TO PROVIDE A LIST OF NAMES TO FIREARMS DEALERS' BACKGROUND CHECK SYSTEM OF THOSE INDIVIDUALS WHO VOLUNTARILY WAIVE THEIR RIGHT TO PURCHASE A FIREARM; BY ADDING SECTION 23-31-1110 TO SPECIFY REQUIREMENTS OF APPLICATION TO THE DO-NOT-SELL FIREARMS LIST AND REQUESTS FOR REMOVAL; AND BY ADDING SECTION 23-31-1120 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON WHO IS REQUIRED TO PERFORM A BACKGROUND CHECK PRIOR TO THE TRANSFER OF A FIREARM TO KNOWINGLY SELL OR DELIVER A FIREARM TO ANY PERSON ON THE VOLUNTARY DO-NOT-SELL FIREARMS LIST AND TO PROVIDE PENALTIES.

sj-0040bm23.docx : 55490942-8ebb-43b0-b9d7-df890a7ad758

Read the first time and referred to the Committee on Judiciary.

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0175hdb23.docx : 4dec9c36-44b1-4204-b31c-ca757350f792

Read the first time and referred to the Committee on Judiciary.

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0277wab-dbs23.docx : 87f2da3a-8bac-40df-93b5-c4a1399826a0

Read the first time and ordered placed on the Calendar without reference.

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0276wab-rt23.docx : c2462295-bce7-4bf7-b3a6-a406d270dfbc

Read the first time and ordered placed on the Calendar without reference.

S. 642 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; BEAR HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5165, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0280wab-dbs23.docx : f13a9492-80ff-454c-9f61-fec9963907ab

Read the first time and ordered placed on the Calendar without reference.

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140,

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RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

lc-0001ph23.docx : 29e00ff7-cd30-4d57-bcd0-a3a0c36df8f3

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0162hdb23.docx : 50cc7c76-dfd6-420e-b984-4745083ef4b7

Read the first time and referred to the Committee on Judiciary.

H. 4156 -- Reps. Moss, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford,

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Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROMOTE UNDERSTANDING OF THE GROWING RISK OF BLADDER CANCER IN THE UNITED STATES, TO ENCOURAGE RESEARCH IN THE MEDICAL COMMUNITY TO IDENTIFY THE CAUSES AND DEVELOP A CURE FOR THE DISEASE, AND TO DECLARE MAY 2023 AS "BLADDER CANCER AWARENESS MONTH" IN SOUTH CAROLINA.

lc-0279wab-rm23.docx : d80a4733-30ca-47e3-b6a3-9d70a0a3ebeb

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

11010dg23.docx : 00000000-0000-0000-000000000000

Read the first time and referred to the Committee on Finance.

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

lc-0168dg23.docx : fd295761-100a-4908-b2c9-41b56e8497f4

Read the first time and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO

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AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 260 -- Senators Rankin and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM

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PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 425 -- Senators Talley, Turner, Adams, Bennett, Climer, Davis, Hembree, Hutto, M. Johnson, Kimbrell, McElveen, Scott and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURBSIDE SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 61-4-45 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; BY ADDING SECTION 61-4-280 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN BEER AND WINE AND TO PROVIDE FOR REQUIREMENTS; BY ADDING SECTION 61-6-1570 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; AND BY ADDING SECTION 61-6-1580 SO AS TO PROVIDE THAT A

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RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN ALCOHOLIC LIQUORS AND TO PROVIDE FOR REQUIREMENTS.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 546 -- Senators Massey, Alexander and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO

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APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Young, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

Ordered for consideration tomorrow.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

Ordered for consideration tomorrow.

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Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., March 15, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND OTHER PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 625 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ANDERSON COUNTY EMS DIRECTOR STEVE KELLY FOR HIS EXCELLENT WORK IN LEADING ANDERSON EMS AND TO CONGRATULATE HIM UPON RECEIVING EMS DIRECTOR OF THE YEAR.

Returned with concurrence.

Received as information.

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S. 626 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ANDERSON COUNTY EMS FOR ITS EXCELLENT WORK TO SAVE LIVES AND RESCUE THOSE IN DISTRESS COUNTYWIDE AND TO CONGRATULATE THE EMS RESPONDERS UPON RECEIVING SYSTEM OF THE YEAR.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 138 -- Senators McElveen, Senn, Cromer, Loftis and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

The Senate proceeded to the consideration of the Bill.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

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AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the third time passed and ordered sent to the House.

OBJECTION

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

Senator MATTHEWS objected to consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 569 -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell, Young, M. Johnson, Turner, Sabb, Matthews, Campsen, Setzler and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING

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TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

HOUSE BILL RETURNED

The following Resolution was read the third time and ordered returned to the House with amendments.

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND OTHER PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.

On motion of Senator PEELER.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the third reading of the Bill.

CARRIED OVER

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING

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SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

On motion of Senator DAVIS, the Bill was carried over.

READ THE SECOND TIME

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

The Senate proceeded to the consideration of the Bill.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

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AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Senator MALLOY objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 445 -- Senators Garrett and Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR

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RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

The Senate proceeded to the consideration of the Bill.

Senators GARRETT and MATTHEWS proposed the following amendment (SR-445.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-49-320(3) and inserting:

(3) "Recovery housing" means recovery residences, recovery homes, sober living homes, work-rehab homes, three-quarter houses, and other similar dwellings that provide individuals recovering from alcohol and substance use disorders with a living environment free from alcohol and illicit substance use and centered on peer support and connection to services that promote sustained recovery, including continued sobriety, improved individual health, residential stability, and positive community involvement. Recovery housing does not include treatment facilities as defined in Section 44-52-10.

Amend the bill further, SECTION 1, by striking Section 44-49-330(C)(5) and inserting:

(5) have safeguards in place to uphold residents' rights;

(6) assist residents in finding suitable employment; and

(7) assist residents who desire to relocate upon completion of the recovery program with relocation assistance services.

Amend the bill further, SECTION 1, by adding:

Section 44-49-370. It is unlawful for an owner or operator of recovery housing that is not certified pursuant to this article to advertise or otherwise represent that such recovery housing is certified pursuant to this article. An owner or operator of recovery housing who violates this section is subject to a civil penalty of not less than one hundred dollars nor more than five hundred dollars per occurrence.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

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The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Turner
Williams	Young	

Total--38

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN

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INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator MATTHEWS, the Bill was carried over.

READ THE SECOND TIME

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The Senate proceeded to the consideration of the Resolution.

Senator GAMBRELL explained the Resolution.

The question then being second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

Total--40

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NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION

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THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

Senator BENNETT objected to consideration of the Bill.

ADOPTED

S. 579 -- Senator Loftis: A SENATE RESOLUTION TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN WITH THE SENATE IN RECOGNIZING THE POSITIVE IMPACT OF STEM EDUCATION AND STEM EDUCATORS ON THE QUALITY OF LIFE FOR RESIDENTS OF THE PALMETTO STATE AND TO DECLARE APRIL 12, 2023, AS STEM EDUCATION DAY THROUGHOUT THE STATE OF SOUTH CAROLINA.

The Senate proceeded to the consideration of the Resolution.

Senator LOFTIS explained the Resolution.

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The question then being the adoption of the Resolution.

The Resolution was adopted.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 3:11 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch, Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The Committee on Finance proposed the following amendment (LC-285.SA0004S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Chapter 6, Title 12 of the S.C. Code is amended by adding:

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Article 26

Academic Choice in Education (ACE)

Section 12-6-3850. For purposes of this article:

(1) “Academic Choice in Education fund” or “ACE” means education funding provided on behalf of eligible students by nonprofit scholarship funding organizations for qualifying expenses as outlined in this article.

(2) “Department” means the South Carolina Department of Revenue.

(3) “Disadvantaged child” means a child or his family who meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of two hundred percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) “Eligible school” means an independent school, including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools, or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(5) “Eligible student” means a student who:

(a) meets the definition of “general child”;

(b) meets the definition of “disadvantaged child”;

(c) meets the definition of “exceptional needs child”; or

(d) meets the definition of “home school child”; and

(e) is not a recipient of an Education Scholarship Trust Fund.

(6) “Exceptional needs child” means a child:

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(a)(i) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs. 43 243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs; and

(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(7) "General child" means a child who is a South Carolina resident who, immediately before receiving a scholarship under this article and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program or received a scholarship pursuant to this article for the previous school year; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first.

(8) "Home school" means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, Section 59- 65-45, or Section 59-65-47.

(9) "Home school child" means any child attending an eligible home school.

(10) "Nonprofit scholarship funding organization" or "scholarship funding organization" means a charitable organization that:

(a) is registered and in good standing with the South Carolina Secretary of State;

(b) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code; and

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(c) is approved annually by the Treasurer and listed on the Treasurer's approved list, which must be published on the Treasurer's website.

(11) "Parent" means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

(12) "Person" means an individual, partnership, corporation, or other similar entity.

(13) "Program" means the ACE scholarship program created by this article.

(14) "Public School" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds.

(15) "Qualifying expense" means:

(a) the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, and/or transportation to and from school that is provided by the school. These costs may not be in excess of what is currently provided; and

(b) in the case of an eligible home school student, the total amount of money charged for instruction-related expenditures to attend an eligible home school provider including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(16) "Resident school district" means the public school district in which the student is domiciled.

(17) "Scholarship" means education funding allocated from an account established on a student's behalf pursuant to this article.

(18) "Treasurer" means the Office of the State Treasurer.

Section 12-6-3855. (A) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title, for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(1) the contribution is used to provide scholarships for qualifying expenses to an eligible student enrolled in an eligible school; and

(2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(B)(1) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section

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12-6-3850(5)(a) [General child] for a school year in an amount not exceeding the actual state-allocated revenue for each pupil as calculated by the Revenue and Fiscal Affairs Office and required to be published by the annual appropriations act or the total amount of qualifying expenses, whichever is less.

(2) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(b) and (c) [Disadvantaged Child & Exceptional Needs Child] for a school year in an amount not exceeding one hundred forty percent of the amount of subsection (B)(1) above or the total amount of qualifying expenses, whichever is less.

(3) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(d) [Home School Child] for a school year in an amount not exceeding twenty percent of the amount of subsection (B)(1) above or the total cost of home school curriculum fees, whichever is less. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees or pay vendors directly for home school curriculum fees at the direction of the parent and on behalf of the home school child.

(4) Once an eligible student receives a scholarship, he must receive priority status for future scholarships; provided, however, that the eligible student is in good standing with the school.

(C) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of a school that accepts eligible students receiving scholarships pursuant to this article.

Section 12-6-3860. (A) The Treasurer shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the ACE scholarship. The application window established shall last at least forty-five days, opening no earlier than January fifteenth, and closing no later than March fifteenth of each calendar year.

(B) Pursuant to the timeline established pursuant to this section, the Treasurer shall:

(1) process applications in the order in which they are received; and

(2) enroll and issue eligibility certificates within thirty days of the deadline for receipt of completed applications and all required documentation. The eligibility certificate must list the names and contact information of the eligible scholarship-granting organizations.

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(C) Before awarding an eligibility certificate, the Treasurer shall obtain evidence of the student's eligibility criteria set forth in this article.

(D) The Treasurer shall approve an application for scholarship if:

(1) the parent submits an annual application for a scholarship in accordance with the application and procedures established by the Treasurer;

(2) the student on whose behalf the parent is applying is an eligible student;

(3) the parent signs an annual agreement with the Treasurer:

(a) to provide, at a minimum, a program of academic instruction for the eligible student in at least the subjects of English and language arts to include writing, mathematics, social studies, and science;

(b) to acknowledge and agree to comply with the eligible schools prescribed curriculum, dress code and other requirements of enrolled students; and

(c) to use program funds for qualifying expenses only for an eligible school to educate the scholarship student, subject to penalty.

(E) Receipt of an eligibility certificate does not guarantee a scholarship award from a scholarship granting organization.

Section 12-6-3865. (A) The Treasurer shall prescribe the form and manner to be an approved nonprofit scholarship funding organization, the annual application must at a minimum include:

(1) the number and total amount of scholarships issued to schools that accept eligible students in the preceding school year;

(2) the identity of the school and the amount of the scholarship issued to each eligible student in the preceding school year;

(3) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any schools that accepted eligible students;

(4) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(5) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(6) the criteria and eligibility requirements for scholarship awards; and

(7) a certification by the organization of the following:

(a) it meets the definition of a nonprofit scholarship funding organization and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10;

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(b) it allocates at least ninety-five percent of its annual contributions received during a particular year to provide scholarships to schools on behalf of eligible enrolled children and incurs administrative expenses annually of no more than five percent of its annual contributions for a particular year to cover operational costs;

(c) it allocates all of its funds used for scholarships on an annual basis to eligible students;

(d) it does not provide scholarships on behalf of eligible students only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing scholarships to one particular school, the tax credit allowed by this section may be disallowed;

(e) it does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of his immediate family who has a child or ward who is currently receiving or has received a scholarship authorized by this article from the organization within one year of the date the parent, legal guardian, or member of his immediate family became a board member. A person serving on the governing board of a nonprofit scholarship funding organization shall have a fiduciary duty to the donors and eligible students at schools served by the organization and shall avoid any conflicts of interest with the organization and those it serves;

(f) it does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony or other financial crime, been disciplined by a professional, self-regulatory body, had a professional license or designation suspended, revoked, or otherwise restricted in use, or is otherwise prevented from engaging in a profession as part of a court order, court settlement, or arbitration ruling. This item also must apply to immediate family members residing in the same household;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain; and

(h) does not place conditions on schools enrolling eligible students receiving scholarship to limit the ability of the schools to enroll eligible students accepting scholarships from other nonprofit scholarship funding organizations.

(B) The application deadline under this section is August first of each year.

Section 12-6-3870. (A) The parent shall provide the eligibility certificate to the scholarship funding organization. Upon awarding of a

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scholarship by the scholarship funding organization and at the direction of the parent, the scholarship funding organization shall issue a check payable to the eligible school on behalf of the student and deliver it to the school within thirty days upon approval of the application or thirty days of the start of the school's semester. If the eligible student leaves or withdraws from the school for any reason before the end of the semester or school year and does not re-enroll within thirty days, then the school shall return a prorated amount of the scholarship to the scholarship funding organization based on the number of days the eligible student was enrolled in the school during the semester or school year within sixty days of the student's departure.

(B) Before the issuance of a check, a parent shall certify that the eligible student has not received a scholarship from any other scholarship-granting organizations in the current academic year.

(C) Before the issuance of a check to an eligible school, the school must provide documentation to the scholarship funding organization that it meets the criteria established in Section 12-6-3850(4).

(D)(1) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850(5)(a) [General Child], (b) [Disadvantaged Child], and (c) [Exceptional Needs Child] may not exceed cumulatively a total of fifteen million dollars in each qualifying category, each calendar year.

(2) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850 (5)(d) [Home School Child] may not exceed cumulatively a total of ten million dollars each calendar year.

(3) If the South Carolina Department of Revenue determines that the total of the credits claimed in this section by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first-come, first-served basis. However before October first of each tax year, no taxpayer may claim more than fifty percent of the allotment for any of the tax credits allowed in this section. After October first, a taxpayer that has claimed the maximum allotment may reapply to claim additional credits. For purposes of determining priority, the subsequent application must be placed in order with all other applications received.

(4) The tax credits authorized pursuant to this section remain the same unless an increased or decreased limit is authorized in the annual general appropriations act.

(E) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit.

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(1) The tax credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by this section. This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(F) The department shall prescribe the form and manner of proof required to obtain the credits authorized by this article. Also the department shall develop a method of informing taxpayers and scholarship-funding organizations if the credit limit is met at any time during the year.

(1) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the credit authorized by this section to another entity unless all assets of the entity are conveyed, assigned, or transferred in the same transaction.

(2) Notwithstanding the maximum credit limits set forth in this article, if one of the eligible student-qualifying categories listed in subsection (D) reaches its limits but another eligible student-qualifying category has not reached its limit by October first of each tax year, then the department may transfer the unused credits to the eligible student qualifying category that has reached its limit. However, the credit only may be transferred and may not cumulatively allow more than the authorized annual cumulative total provided in this section. In considering a credit transfer under this item, those eligible student qualifying categories listed in subsection 12-6-3850(5)(b) [Disadvantaged Child], (c) [Exceptional Needs Child], (d) [Home School Child], and (a) [General Child] must have priority order when transferring credits.

Section 12-6-3875. (A) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship-funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses and applicable audits.

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(B) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(1) the number and total amount of scholarships issued by the scholarship-funding organizations to schools on behalf of eligible students that attended in the prior school year;

(2) the identity of the school that accepts eligible students and the amount of each scholarship issued to the school in the prior school year by each scholarship funding organization;

(3) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of eligible students to a school by any scholarship-funding organization;

(4) a copy of each scholarship-funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(5) a copy of a compilation, review, or audit of each scholarship-funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program;

(6) the criteria and eligibility requirements for scholarship awards of each scholarship-funding organization as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program; and

(7) any report required by this section may not specifically include the name, amount, or any other personally identifiable information of scholarship recipients.

Section 12-6-3880. (A)(1) The Treasurer and the department have authority to examine and audit the nonprofit scholarship-funding organizations, including determining whether the nonprofit scholarship-funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If an audit by the Treasurer or department produces evidence that a nonprofit scholarship-funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the Treasurer or the department immediately may revoke the organization's participation in the program and shall notify the organization in writing of the revocation.

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(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The Treasurer or the department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is reasonable if the Treasurer or the department has substantial credible evidence that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this article. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the Treasurer or the department to issue a Treasurer or department determination for permanent revocation within the time period determined by the judge. The organization may appeal this Treasurer or department determination in accordance with Section 12-60-460. At the contested case hearing on the Treasurer or department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted, and the organization may resume accepting donations and award scholarships. The Treasurer or department may still issue a Treasurer or department determination in accordance with Section 12-60-450(E)(2).

(e) If at any time during the process, the Treasurer and department believes the organization is in compliance, the Treasurer may reinstate the organization.

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(f) Following the permanent revocation of a nonprofit scholarship-funding organization, the Treasurer has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship-funding organizations.

(g) A scholarship-funding organization may transfer funds to another scholarship-funding organization if the organization ceases to exist. The funds that are transferred by one scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses. The scholarship-funding organizations transferring and receiving the funds shall notify the Treasurer in writing within three days of the transfer. The notification may be made via electronic methodology.

SECTION 2. A. Section 12-6-3790 of the S.C. Code is repealed.

B. This SECTION takes effect upon the full implementation of this act as provided in SECTION 4.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor, provided that upon approval of this act by the Governor, the Treasurer shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the provisions of this act may be fully implemented at the beginning of the 2024-2025 School Year.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the committee amendment.

The question then was the adoption of the committee amendment.

The amendment was adopted.

Amendment No. 2B

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Senator FANNING proposed the following amendment (SMIN-285.MW0057S), with was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-6-10 of the S.C. Code is amended to read:

~~Section 59-6-10. (A)(1) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:~~

~~—— (a) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;~~

~~—— (b) make programmatic and funding recommendations to the General Assembly;~~

~~—— (c) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;~~

~~—— (d) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.~~

~~—— (2) Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.~~

~~—— (3) The committee consists of the following persons:~~

~~—— (a) Speaker of the House of Representatives or his designee;~~

~~—— (b) President of the Senate or his designee;~~

~~—— (c) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;~~

~~—— (d) Chairman of the Education Committee of the Senate or his designee;~~

~~—— (e) Governor or his designee;~~

~~—— (f) Chairman of the Ways and Means Committee of the House of Representatives or his designee;~~

~~—— (g) Chairman of the Finance Committee of the Senate or his designee;~~

~~—— (h) State Superintendent of Education or the superintendent's designee who shall be an ex officio nonvoting member;~~

~~—— (i) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President of the Senate, one~~

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~~by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and~~

~~— (j) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.~~

~~— (4) Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve notwithstanding the provisions of Section 8-13-770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.~~

~~— (B)(1) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify except of those first appointed the terms must be staggered as follows:~~

~~— (a) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;~~

~~— (b) initial terms of three years shall be served by the members of the education community appointed by the President of the Senate and the Speaker of the House; and~~

~~— (c) all other voting members shall serve initial four year terms. The terms of chairman and vice chairman shall be two years. At the end of each two year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.~~

~~— (2) Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions. Effective~~

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July 1, 2023, the Education Oversight Committee is abolished and its functions, powers and duties, responsibilities, and authority are devolved upon the State Department of Education.

(B)(1) A joint committee must be appointed to review and make recommendations as to which of the functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Department of Education and which functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Board of Education.

(2) The joint committee shall consist of five members appointed by the Chairman of the House Education and Public Works Committee and five members appointed by the Chairman of the Senate Education Committee. The committee must be co-chaired by one member of the House and one member of the Senate.

(3) A report must be provided to Speaker of the House and the President of the Senate within ninety days after the first meeting of the joint committee, for the purpose of developing legislation to implement the requirements of subsection (A).

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Point of Order

Senator BENNETT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 3

Senators SABB and SETZLER proposed the following amendment (SMIN-285.AA0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3850(7) and inserting:

(7) "General child" means a child who is a South Carolina resident who, immediately before receiving a scholarship under this

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article and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or a three or four year old prekindergarten program or received a scholarship pursuant to this article for the previous school year; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first.

Renumber sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

The amendment was adopted.

Amendment No. 4

Senator SABB proposed the following amendment (SMIN-285.MW0052S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3850(15)(a) and inserting:

(a) the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, parental engagement programs involving a three- or four-year-old prekindergarten student, and/or transportation to and from school that is provided by the school. These costs may not be in excess of what is currently provided; and

Renumber sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

The amendment was adopted.

Amendment No. 5

Senator FANNING proposed the following amendment (SMIN-285.MW0021S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3865(7)(e) and inserting:

(e) it does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of his immediate family who has a child or ward who is

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currently receiving or has received a scholarship authorized by this article from the organization within one year of the date the parent, legal guardian, or member of his immediate family became a board member. A person serving on the governing board of a nonprofit scholarship funding organization shall have a fiduciary duty to the donors and eligible students at schools served by the organization and shall resign if any conflicts of interest develop with the organization and those it serves;

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator BENNETT proposed the following amendment (LC-285.SA0047S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3855(B)(3) and inserting:

(3) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(d) [Home School Child] for a school year in an amount not exceeding twenty percent of the amount of subsection (B)(1) above or the total cost of qualifying expenses, whichever is less. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for qualifying expenses or pay vendors directly for qualifying expenses at the direction of the parent and on behalf of the home school child.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator MARTIN proposed the following amendment (LC-285.SA0015S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by deleting Section 12-6-3850(5)(d).

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Amend the bill further, SECTION 1, by deleting Section 12-6-3850(8) and (9).

Amend the bill further, SECTION 1, by striking Section 12-6-3850(15) and inserting:

(15) “Qualifying expense” means the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, and/or transportation to and from school that is provided by the school. These costs may not be in excess of what is currently provided.

Amend the bill further, SECTION 1, by deleting Section 12-6-3855(3).

Amend the bill further, SECTION 1, by deleting Section 12-6-3870(D)(2).

Amend the bill further, SECTION 1, by striking Section 12-6-3870(F)(2) and inserting:

(2) Notwithstanding the maximum credit limits set forth in this article, if one of the eligible student-qualifying categories listed in subsection (D) reaches its limits but another eligible student-qualifying category has not reached its limit by October first of each tax year, then the department may transfer the unused credits to the eligible student qualifying category that has reached its limit. However, the credit only may be transferred and may not cumulatively allow more than the authorized annual cumulative total provided in this section. In considering a credit transfer under this item, those eligible student qualifying categories listed in subsection 12-6-3850(5)(b) [Disadvantaged Child], (c) [Exceptional Needs Child], and (a) [General Child] must have priority order when transferring credits.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

Senator CASH spoke on the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

Recorded Vote

Senator MARTIN desired to be recorded as voting against the motion to table the amendment.

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Senator SETZLER asked unanimous consent to proceed to Amendment No. 10.

Amendment No. 10

Senator SETZLER proposed the following amendment (SF-285.CH0043S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3870(D)(3) and inserting:

(3) If the South Carolina Department of Revenue determines that the total of the credits claimed in this section by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first-come, first-served basis. Within the first forty-five days that the credits are available, persons as defined in SECTION 1 are only allowed to claim a total amount of ten thousand dollars in tax credits per person. After the forty fifth day, any remaining tax credits are available to all persons.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

On motion of Senator SETZLER, with unanimous consent, Amendment No. 11 was withdrawn.

On motion of Senator DAVIS, with unanimous consent, Amendment No. 1 was withdrawn.

Amendment No. 8A

Senator MASSEY proposed the following amendment (SR-285.KM0061S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Sections 12-6-3850 and 12-6-3855 and inserting:

(3) "Disadvantaged child" means a child or his family who meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of four hundred percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

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(4) “Eligible school” means an independent school, including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools, or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(5) “Eligible student” means a student who:

(a) meets the definition of “disadvantaged child”; or

(b) meets the definition of “home school child”; and

(c) is not a recipient of an Education Scholarship Trust Fund.

(6) “Home school” means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, Section 59- 65-45, or Section 59-65-47.

(7) “Home school child” means any child attending an eligible home school.

(8) “Nonprofit scholarship funding organization” or “scholarship funding organization” means a charitable organization that:

(a) is registered and in good standing with the South Carolina Secretary of State;

(b) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code; and

(c) is approved annually by the Treasurer and listed on the Treasurer’s approved list, which must be published on the Treasurer’s website;

(9) “Parent” means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

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(10) “Person” means an individual, partnership, corporation, or other similar entity.

(11) “Program” means the ACE scholarship program created by this article.

(12) “Public School” means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds.

(13) “Qualifying expense” means:

(a) the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, or transportation to and from school that is provided by the school, or any combination thereof. These costs may not be in excess of what is currently provided; and

(b) in the case of an eligible home school student, the total amount of money charged for instruction-related expenditures to attend an eligible home school provider including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(14) “Resident school district” means the public school district in which the student is domiciled.

(15) “Scholarship” means education funding allocated from an account established on a student’s behalf pursuant to this article.

(16) “Treasurer” means the Office of the State Treasurer.

Section 12-6-3855. (A) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title, for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(1) the contribution is used to provide scholarships for qualifying expenses to an eligible student enrolled in an eligible school; and

(2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(B)(1) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(a)[Disadvantaged Child] for a school year in an amount not exceeding the actual state-allocated revenue for each pupil as calculated by the Revenue and Fiscal Affairs Office and required to be published by the annual appropriations act or the total amount of qualifying expenses, whichever is less.

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(2) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(b) [Home School Child] for a school year in an amount not exceeding twenty percent of the amount of subsection (B)(1) above or the total cost of home school curriculum fees, whichever is less. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees or pay vendors directly for home school curriculum fees at the direction of the parent and on behalf of the home school child.

(3) Once an eligible student receives a scholarship, he must receive priority status for future scholarships; provided, however, that the eligible student is in good standing with the school.

(C) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of a school that accepts eligible students receiving scholarships pursuant to this article.

Amend the bill further, SECTION 1, by striking Section 12-6-3870 and inserting:

(D)(1) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850(5)(a) [Disadvantaged Child] may not exceed a total of forty-five million dollars, each calendar year.

(2) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850 (5)(b) [Home School Child] may not exceed cumulatively a total of ten million dollars each calendar year.

(3) If the South Carolina Department of Revenue determines that the total of the credits claimed in this section by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first-come, first-served basis. However before October first of each tax year, no taxpayer may claim more than fifty percent of the allotment for any of the tax credits allowed in this section. After October first, a taxpayer that has claimed the maximum allotment may reapply to claim additional credits. For purposes of determining priority, the subsequent application must be placed in order with all other applications received.

(4) The tax credits authorized pursuant to this section remain the same unless an increased or decreased limit is authorized in the annual general appropriations act.

(E) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit.

(1) The tax credit must be claimed on the return for the tax year that the contribution is made.

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(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by section. This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(F) The department shall prescribe the form and manner of proof required to obtain the credits authorized by this article. Also the department shall develop a method of informing taxpayers and scholarship-funding organizations if the credit limit is met at any time during the year.

(1) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the credit authorized by this section to another entity unless all assets of the entity are conveyed, assigned, or transferred in the same transaction.

(2) Notwithstanding the maximum credit limits set forth in this article, if one of the eligible student-qualifying categories listed in subsection (D) reaches its limits but another eligible student-qualifying category has not reached its limit by October first of each tax year, then the department may transfer the unused credits to the eligible student qualifying category that has reached its limit. However, the credit only may be transferred and may not cumulatively allow more than the authorized annual cumulative total provided in this section. In considering a credit transfer under this item, those eligible student qualifying categories listed in subsection 12-6-3850(5)(a) [Disadvantaged Child], and (b) [Home School Child], must have priority order when transferring credits.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator DAVIS spoke on the amendment.

On motion of Senator DAVIS, the amendment was carried over.

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Amendment No. 9

Senator FANNING proposed the following amendment (LC-285.SA0038S), which was tabled:

Amend the bill, as and if amended, by striking SECTION 4 and inserting:

SECTION 4. This act takes effect upon approval by the Governor and expires on June 30, 2030, unless reauthorized by the General Assembly, provided that upon approval of this act by the Governor, the Treasurer shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the provisions of this act may be fully implemented at the beginning of the 2024-2025 School Year.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator BENNETT spoke on the amendment.

Senator BENNETT moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 12

Senator FANNING proposed the following amendment (SMIN-285.MW0018S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3865(b) and inserting:

(b) it allocates at least ninety-eight percent of its annual contributions received during a particular year to provide scholarships to schools on behalf of eligible enrolled children and incurs administrative expenses annually of no more than two percent of its annual contributions for a particular year to cover operational costs;

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

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Amendment No. 14

Senator FANNING proposed the following amendment (SMIN-285.MW0020S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3850(15)(b) and inserting:

(b) in the case of an eligible home school student, the total amount of money charged for instruction-related expenditures to attend an eligible home school provider including, but not limited to, curriculum packages, textbooks, digital education, tutoring, and testing materials.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment was adopted.

Amendment No. 15

Senator MASSEY proposed the following amendment (SR-285.KM0070S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3850(7) and inserting:

(7) "General child" means a child whose family has an adjusted gross income of four hundred percent or less of the federal poverty guidelines and who is a South Carolina resident who, immediately before receiving a scholarship under this article and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program or received a scholarship pursuant to this article for the previous school year; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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On motion of Senator MASSEY, with unanimous consent, Amendment No. 8A was withdrawn.

Senator FANNING spoke on the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Matthews
McElveen	McLeod	Sabb
Scott	Stephens	Williams

Total--9

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

REPORT RECEIVED

Subcommittee Report and Recommendations

The Constitutional Subcommittee of the Senate Finance Committee convened on four occasions to investigate the FY2022 Annual Comprehensive Financial Report (ACFR) \$3.5 billion restatement: February 9, 2023, February 16, 2023, February 23, 2023, and March 7,

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2023. The subcommittee consists of Chairman LAWRENCE K. “LARRY” GROOMS, Senator J. THOMAS McELVEEN III, Senator MIKE FANNING, Senator STEPHEN L. GOLDFINCH, and Senator TOM YOUNG, Jr.

February 9, 2023

Comptroller General Richard Eckstrom appeared before the Subcommittee to present Fiscal Year 2023-2024 budget requests for his office. After stating he had no requests, he notified the subcommittee of the ACFR restatement. He stated that the ACFR overstated the amount of cash the State had in its General Fund for the past 10 years, attributing it to a “mapping error” in the state’s conversion to the South Carolina Enterprise Information System (SCEIS) beginning in 2007. However, subcommittee members found that his timeline of events leading to the restatement was unclear, and he could not adequately and succinctly explain exactly what happened. Therefore, the subcommittee carried over his testimony.

February 16, 2023

The subcommittee called General Eckstrom back for questioning under oath. Members found that he was still incapable of coherently articulating the reason for the \$3.5 billion restatement, despite knowing the subcommittee wanted a succinct explanation and having a week to prepare, and that he either would not, or categorically, could not answer very direct and specific questions. Only when he called for aid from his staff were questions more clearly answered.

General Eckstrom’s staff reported that the restatement stems from a mistake in how state agencies with Audited Financial Statements (AFS) were classified in SCEIS, causing the ACFR to omit transfers of funds out from these agencies. The reported restatement is a result of the Office of the Comptroller General’s failure to incorporate a recurring solution to a \$1.3 billion conversion adjustment that occurred in 2017 when SCEIS became fully implemented. The Office of the Comptroller General believed the error that required the 2017 adjustment had been corrected, but because of a lack of oversight, the overstatement of general funds grew to a purported \$3.5 billion in 2022.

February 23, 2023

The subcommittee heard from the Office of the State Treasurer (STO), the Department of Administration (DOA), the Office of the State Auditor (OSA), and CliftonLarsonAllen LLP (CLA), an independent accounting firm contracted by the State to aid in audits. Testimony under oath from Treasurer Curtis Loftis and DOA Director Marcia Adams confirmed that the preparation, compilation, completion, and accuracy of the state’s

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ACFR is solely the responsibility of the Comptroller General. Remi Omisore, Principal Auditor of CliftonLarsonAllen LLP testified under oath that a restatement in the amount of \$3.5 billion is uncommon, and likely connected to a staffing shortage in the Office of the Comptroller General. The State Auditor, George Kennedy, reported under oath that the internal controls in the Office of the Comptroller General were insufficient to detect errors. Both Mr. Kennedy and Mr. Omisore noted that weakness in internal controls was a recurring concern in their audits of the office over the last 10 years. The State Auditor informed the Comptroller General of these concerns in 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, and 2022.

March 7, 2023

The subcommittee requested that General Eckstrom appear before the subcommittee to respond under oath to the testimony provided on February 23rd. After having almost two weeks to prepare clear testimony and rebuttal, subcommittee members found that he continued to testify circuitously and avoided answering questions directly, continued to rely upon his staff for explanations, and deflected blame on to other offices and officers of the State. He testified that the OSA is responsible for both the accuracy of the ACFR and fund reconciliation, contrary not only to prior testimony from the STO, DOA, and OSA, but also to his own testimony on February 9th and 16th. He testified that he was “surprised” that the auditors felt his “internal controls were consistently weak,” despite being informed of those weaknesses over the vast majority of the last ten years in the form of Internal Controls Reports, which also contained his responses to those weaknesses. He later testified that the 2007 DOA “SCEIS team” was responsible for the original misclassification of AFS agencies, even though DOA Director Adams unequivocally testified that only General Eckstrom’s office had access to account classification. When asked if there were any other offices of the State better suited to prepare the ACFR, and General Eckstrom responded no.

Among other notably troubling testimony was when General Eckstrom was directly asked whether he had hired a lawyer. He was evasive and explicitly denied having done so despite clear evidence in the possession of the subcommittee. The subcommittee read to General Eckstrom an email from an attorney dated that same day, notifying Senate staff that General Eckstrom had hired him. When given an opportunity to clarify, General Eckstrom insisted that the attorney was hired only for communication assistance.

March 9, 2023

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In a written response to General Eckstrom's testimony from March 7th, State Auditor George Kennedy and Remi Omisore of CliftonLarsonAllen LLP stated that cash reconciliations are the duty of the CGO to provide a control in the compilation of the ACFR. They also noted that performing the duties of the Comptroller General would inhibit their capacity to be objective and independent in their audits. They also reported not having the system access necessary to perform cash reconciliations.

The auditors agreed in part that the CGO doesn't have a responsibility for reconciling cash. However, they stated that General Eckstrom could have specified the two types of cash reconciliations necessary for the successful compilation of the ACFR: reconciliation to the banks and reconciliation to the ACFR itself. Reconciliations to the banks are managed by the STO, and reconciliations to the ACFR are managed by the CGO. However, a reconciliation to the ACFR is achieved through collaboration between the CGO and STO.

The State Auditor also supplied the subcommittee with Internal Control Reports dating from 2012 to 2022. "Reconciliation of cash and cash equivalents" was noted as a "material weakness" in auditing the CGO in 2013, 2014, 2015, 2017, and 2022. In 2012 it was reported as a "significant deficiency." In auditing the STO, "reconciliation of cash and cash equivalents" was reported as a "material weakness" in 2013 and 2015, and as a "significant deficiency" in 2017. "Reconciliations of cash and cash equivalents" wasn't reported as a deficiency or a weakness in audits of the STO once SCEIS was fully implemented in 2017.

March 13, 2023

The STO submitted a written response to General Eckstrom's testimony regarding reconciliations of cash on March 7th. The STO indicated that it is not aware of requests from the CGO to perform reconciliations differently. They also affirmed that "reconciliation of cash and cash equivalents" was reported as deficient by the SAO in 2013 and between 2015 and 2017, but that it was related to the legacy conversion from STARS to SCEIS and hasn't been featured in Internal Control Reports since then.

Information Requests

During the investigation, the subcommittee sent letters to General Eckstrom requesting correspondence surrounding the \$3.5 billion restatement. The responses provided by General Eckstrom were either incomplete or not related to the request at all.

In response to the letter sent on February 17th, 2023, requesting correspondence related to the restatement itself, he replied by furnishing

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emails dated between October 2022 and January 2023. Based on prior testimony from General Eckstrom, it was the belief of the subcommittee that there was additional correspondence prior to October 2022 and after January 2023. Subsequently, an additional letter was sent requesting correspondence before October 2022 and until February 2023 on February 24th. To date, General Eckstrom has not responded to that request.

On March 9th, the subcommittee sent General Eckstrom a letter requesting all correspondence to the STO or any other agency showing that the CGO communicated its needs and expectations as to closing packages and reconciliations necessary to prepare an accurate ACFR. Further, the subcommittee asked for any correspondence from the CGO to the STO indicating that the STO's reconciliation methods and packages were inadequate or insufficient for the CGO to successfully compile the ACFR. On March 13th, General Eckstrom responded that he was "unable to locate" any pertinent correspondence dating back ten years and the information he provided was unrelated to the subcommittee's request.

Also in his March 13th response, the CGO provided a 2014 email between General Eckstrom and Mr. Rich Gilbert, the state's Interim auditor at that time. In the email Mr. Gilbert cites proviso 96.2, in which the General Assembly directs the Comptroller General "as the State Accounting Officer, to maintain a Statewide Accounting and Reporting System that will result in proper authorization and control of agency expenditures... and in the preparation and issuance of the official financial reports for the State of South Carolina. [T]he Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures required to implement fully changes required by GAAP". This proviso has been in place since FY2004.

Recommendations

Given the findings of this investigation, the subcommittee makes the following recommendations:

Whereas, the Comptroller General of the State is statutorily charged with implementing appropriate accounting procedures to consolidate accounts, in connection with lump-sum agencies, as necessary for proper accounting and for financial reporting in accordance with Generally Accepted Accounting Principles; for establishing rules and regulations

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for the uniform reimbursement, remittance, and transfers of funds to the general fund of the State as required by law; and for the oversight, operation, and implementation of The South Carolina Enterprise Information System Oversight Committee; and,

Whereas, the Comptroller General provides a detailed report of the state's spending in the Annual Comprehensive Financial Report, which is used by investors and rating agencies to judge the financial health of the State and is certified by the Comptroller General's signature as true and accurate; and,

Whereas, it is undisputed that Comptroller General Eckstrom, over the span of ten years, overstated the general fund of this State by a purported three billion five hundred thirty million and no/100ths (\$3,530,000,000.00) dollars in previous Annual Comprehensive Financial Reports; and,

Whereas, in Note 15 of the FY2022 Annual Comprehensive Financial Report, released in December 2022, General Eckstrom provided a restatement explaining the three billion five hundred thirty million and no/100ths (\$3,530,000,000.00) dollars overstatement, describing it to be a result of a "mapping error," having origins in the state's conversion to the South Carolina Enterprise Information System; and,

Whereas, General Eckstrom addressed the restatement on January 17th, 2023, before the Constitutional Subcommittee of the House Ways & Means Committee; and,

Whereas, General Eckstrom addressed the restatement on February 9th, 2023, during a budget hearing of the Constitutional Subcommittee of the Senate Finance Committee testifying that he notified rating agencies of the overstatement; that the rating agencies are only concerned with numbers "ten times bigger"; that he described the issue of the restatement as "troubling times," but denied needing neither additional staff nor funding from the State when asked directly; and,

Whereas, on the same afternoon, Senate Finance Committee Chairman Harvey Peeler charged the Constitutional Subcommittee with investigating the restatement further; and,

Whereas, the Constitutional Subcommittee reconvened on February 16, 2023, to again hear from General Eckstrom, whose sworn testimony that day was described by subcommittee members as "confusing", "obfuscated", "bizarre", "concealed", "nonchalant", "cavalier", "evasive", and "incoherent"; that subcommittee members found him incapable of answering any questions posited with confidence of certainty; that General Eckstrom did not take responsibility for a decade-long error wholly under his statutory purview; that at the request of the

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subcommittee, General Eckstrom provided a timeline of events leading to the restatement which contradicted his verbal testimony that he “knew of a problem” Summer 2022; that General Eckstrom demonstrated conclusively he knew of the issue at least as early as October 2022, but did not inform appropriate state leaders until December 2022; that the Chairman of the Senate Finance Committee was not directly informed of the restatement prior to the February 9th budget hearing; that the subcommittee determined General Eckstrom to be “detached from the severity” of the restatement, and “deflecting blame” onto other offices and officers of the State; and,

Whereas, on February 17, 2023, the subcommittee sent General Eckstrom a letter requesting correspondence related to the Fiscal Year 2022 Annual Comprehensive Financial Report and the three billion five hundred thirty million and no/100ths (\$3,530,000,000.00) dollars restatement; that the Office of the Comptroller General replied to that request on February 17, 2023, and furnished related emails dated between October 2022 and January 2023; and,

Whereas, in email correspondence submitted to the subcommittee, staff of the Office of the Comptroller General reported that deadlines to complete the Annual Comprehensive Financial Report impeded the capacity to properly perform an analysis of the document; that there was confusion over the dollar amount to report in the restatement; that there was a five hundred five million and no/100ths dollars (\$505,000,000.00) “cash issue” for the South Carolina Department of Transportation, which was not mentioned in Note 15 of the Annual Comprehensive Financial Report, nor presented as testimony until March 7; that General Eckstrom referred to the restatement error as a “long standing riddle”; that there was discussion between General Eckstrom and staff regarding disclosing the restatement to the Electronic Municipal Market Access division of the Municipal Securities Rulemaking Board; and that Moody’s Analytics had serious questions and concerns related to the restatement, despite General Eckstrom’s testimony to the contrary.

Whereas, it was the belief of the subcommittee based on testimony provided on February 9, 2023, and February 16, 2023, that there was correspondence in addition to what was provided by the Office of the Comptroller General on February 17th, 2023; that on February 24, 2023, the subcommittee sent a letter to General Eckstrom requesting further correspondence dated before October 2022 and until February 2023 correlating with the Fiscal Year 2022 Annual Comprehensive Financial Report and the three billion five hundred thirty million and no/100ths

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(\$3,530,000,000.00) dollars restatement, and that General Eckstrom has yet as of the date of this report to respond to this request; and,

Whereas, the Constitutional Subcommittee reconvened on February 23, 2023, to hear testimony from the Office of the State Treasurer, the Department of Administration, the Office of the State Auditor, and CliftonLarsonAllen, LLP; and,

Whereas, on February 23, 2023, State Treasurer Curtis Loftis testified under oath that the preparation and responsibilities of the Annual Comprehensive Financial Report lies entirely within the Office of the Comptroller General; that the office imposed tight, artificial deadlines in compiling the report in pursuit of unjustified accolades from professional associations; that the Office of the State Treasurer provides to the Office of the Comptroller General information in the form of closing packages for report compilation, and that the Office of the Comptroller General is responsible for specifying what information it needs in those packages; and,

Whereas, on February 23, 2023, Director Marcia Adams of the Department of Administration testified under oath that the restatement error is a result of misclassifying Audited Financial Statement agencies within the South Carolina Enterprise Information System; that this misclassification caused an exclusion of these agencies' transactions in the Annual Comprehensive Financial Report; that the Office of the Comptroller General is responsible for the proper classification of agencies within the South Carolina Enterprise Information System; that the Office of the Comptroller General notified the Department of Administration on December 5, 2022, of the error, and further requested the formation of a multi-agency working group between the Office of the Comptroller General, the Office of the State Treasurer, and staff of the South Carolina Enterprise Information System; that on January 6th, 2023, the Office of the Comptroller General identified a solution to prevent future restatements, which included properly reclassifying accounts in the South Carolina Enterprise Information System, as well as performing routine cash reconciliations; and,

Whereas, on February 23, 2023, State Auditor George Kennedy and Remi Omisore of CliftonLarsonAllen LLP testified under oath jointly, noting the disclosure of material weaknesses in their audits of the Office of the Comptroller General over the past ten years, citing weak internal controls as thematic; that, in their audits of the office, the lack of an appropriately robust quality control process in Annual Comprehensive Financial Report compilation was repeatedly noted, and that the lack of quality assurances processes inhibits the ability of the office to

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adequately review the document for accuracy and consistency; that there has been a recurring need to perform reconciliations of the state's pooled cash and investment so as to provide an appropriate control in supporting the allocation of cash and investments presented in the Annual Comprehensive Financial Report; and,

Whereas, on February 23, 2023, State Auditor George Kennedy also testified that had the Office of the Comptroller General regularly performed cash reconciliations, and had more staff members to ensure proper financial reporting, the error would have likely been prevented; and,

Whereas, on March 7, 2023, the Constitutional Subcommittee reconvened to provide General Eckstrom an opportunity to respond to testimony provided under oath from February 23rd, 2023; and,

Whereas, on March 7, 2023, General Eckstrom's testimony under oath was perceived as oblique by subcommittee members, and he continued to be incapable of answering questions directly; that General Eckstrom testified that the Office of the State Auditor and CliftonLarsonAllen LLP shared responsibility for the Annual Comprehensive Financial Report, which contradicted prior testimony from the Office of the State Treasurer, the Department of Administration, the Office of the State Auditor, and CliftonLarsonAllen LLP, who all affirmed that the responsibility of the Annual Comprehensive Financial Report belongs exclusively to the Comptroller General; that General Eckstrom continued to deny responsibility for the original account misclassifications in the South Carolina Enterprise Information System, which not only contradicts prior testimony heard from the State Treasurer's Office and the Department of Administration, but also his agency's website that affirms his responsibility as "chief fiscal watchdog" to "properly" classify accounts and their transactions; and,

Whereas, on March 7, 2023, General Eckstrom testified under oath that he was "surprised" that the State Auditor testified that his office had "weak internal controls" over the course of ten years, when in fact he had been informed annually of those weaknesses in the form of "Independent Auditors' Reports", and provided written responses acknowledging and addressing each of them to the Office of the State Auditor and CliftonLarsonAllen LLP; that the Office of State Treasurer was responsible for reconciling funds to the Annual Comprehensive Financial Report even though the State Treasurer previously testified having neither the authority nor the ability to do so; that General Eckstrom testified that he was responsible for subjecting his staff to strict deadlines, and speculated the error would have been intercepted sooner

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had he allotted them more time; that General Eckstrom, only when asked directly by subcommittee members, testified that there was a separate error in reporting the amount of funds for the South Carolina Department of Transportation, and that this separate error “netted out” the restatement amount to three billion five hundred thirty million and no/100ths (\$3,530,000,000.00) dollars;

Whereas, the subcommittee members described the testimony General Eckstrom provided under oath on March 7, 2023, as “confusing”, “unreliable”, “inaccurate”, “deceptive”, and “opaque” testimony under oath on March 7, 2023; that General Eckstrom admitted the restatement amount exceeded three billion five hundred thirty million and no/100ths (\$3,530,000,000.00) dollars, inconsistent with not only the amount reported in the Fiscal Year 2022 Annual Comprehensive Financial Report, but also his own testimony on February 9th and February 16th; that General Eckstrom absolutely denied having hired a lawyer, and when confronted with documentary proof of having done so, he testified under oath that it was for “communication” purposes only; and,

Whereas, on March 9, 2023, State Auditor George Kennedy provided the subcommittee a written response to the testimony of General Eckstrom on March 7, stating that cash reconciliations are the duty of the Office of the Comptroller General to provide a control in the compilation of the Annual Comprehensive Financial Report; that the duties General Eckstrom stated were the responsibilities of the Office of the State Auditor were instead the responsibilities of the Office of the Comptroller General; that performing the duties of the Office of the Comptroller General would inhibit the auditors’ capacity to be objective and independent in their audits; that they do not have the system access necessary in the South Carolina Enterprise Information System; and,

Whereas, State Auditor George Kennedy stated in his written response on March 9, 2023, to the testimony General Eckstrom provided under oath on March 7, 2023, that the Office of the State Treasurer manages cash reconciliations to the bank and the Office of the Comptroller General manages cash reconciliations to the Annual Comprehensive Financial Report itself; that both types of reconciliations are necessary for the successful compilation of an accurate Annual Comprehensive Financial Report and that a full reconciliation is only achieved through collaboration between the Office of the Comptroller General and the Office of the State Treasurer; and,

Whereas, on March 13, 2023, the Office of the State Treasurer submitted a written response to the testimony General Eckstrom provided under oath on March 7, 2023, indicating that the Office of the

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State Treasurer was not aware of any requests from the Office of the Comptroller General to perform reconciliations differently; that reconciliations of cash and cash equivalents on behalf of the Office of the State Treasurer were found to be material weaknesses in 2013 and 2015, and as a significant deficiency in 2017, but that the material weaknesses and the significant deficiency was related to the transition from the legacy accounting system to the South Carolina Enterprise Information System, and was not found as a deficiency in audits after 2017 when the South Carolina Enterprise Information System was fully implemented; and,

Whereas, on March 9, 2023, in view of the testimony General Eckstrom provided the subcommittee that the State Treasurer was responsible for reconciling funds to the Annual Comprehensive Financial Report, the subcommittee sent a letter to General Eckstrom requesting that he supply correspondence with the Office of the State Treasurer or any other agency of the State delineating their needs and expectations concerning necessary closing packages and reconciliations to prepare an accurate Annual Comprehensive Financial Report; that he also provide correspondence that communicated the manner in which the Office of the State Treasurer reconciled cash was insufficient or inadequate for the Office of the Comptroller General to successfully compile the Annual Comprehensive Financial Report; and,

Whereas, on March 13, 2023, General Eckstrom provided a written response to the March 9 request of the subcommittee, stating that he was “unable to locate” any associated correspondence dating back ten years; that the subcommittee found the information General Eckstrom provided was either unrelated to the actual request, or was information previously received in the form of testimony; and,

Whereas, General Eckstrom supplied the subcommittee in his written response on March 13, 2023, with an email from 2014 between himself and Mr. Rich Gilbert, South Carolina Interim State Auditor for that year; and,

Whereas, in the 2014 email Mr. Gilbert cited proviso 96.2 of the Fiscal Year 2014 Appropriations Act, in which the General Assembly directs the Comptroller General “as the State Accounting Officer, to maintain a Statewide Accounting and Reporting System that will result in proper authorization and control of agency expenditure and in the preparation and issuance of the official financial reports for the State of South Carolina”; and,

Whereas, per Proviso 96.2 of the Fiscal Year 2014 Appropriations Act, “The Comptroller General is given full power and authority to issue

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accounting policy directives to state agencies in order to comply with Generally Accepted Accounting Principles; that “the Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures required to implement fully changes required by Generally Accepted Accounting Principles”; and,

Whereas, Proviso 96.2 has been placed in the Appropriations Act each fiscal year since 2014, and can be found in the most recent Appropriations Act as Proviso 97.2.

Therefore, in view of the above, it is the collective opinion of the subcommittee that:

1. Comptroller General Richard Eckstrom has repeatedly demonstrated his inability to perform statutory duties of the office to which he was elected;
2. That Comptroller General Richard Eckstrom should be relieved of his duties of his office;
3. That the General Assembly begin proceedings to remove Comptroller General Richard Eckstrom from office “for willful neglect of duty or other reasonable cause, which shall not be sufficient ground of impeachment” pursuant to Title XV Section 3 of the Constitution of the State of South Carolina;
4. That the responsibilities of the Office of the Comptroller General be transferred to other appropriate offices of the State;
5. That the Senate Finance Committee recommend which offices of the State receive those responsibilities;
6. That the General Assembly advance an amendment to the Constitution of the State of South Carolina, to remove the Comptroller General as an elected office.

A copy of the full report, including attachments, can be found here:

<https://www.scstatehouse.gov/CommitteeInfo/SenateFinanceConstitutionalSubComm/Sub%20Report%20PDF%203.15.pdf>

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John R. McLeod, 32 Braddock Point, Columbia, SC 29209-0809
VICE Tobias Ward

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge Richard E. Fields of Charleston, S.C. Judge Fields was a graduate of Avery Institute, West Virginia State College and Howard University School of Law. He was the first African American to open a law practice and become a litigator in Charleston. He was the first African American elected to a judicial office in the southeast and served as a City of Charleston Municipal Judge. Judge Fields served as a Family Court Judge for five years and as Circuit Court Judge, Ninth Judicial Circuit from 1980 until his retirement in 1992. He was a dedicated member of Centenary Methodist Episcopal Church. Judge Fields served on numerous boards including the Charleston County Chamber of Commerce, Bon Secours St. Francis Hospital, Florence Crittenden Home and Charleston School of Law to mention a few. He received many awards and honors including the South Carolina Voter Education Project award, Cent for Heirs Property award, Harvey Gantt Triumph award, Major for Justice award and the Order of the Palmetto to mention a few. Judge Fields was a loving father and dedicated South Carolinian who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators SHEALY, SETZLER, MASSEY, CROMER and HARPOOTLIAN with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Howard Neal Rawl of Lexington, S.C. Howard graduated from Clemson Agricultural College and was a member of many agricultural associations including Future Farmers of America. He was a partner in Walter P. Rawl & Sons. He enjoyed spending time with his family and attending Clemson football games. He was a lifetime member of IPTAY and served on the Clemson University Board of Visitors. He was a member of the Lexington Masonic Lodge, Clover Leafs Square Dance Club, the Hollow Creek Community Club and Lakeals men's group. Howard was a loving father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:26 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 16, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

I Kings 4:29

In I Kings we read: "God gave Solomon wisdom and very great insight, and a breadth of understanding as measureless as the sand on the seashore."

Join me as we bow in prayer: We do give You thanks, O God, for the wisdom possessed by each one of these leaders. May every Senator serving the people of our State continue to use his or her insight and dedication in ways that bring genuine blessings to the people each is called to serve. And as always, Lord, we ask that You embrace in Your care our women and men in uniform, keeping them safe and strong wherever they happen to serve. And ultimately, O God, may each and every one of us never doubt that it is always Your very real blessings in and of themselves which are truly "as measureless as the sand on the seashore." As always, we pray all this in Your holy and blessed name, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:05 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Garrett	Grooms
Hembree	Hutto	<i>Johnson, Kevin</i>

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<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large/Chairman:

Seema Shrivastava Patel, 101 Anadale Lane, Lexington, SC 29072-7116 *VICE* John Robert Bolchoz

Referred to the Committee on Medical Affairs.

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District:

William D. Richmond, 86 Shorebird Loop, Pawleys Island, SC 29585-7540 *VICE* Jim P. Creel

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Department of Employment and Workforce, with term coterminous with Governor

Director:

William H. Floyd III, 129 Forbidden Lane, Lexington, SC 29072-9331 *VICE* G. Daniel Ellzey

Referred to the Committee on Labor, Commerce and Industry.

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REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5108

Agency: Clemson University

Chapter: 27

Statutory Authority: 1976 Code Section 59-119-320

SUBJECT: Parking, Traffic, and Public Safety Regulations

Received by President of the Senate January 10, 2023

Referred to Committee on Education

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 16, 2023

Doctor of the Day

Senator HARPOOTLIAN introduced Dr. Mark Humphrey, of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 11:08 A.M., Senator GUSTAFSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator HUTTO, at 12:17 P.M., Senators HUTTO and HARPOOTLIAN were granted a leave of absence for the balance of today.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks by Senator KIMPSON

Thank you, Mr. PRESIDENT. I just got back from the White House, just kidding. In all seriousness, I was traveling in New York City on law firm business. I want you to know that this is not my farewell speech but I certainly want my colleagues to know about developments which occurred last Friday. The Honorable Joseph R. Biden, President of this Country, nominated me to the Advisory Committee for Trade, Policy, and Negotiations. And I'm sure you're saying, "What do you know about trade policy?" And I would respond, "Not much." But I am the Senator of what I've always respectfully referred to as the epicenter of the ports -- the seventh largest port in the world, second largest on the east coast. Senate District 42 also has a multinational operation -- Boeing.

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This is not a full-time job. This is a committee appointment. There will be regular meetings -- and I did not take this matter lightly -- there were many factors that went into my decision to accept this appointment. I have two small children -- Marleigh and Marlon -- these children have great names. I have a robust international law practice -- I have lead class actions representing millions of people around the country. Balancing my responsibilities -- first to my family, then to my full-time employment -- I needed to make some decisions so that someone could have a single-minded focus on the district. I'll come back at a later time to make my farewell speech, but I wanted to speak to the members of this Body because there have been a number of you who have congratulated me and expressed interest in knowing more about my appointment. Mr. PRESIDENT, I look forward to continuing to engage and fight for the downtrodden, those considered to be the backwash of systemic exploitation and oppression, and those who make this country great. You have a fighter in me, and I'll keep fighting until I leave.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator KIMPSON were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 110 Sen. Fanning
S. 457 Sen. Fanning
S. 546 Sen. Kimbrell
S. 621 Sen. Bennett

RECALLED AND COMMITTED

S. 542 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT"; AND BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

On motion of Senator DAVIS, with unanimous consent, the Bill was recalled from the Committee on Finance and committed to the Committee on Labor, Commerce and Industry.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 643 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE STEAK HOUSE CAFETERIA UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND ABED YASSEN FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE WALHALLA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0336km-hw23.docx : bc5ed22e-7e0d-430b-9441-27e36bf95e62

The Senate Resolution was adopted.

S. 644 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-63-110 SO AS TO PROHIBIT ISSUERS OF INDIVIDUAL LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-65-130 SO AS TO PROHIBIT ISSUERS OF GROUP LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-71-105 SO AS TO PROHIBIT ISSUERS OF DISABILITY INCOME INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; AND BY ADDING SECTION 38-12-110 SO AS TO PROHIBIT ISSUERS OF LONG-TERM CARE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS.

sr-0334km23.docx : e346a716-f782-42f0-b806-7b73efccafa4

Read the first time and referred to the Committee on Banking and Insurance.

S. 645 -- Senators Grooms, Goldfinch, McElveen, Young, Fanning, Adams, Alexander, Bennett, Campsen, Cash, Climer, Corbin, Davis, Gambrell, Garrett, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Stephens, Talley, Turner and Verdin: A JOINT RESOLUTION FINDING THAT COMPTROLLER GENERAL RICHARD ECKSTROM HAS WILLFULLY NEGLECTED HIS DUTIES IN OFFICE AND INVOKING ARTICLE XV, SECTION 3 OF THE SOUTH CAROLINA CONSTITUTION TO

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REMOVE COMPTROLLER GENERAL ECKSTROM FROM OFFICE.

sr-0083jg23.docx : 114bcece-1db9-4af2-a9d9-2e902e85a8e0

Senator GROOMS spoke on the Resolution.

Read the first time and referred to the Committee on Finance.

S. 646 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-PANEL FOR MASSAGE/BODYWORK, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 227, DESIGNATED AS REGULATION DOCUMENT NUMBER 5132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0273wab-dbs23.docx : 16a4628e-0b11-4b5c-a0af-9eb4898db74f

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 647 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ACCOUNTANCY, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 812, DESIGNATED AS REGULATION DOCUMENT NUMBER 5149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0272wab-rt23.docx : 9811d1ff-6bcb-4c52-8839-b5d7a79f604b

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSER, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

sr-0339km-hw23.docx : a9f2993e-742b-4d3c-bbfb-6010ed9fba7b

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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S. 649 -- Senator McElveen: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE COUNTY ALCOHOL AND DRUG ABUSE AUTHORITIES CREATED BY ACT 301 OF 1973 FOR ITS FIFTY YEARS OF SERVICE TO THE CITIZENS OF SOUTH CAROLINA AS PROVIDERS OF PREVENTION, INTERVENTION, TREATMENT, AND RECOVERY SUPPORT SERVICES AND TO DECLARE TUESDAY, MARCH 28, 2023, AS "COMMUNITIES FOR RECOVERY DAY" IN SOUTH CAROLINA.

lc-0212vr-rm23.docx : a2a183e5-2b04-4122-9b25-d1eae4b2c544

The Senate Resolution was adopted.

REPORT OF STANDING COMMITTEE

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Appointment Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointment

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 20, 2023, and to expire September 20, 2026

Occupational Therapist:

Nadine Hanner, 1797 Central Ave., Summerville, SC 29483-9323

Received as information.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills and Resolution were read the third time and ordered sent to the House:

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF “SEX TRAFFICKING”, SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR’S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

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S. 445 -- Senators Garrett and Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

OBJECTION

S. 165 -- Senators Climer and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

Senator CLIMER objected to consideration of the Bill.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-330.BJ0010S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Section 16-11-740 of the S.C. Code is amended to read:

Section 16-11-740. (A) For purposes of this section only, "electric utility system" means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

(B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

—(1) (a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

—(2) (b) obstruct, impede, or impair their services or transmissions; or;

—(3) (c) aid, agree with, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this section subsection.

(2) A person who violates the provisions of this section subsection is guilty of a felony and, upon conviction;

(a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years, or both;

(b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both; or

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(d) if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(3) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

(C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

(a) destroy, damage, or in any way injure:

(i) an electric utility system; or

(ii) a gasoline, natural gas, or propane utility system, including poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

(iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

(2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

SECTION X. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as

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they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (SR-330.KM0011S), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Article 1, Chapter 2, Title 28 of the S.C. Code is amended by adding:

Section 28-2-35. (A) When a person or other entity empowered to condemn purchases real property for a specific purpose which is likely to result in condemnation of surrounding real property, in whole or in part, to carry out the specific purpose for which the property was purchased, then the person or entity must first hold a public meeting in the area to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The person or entity may not finalize its purchase of the real property until thirty days after the public hearing.

(B) When a person or other entity empowered to condemn owns real property or plans to change or otherwise modify the use of the real property that the person or entity owns, and the change or modification of its use of the real property is likely to result in condemnation of surrounding real property, in whole or in part, to facilitate the change or modification of its use, then the person or entity must first hold a public meeting in the area to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The person or entity may not initiate the condemnation process until thirty days after the public hearing.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

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Point of Order

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

RECOMMITTED

S. 572 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO CORPORATE SELF-REPRESENTATION AT

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HEARINGS BEFORE THE DEPARTMENT'S PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5152, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 573 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-STATE ATHLETIC COMMISSION, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5153, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 574 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, RELATING TO BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5133, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY

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ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator CASH, the Bill was carried over.

OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION

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CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

Senator BENNETT objected to consideration of the Bill.

POINT OF ORDER

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO

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APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 260 -- Senators Rankin and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES

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CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 425 -- Senators Talley, Turner, Adams, Bennett, Climer, Davis, Hembree, Hutto, M. Johnson, Kimbrell, McElveen, Scott and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURBSIDE SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO PROVIDE CERTAIN EXCEPTIONS; BY

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ADDING SECTION 61-4-45 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; BY ADDING SECTION 61-4-280 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN BEER AND WINE AND TO PROVIDE FOR REQUIREMENTS; BY ADDING SECTION 61-6-1570 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; AND BY ADDING SECTION 61-6-1580 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN ALCOHOLIC LIQUORS AND TO PROVIDE FOR REQUIREMENTS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT

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CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 546 -- Senators Massey, Alexander, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Young, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY

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THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 642 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; BEAR HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5165, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 606 -- Senators Garrett and Gambrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN THE CITY OF GREENWOOD IN GREENWOOD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH VINTAGE COURT "JOHN MCEL RATH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

H. 3621 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W.

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Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO IMPROVE THE CARE OF ATHEROSCLEROTIC CARDIOVASCULAR DISEASE IN THE STATE OF SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

H. 3973 -- Rep. Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE MARCH 2023 AS "CHRONIC KIDNEY DISEASE AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS FOR THE NEED FOR RESEARCH, SCREENING PROGRAMS, AND ACCESS TO CARE FOR INDIVIDUALS WHO SUFFER FROM CHRONIC KIDNEY DISEASE.

The Resolution was adopted, ordered returned to the House.

H. 3975 -- Reps. Sessions, King, West, Felder, Hewitt, Pedalino, W. Newton, O'Neal, Hiott, Lawson, A.M. Morgan, B. Newton, Ligon, Harris, Guffey, Murphy, Williams, Chapman, Mitchell, Connell, Schuessler, Brewer, Wetmore, B.J. Cox, Vaughan, T.A. Morgan, J.L. Johnson, Moss, Robbins and Thayer: A CONCURRENT RESOLUTION TO RECOGNIZE THE RIGHTS OF CITIZENS WITH DOWN SYNDROME, TO PROMOTE THEIR INCLUSION AND WELL-BEING, AND TO DECLARE MARCH 21, 2023, AS "DOWN SYNDROME DAY" IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

H. 4141 -- Rep. Taylor: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF APRIL 2023 AS "DISTRACTED DRIVER AWARENESS MONTH".

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

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MOTION FOR SPECIAL ORDER FAILED

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson, Malloy and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

Senator MASSEY moved that the Bill be made a Special Order.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 20; Nays 20

AYES

Bennett	Climer	Davis
Fanning	Grooms	Harpootlian
Hutto	Jackson	Kimpson
Malloy	Martin	Massey
Matthews	McLeod	Rankin
Sabb	Shealy	Stephens
Turner	Verdin	

Total--20

NAYS

Adams	Alexander	Allen
Cash	Corbin	Gambrell
Garrett	Hembree	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
McElveen	Peeler	Reichenbach

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Rice
Williams

Scott
Young

Setzler

Total--20

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

MOTION ADOPTED

At 12:15 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch, Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

RECORDED VOTE

Senator K. JOHNSON desired to be recorded as voting against the third reading of the Bill.

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EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department of Veterans Affairs, with term coterminous with Governor

Secretary:

Todd B. McCaffrey, 3908 Kilbourne Road, Columbia, SC 29205
VICE Major General William F. Grimsley

On motion of Senator SHEALY, the question was confirmation of Todd B. McCaffrey.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

The appointment of Todd B. McCaffrey was confirmed.

Initial Appointment, South Carolina Commission for the Blind, with
the term to commence May 19, 2022, and to expire May 19, 2026

1st Congressional District:

Ronald Coleman, 214 Calhoun Street, Apt. 2, Charleston, SC 29401-
1315 *VICE* Peter Smith

On motion of Senator SHEALY, the question was confirmation of
Ronald Coleman.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Ronald Coleman was confirmed.

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Initial Appointment, South Carolina Commission for the Blind, with
the term to commence May 19, 2021, and to expire May 19, 2025
2nd Congressional District

Daniel P. Hanfland, 105 Woodcock Trail, West Columbia, SC 29169
VICE Judith E. Johnson

On motion of Senator SHEALY, the question was confirmation of
Daniel P. Hanfland.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Daniel P. Hanfland was confirmed.

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Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 20, 2023, and to expire September 20, 2026

Occupational Therapist:

Nadine Hanner, 1797 Central Ave., Summerville, SC 29483-9323

On motion of Senator VERDIN, the question was confirmation of Nadine Hanner.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Nadine Hanner was confirmed.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Kevin Alexander Gray of Columbia, S.C. Kevin was a graduate of Wofford College. He was the owner and operator of Railroad BBQ and involved in a variety of issues ranging from racial politics, police violence, third-world relations, workers' rights and political campaigns to mention a few. Kevin was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 12:25 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 17, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY.

ADJOURNMENT

At 11:06 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet next Tuesday, March 21, 2023, at 12:00 P.M.

* * *

Tuesday, March 21, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 43:19a

Isaiah tells us that the Lord declares: “See, I am doing a new thing! Now it springs up; do you not perceive it?”

Please, bow with me in prayer: O most glorious Lord, there is hardly any way possible for us not to find ourselves bowled over by the rich and wondrous blessings You bestow. Your glorious gifts are without equal; Your care and Your creation itself remind us just how great is Your love. And so we pray today, dear God, that each leader in this Senate will strive to do everything that he or she can to help all of our citizens to share in the riches You bestow. Moreover, may that same desire to do what is right and just for our people be the motive for each and every one of our other elected officials as they also serve here in our State or anywhere else across this country. In every way as “new things” unfold, may You gain the glory, O Lord. In Your loving name we pray. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens

TUESDAY, MARCH 21, 2023

Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

COMMUNICATION

Columbia, S.C., March 20, 2023

Mr. President and Senators:

I am vetoing and returning without my approval R5, S. 478:

(R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

Yours very truly,
Henry McMaster

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

Doctor of the Day

Senators SENN and GUSTAFSON introduced Dr. George Guldán of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GROOMS, at 12:31 P.M., Senator ADAMS was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator SABB, at 12:34 P.M., Senator MATTHEWS was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 12:46 P.M., Senator McLEOD was granted a leave of absence until 2:46 P.M.

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CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 109 Sen. Garrett
S. 260 Sen. Stephens
S. 303 Sen. Davis
S. 533 Sen. Stephens

CO-SPONSORS REMOVED

The following co-sponsors were removed from the respective Bills:

S. 576 Sen. Young
S. 627 Sen. Shealy
S. 645 Sens. Alexander and Martin

RECALLED

S. 605 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 628 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 FROM ITS JUNCTION WITH TUGALOO AND SMITH ROADS TO THE INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 IN GREENVILLE COUNTY "DEAN STUART CAMPBELL, SQUIRE OF THE DARK CORNER SCENIC MEMORIAL BYWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

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The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following was introduced:

S. 650 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-150-70, RELATING TO TEMPORARY REGULATIONS OF THE SOUTH CAROLINA EDUCATION LOTTERY, INITIAL AVAILABILITY OF TICKETS, AND ALTERNATE USE FOR NONWINNING TICKETS, SO AS TO ALLOW PAYMENT BY DEBIT CARD; AND BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS.

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Read the first time and referred to the Committee on Education.

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INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, April 4, 2023 - 6:30 p.m. - 8:30 p.m.

Members, Bird Supper, Seawells, 1125 Rosewood Drive, by the **HOME BUILDERS ASSOCIATION OF SOUTH CAROLINA**

Wednesday, April 5, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA BROADCASTERS ASSOCIATION**

Wednesday, April 5, 2023 - 11:30 a.m. - 2:00 p.m.

Members and Staff, Luncheon, State House Grounds, by the **SOUTH CAROLINA FIREFIGHTERS ASSOCIATION**

Wednesday, April 5, 2023 - 5:30 p.m. - 7:30 p.m.

Members and Staff, Reception, Palmetto Club, by the **ASSOCIATED BUILDERS AND CONTRACTORS CAROLINAS CHAPTER**

Wednesday, April 5, 2023 - 5:30 p.m. - 8:30 p.m.

Members and Staff, Oyster Roast, 701 Whaley, by the **CONSERVATION VOTERS OF SOUTH CAROLINA**

Thursday, April 6, 2023 - 8:00 a.m. - 10:00 a.m.

Members, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA LAND TRUST NETWORK**

Tuesday, April 18, 2023 - 5:00 p.m. - 7:00 p.m.

Members and Staff, Reception, 1114 College Street, by the **SOUTH CAROLINA BEER WHOLESALERS ASSOCIATION**

Wednesday, April 19, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA TREASURER'S OFFICE "FUTURE SCHOLARS"**

Wednesday, April 19, 2023 - 11:30 a.m. - 2:00 p.m.

Members and Staff, "Taste of South Carolina" Luncheon, State House Grounds, by the **SOUTH CAROLINA RESTAURANT AND LODGING ASSOCIATION**

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Thursday, April 20, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA CONVENIENCE AND PETROLEUM MARKETERS ASSOCIATION**

Tuesday, April 25, 2023 - 6:30 p.m. - 10:00 p.m.

Members, The Citadel Barbeque, Goodwin Building on the State Fair Grounds, by **THE CITADEL ALUMNI ASSOCIATION**

Wednesday, April 26, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SALVATION ARMY OF THE MIDLANDS**

Wednesday, April 26, 2023 - 11:30 a.m. - 2:00 p.m.

Members, Luncheon, 112 Blatt Building, by the **GOODWILL INDUSTRIES OF THE UPSTATE/MIDLANDS SOUTH CAROLINA**

Wednesday, April 26, 2023 - 5:00 p.m. - 7:00 p.m.

Members and Staff, Reception, 1208 Washington Place, by the **SOUTH CAROLINA ASSOCIATION FOR JUSTICE**

Thursday, April 27, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA INSURANCE ASSOCIATION**

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS

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INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Senator MALLOY objected to consideration of the Bill.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-3605.JG0005S):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This act may be cited as the “Earn and Learn Act of 2023”.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

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(1) “Apprenticeship” means a United States Department of Labor-approved and registered apprenticeship or an industry recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

(2) “Board” means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of “board” does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) “License” means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) “Scope of practice” means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation’s or profession’s regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations;

(3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete requirements that exceed the requirements of other license applicants for initial licensure.

(D) If a board denies a license to an applicant under this section, then the board shall:

(1) provide the applicant with a denial in writing; and

(2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant’s apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

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(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

(1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;

(2) a license that requires the educational equivalent of a bachelor's degree or higher; or

(3) apprenticeship programs that are established by state law.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

On motion of Senator CLIMER, the Bill was carried over.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE

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DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT

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FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-3518.KM0011S):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 56-1-395 of the S.C. Code is amended to read:

Section 56-1-395. (A) The Department of Motor Vehicles shall establish a driver's license reinstatement fee payment program. A person who is a South Carolina resident, is eighteen years of age or older, and has had his driver's license suspended may apply to the Department of Motor Vehicles to obtain a license valid for no more than ~~six~~ twelve months to allow time for payment of reinstatement fees. If the person has served all of his suspensions, has met all other conditions for reinstatement, and owes ~~three~~ two hundred dollars or more of South Carolina reinstatement fees only for suspensions that are listed in subsection (E), the Department of Motor Vehicles may issue a ~~six-month~~ twelve-month license upon payment of a ~~thirty-five~~ forty dollar administrative fee and payment of ~~fifteen~~ ten percent of the reinstatement fees owed. Of the forty-dollar administrative fee, the department may retain five dollars to cover the cost of operating the program. The remainder must be credited to the State Highway Fund established in Section 57-11-20.

(B) During the period of the ~~six-month~~ twelve-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first. The department may provide the person with a fee schedule that shows how much the person may pay every month to satisfy the fees that he owes in a timely manner. The department may allow a person to make payments towards the payment program online. However, the first and final payments must be paid in person at one of the department's branch offices.

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(C) When all fees are paid, and the department records demonstrate that the person has no other suspensions, the person is eligible to renew his regular driver's license.

(D) If all fees are not paid by the end of the ~~six-month~~ twelve-month period, existing suspensions shall be reactivated.

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, ~~56-1-120~~, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), ~~56-2-2740~~, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, ~~56-10-270~~, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any ~~three-year~~ two-year period. Once a person has participated in the payment program for a suspension, the person cannot enter into another payment program for the same suspension. If the person receives another payment program-qualifying suspension pursuant to subsection (E) while already enrolled in the payment program, the person cannot add the new suspension to the existing payment program. If a person who is currently participating in a payment plan commits a subsequent infraction for which his license is suspended for some period of time, then he may no longer participate in the payment plan for the prior offense.

~~—(G) The payment program administrative fee of thirty five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

SECTION 2. Section 56-1-396(F) of the S.C. Code is amended to read:

(F) Qualifying suspensions include, and are limited to, suspensions pursuant to Sections ~~34-11-70, 56-1-120, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), 56-2-2740, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-270, and 56-10-520, 56-10-530, and 56-25-20.~~ Qualifying suspensions do not include suspensions pursuant to Section 56-5-2990 or 56-5-2945, and do not include suspensions pursuant to Section 56-1-460, if the person drives a motor vehicle when the person's license has been suspended or revoked pursuant to Section 56-5-2990 or 56-5-2945.

SECTION 3. Section 56-10-240(A) and (B) of the S.C. Code are amended to read:

Section 56-10-240. (A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle

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owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

(B) The Department of Motor Vehicles, ~~in its discretion, may authorize insurers to utilize alternative methods of providing notice of cancellation, refusal to renew, new policies written, and renewals to the department.~~ The department may not reissue a registration certificate and license plate for that vehicle until satisfactory evidence has been filed by the owner or by the insurer who gave the cancellation or refusal to renew notice to the department that the vehicle is insured. Upon receiving information to the effect that a policy is canceled or otherwise terminated on a motor vehicle registered in South Carolina, the department shall suspend the owner's driving privileges, license plate, and registration certificate and shall initiate action as required within fifteen days of the notice of cancellation to pick up the license plate and registration certificate. A person who has had his driving privileges, vehicle license plate, and registration certificate suspended by the department, but who at the time of suspension possesses liability insurance coverage sufficient to meet the financial responsibility requirements as set forth in this chapter, has the right to appeal provide documents showing that the vehicle was actually insured during the suspension period ~~the suspension immediately to the Director of the Department of Insurance department.~~ If the ~~Director of the Department of Insurance department~~ determines that the person has sufficient liability insurance coverage, ~~he shall notify the department and~~ the suspension is voided immediately. The department shall give notice by first class mail of the cancellation or suspension of driving and registration privileges to the vehicle owner at his last known address.

SECTION 4. Section 56-10-245 of the S.C. Code is amended to read:

Section 56-10-245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56-10-240 ~~of the 1976 Code~~

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must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician's statement. The total amount of the fine provided for in this section may not exceed two hundred dollars per vehicle for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

SECTION 5. Article 5, Chapter 10, Title 56 of the S.C. Code is amended to read:

Article 5

~~Establishment of Uninsured Motorist Fund~~
Operating an Uninsured Motor Vehicle

Section 56-10-510. ~~In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in Section 56-9-20, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of five hundred and fifty dollars. Notwithstanding any other provision of law, fifty dollars of the uninsured motor vehicle fee is nonrefundable and is directed to be paid to the South Carolina Reinsurance Facility for the recoupment of assessments or losses of the South Carolina Reinsurance Facility pursuant to Section 56-10-554 until otherwise ordered by the director of the Department of Insurance. However, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee exclusive of any nonrefundable portion must be prorated to conform to the registration period. This uninsured motor vehicle fee shall be increased annually based upon and in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. The director of the Department of Insurance, by annual order, will set this exact fee. The application for registering an uninsured vehicle must have the following statements printed on or attached to the first page of the form, boldface, twelve point type: "THIS \$550 FEE IS NOT AN INSURANCE PREMIUM AND YOU ARE NOT PURCHASING ANY INSURANCE BY PAYING THIS FEE. THIS \$550 UNINSURED MOTORIST FEE IS FOR THE PRIVILEGE TO DRIVE AND OPERATE AN UNINSURED MOTOR VEHICLE ON THE SOUTH CAROLINA ROADS." This uninsured motorist notice required by this section must also be given to the person~~

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~~registering an uninsured motor vehicle. The director shall prescribe the exact format of this notice by regulation and shall adjust the amount of this fee annually as part of the order by the director of the Department of Insurance adjusting the uninsured motorist fee in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle, under the penalties set forth in Section 56-10-520, shall execute and furnish to the director his certificate that the motor vehicle is an insured motor vehicle as defined by the laws of this State, or that the director has issued to its owner, in accordance with Section 56-9-60, a certificate of self insurance applicable to the vehicle sought to be registered. The director, or his designee, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured to submit a certificate of insurance on a form prescribed by the director. The director must forward the certificate of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether the policy or bond named in the certificate is currently in force. At that time, and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company must cause to be filed with the director a written notice if the policy or bond was not applicable as to the named insured. The director must prescribe the manner in which the written notice must be made. The refusal or neglect of any owner within thirty days to submit the certificate of insurance when required by the director or his designee or the notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, must require the director to suspend any driver's license and all registration certificates and license plates issued to the owner of the motor vehicle until the person:~~

~~—(1) has paid to the director of the Department of Motor Vehicles a fee of three hundred dollars to be disposed of as provided for in Sections 56-10-550 and 56-10-552 with respect to the motor vehicle determined to be uninsured; and~~

~~—(2) furnishes proof of financial responsibility for the future in the manner prescribed in Section 56-10-10, et seq. of this chapter. An order of suspension required by this section is not effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for hearing must be included in the order of suspension. When three years have elapsed from~~

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~~the effective date of the suspension required in this section, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. If the director determines that the fee applicable to the registration of an uninsured motor vehicle has been paid on the vehicle in question on or before the date that the insurance certificate was requested, no suspension action must be taken. The director shall suspend the driver's license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of Section 56-10-520, but the director shall dispense with the suspension when the person is convicted for a violation of Section 56-10-520 and the Department of Motor Vehicle's records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner before the date and time of the alleged offense. Reserved~~

Section 56-10-520. (A)(1) It is unlawful for a A person who owns an uninsured motor vehicle:

~~—(1) licensed in the this State; or~~

~~—(2) subject to registration in the this State;~~

~~—who operates or permits the operation of that motor vehicle to operate or allow the operation of the uninsured motor vehicle in this State, without first having paid to the director the uninsured motor vehicle fee required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.~~

(2) It is unlawful for a person who is not the owner of an uninsured motor vehicle to operate the uninsured motor vehicle in this state if the person operating the motor vehicle knows that the motor vehicle is uninsured. A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must:

(3) A person who violates subsection (A)(1) or (2) is guilty of a misdemeanor and, upon conviction,:

(a) for a first offense, must be fined ~~no~~ not less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days, or both;

(b) for a second offense, must be fined two hundred dollars or imprisoned for thirty days, or both; or

(c) for a third or subsequent offense, must be imprisoned for not less than forty-five days nor more than six months.

(4) Only convictions pursuant to this section which occurred within five years, including and immediately preceding the date of the last

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conviction, constitute prior convictions within the meaning of this section.

~~The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56-10-510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56-10-510 as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56-10-260.~~

~~—Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56-9-330.~~

(B) The director-Department of Motor Vehicles shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the director-department shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such-the person until such-the person pays the reinstatement fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56-10-510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person as provided in this section.

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(C) The ~~director~~ department shall suspend the driver's license of any person who is the operator but not the ~~titled~~ owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension.

(D) The reinstatement fee shall be six hundred dollars until adjusted in accordance with this section. The reinstatement fee may be adjusted annually, at the beginning of the calendar year, based upon and in relation to the average rate level for private passenger automobile insurance coverages by insurers in this State. The Department of Insurance, by annual order, will set the exact fee. The Department of Insurance shall annually notify the Department of Motor Vehicles by the first business day of October of the reinstatement fee for the upcoming calendar year.

Section 56-10-530. When it appears to the ~~director~~ Department of Motor Vehicles from ~~the its~~ records of his office that an uninsured motor vehicle as defined in Section 56-9-20, subject to registration in the State, is involved in a reportable accident in the State resulting in death, injury, or property damage with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee as prescribed in Section 56-10-510, the ~~director~~ department shall, in addition to enforcing the applicable provisions of Section 56-10-10, et seq. of this chapter, suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with those provisions of law and has paid to the ~~director of the Department of Motor Vehicles~~ a department a reinstatement fee as provided by Section 56-10-510~~520~~, to be disposed of as provided by Section 56-10-550, with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility in the manner prescribed in Section 56-9-350, et seq. However, no order of suspension required by this section must become effective until the ~~director~~ department has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for a contested case hearing must be included in the order of suspension. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the effective date of the suspension herein required, the director may relieve such person of the requirement of furnishing proof of future financial responsibility. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance

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company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined or, ~~presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the department before the date and time of the accident,~~ is sufficient bar to the suspension provided for in this section.

~~Section 56-10-535. The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.~~

~~—However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such person of the requirement of furnishing proof of future financial responsibility.~~ Reserved

~~Section 56-10-540. Whenever any proof of financial responsibility filed by any person as required by this chapter no longer fulfills the purpose for which required, the director shall require other proof of financial responsibility as required by this chapter and shall suspend such~~

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~~person's driver's license, registration, certificates, and license plates and decals pending the furnishing of proof in a manner prescribed by the director. Notice of such suspension shall be made in the form provided for in Section 56-1-465.~~

A person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this chapter and have not been reinstated shall immediately return, either in person or electronically, every such license, registration certificate, and set of license plates and decals held by him to the ~~director~~ department. A person failing to comply with this requirement shall be guilty of a traffic infraction and, upon conviction, shall be punished as provided in Section 56-9-340~~340~~, et seq.

Section 56-10-550. Except as provided in Sections 56-10-552 and 56-10-554, funds collected by ~~the director of the~~ Department of Motor Vehicles under the provisions of this chapter must be placed on deposit with the State Treasurer and held in a special fund to be known as the "Uninsured Motorists Fund" to be disbursed as provided by law. ~~The director of the~~ Department of Insurance as provided in Sections 38-77-151 and 38-77-154 may expend monies from such funds for the administration of Title 38.

Section 56-10-551. When any insurance policy certified under this chapter is canceled or terminated, the insurer shall report the fact to the ~~director~~ Department of Motor Vehicles within fifteen days after the cancellation electronically or on a form prescribed by the director.

Section 56-10-552. (A) For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38-73-470, one dollar and twenty cents must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remaining eighty cents must be placed in a special fund, to be known as the "Uninsured Enforcement Fund", to be used by the Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56-10-540~~(1)~~520 must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56-10-540~~520~~ must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56-10-550, 38-77-151, and 38-77-154.

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~~Section 56-10-553. The Department of Motor Vehicles must collect data and maintain statistics on the total number of vehicles registered in the State as of June thirtieth of each year, the number of motorists who voluntarily paid the five hundred fifty dollar fee at the time of registration during the fiscal year, the number of motorists who paid the penalty fee after being detected by the Department of Motor Vehicles as being uninsured during the fiscal year, the number of certificates of insurance filed during the fiscal year, the net revenue collections for these fees by the fiscal year, the net funds available in the Uninsured Motorist Fund, and the net funds received from the Department of Insurance from the uninsured motorist fee during the fiscal year.~~

~~—The Department of Motor Vehicles must provide an annual report to the General Assembly and the Department of Insurance containing the information required in this section. Reserved~~

~~Section 56-10-554. As provided in Section 56-10-510, fifty dollars of the uninsured motor vehicle fee paid per vehicle is nonrefundable and must be used to recoup assessments or losses of the South Carolina Reinsurance Facility. Upon collection by the director of the Department of Motor Vehicles from any person registering an uninsured vehicle, this money must be placed by the director of the Department of Motor Vehicles on deposit with the State Treasurer to be held in a special account called the “Recoupment Fund”, payable on a quarterly basis, to provide for the recoupment of facility assessments or losses. Upon final recoupment of facility losses as the South Carolina Reinsurance Facility ceases to exist, the director of the Department of Insurance shall by order (1) set the uninsured motor vehicle fee which does not include the fifty dollars dedicated for the recoupment of facility assessments or losses; (2) inform the director of the Department of Motor Vehicles that the facility assessments or losses have been recouped and when the Department of Motor Vehicles must cease collection from every person registering an uninsured motor vehicle, as well as transmittal to the State Treasurer, of this fifty dollar portion; and (3) direct the State Treasurer to transfer any used portion of the “Recoupment Fund” to the “Uninsured Motorist Fund”. The director of the Department of Motor Vehicles must cease collection of this fifty dollars as part of the uninsured motor vehicle fee which has been dedicated for the recoupment of facility assessments or losses as provided in the order issued by the director of the Department of Insurance. Reserved~~

SECTION 6. Section 56-9-20(1) of the S.C. Code is amended to read:

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(1) "Insured motor vehicle": A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item ~~(7)~~(5) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

SECTION 7. Section 56-9-20(14) of the S.C. Code is amended to read:

(14) "Uninsured motor vehicle": Any motor vehicle which is not an insured motor vehicle as defined in item ~~(3)~~(1) of this section.

SECTION 8. Section 56-3-210 of the S.C. Code is amended to read:

Section 56-3-210. (A)(1) The department is authorized to administer a program for and regulate the issuance of temporary license plates for ~~newly acquired vehicles~~ items required to be registered in this State and items that are purchased in this State that may be registered in a foreign jurisdiction.

(2) The department, pursuant to this section and with input from temporary license plate distributors, shall establish the design and layout of all temporary license plates to be issued within the State. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

(3) Temporary license plates must be six inches wide and at least eleven inches in length. Temporary motorcycle and moped license plates must be four inches wide and seven inches in length.

(4) Each temporary license plate must contain a vehicle's identifying information as determined by the department, including, but not limited to, the date of expiration, the name of the issuing entity or standard identifier as determined by the department, and a unique identifying license plate text assigned by the department. The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. In order to operate on the highways of this State, an item must display either a valid temporary license plate issued pursuant to this title or a valid metal license plate, and, when applicable, a decal that the owner intends to transfer pursuant to Section 56-3-1290.

~~(4)(5)~~ Licensed motor vehicle dealers, leasing companies, the department, and other entities shall not:

—~~(a)~~ obtain or procure a temporary license plate from any entity other than ~~the department or one of the department's~~ a registered temporary license plate distributor; ~~or~~

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~~_____ (b) charge a fee that exceeds the actual cost of issuing a temporary license plate plus standard shipping and handling costs.~~

(B)(1) Only statewide motor vehicle dealer associations in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers may be temporary license plate distributors. Except as otherwise provided in this section, only temporary license plate distributors may sell or distribute temporary license plates.

_____ (2) If a temporary license plate distributor is unable to provide temporary license plates for the department in a timely manner, the department may solicit for and select a different temporary license plate distributor. The department's solicitation and selection of a different temporary license plate distributor is subject to the provisions of the State Consolidated Procurement Code.

_____ (3) If the only temporary license plate distributors in this State do not respond to a solicitation as provided for in item (2) then this subsection is of no force or effect.

~~(5)(C)(1)~~ The department is authorized to administer an electronic system for county auditors' offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. The department may contract with ~~vendors~~ third parties to provide service connection between the issuing entities and the department, or may provide the service directly to participating entities. Licensed dealers, leasing companies, and other entities participating in the electronic registration and titling program that fail to comply with the program's requirements may be removed from the program by the department.

_____ (2) Third parties contracted pursuant to this section are authorized to produce temporary license plates and temporary vehicle registration transactions on behalf of the department. The department shall develop program terms, conditions, standards, and specifications required for certification. Third parties requesting certification must agree to the terms, conditions, standards, and specifications in order to participate.

~~_____ (6) Each temporary license plate must contain a vehicle's identifying information as determined by the department, to include the date of issue, the date of expiration, the name of the issuing entity, and a unique identifying license plate text that will be assigned by the department.~~

~~_____ (7) The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. The issuing entity must produce a temporary license plate with the prescribed plate text immediately upon sale of a vehicle and assignment of a~~

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temporary license plate, so that law enforcement and authorized entities can identify the owner of the vehicle.

~~(8)(D)~~ The department, with input from temporary license plate distributors, shall develop program specifications that define the requirements of the temporary license plate program governing the issuance of temporary license plates by all authorized entities. The design, specifications, and method of distribution of all temporary plates shall be the same.

~~— (9) Registered temporary license plate distributors must be statewide dealer associations.~~

~~— (a) Licensed dealers and leasing companies must receive temporary license plates from registered temporary license plate distributors.~~

~~— (b) Counties and other nondealer entities may receive temporary license plates from a registered distributor or the department.~~

~~— (B) A person who newly acquires a vehicle or an owner of a foreign vehicle that is being moved into this State, that is required to be registered under this chapter, and that is not properly registered and licensed, before operating the vehicle on the state's highways during the forty five day period contained in this section, must:~~

~~— (1) transfer a license plate from another vehicle pursuant to subsection (G) of this section and Section 56-3-1290;~~

~~— (2) purchase a new license plate and registration;~~

~~— (3) purchase a temporary license plate from the department pursuant to subsection (D) of this section;~~

~~— (4) purchase a temporary license plate from the county auditor's office in the county in which the person resides pursuant to subsection (D) of this section; or~~

~~— (5) obtain a temporary license plate from a dealer of new or used vehicles pursuant to subsection (E) of this section.~~

~~— (C) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered need not purchase a temporary license plate. The owner has forty five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must properly license and register the vehicle immediately.~~

~~— (D) The department or the county auditor's office must, upon proper application, issue a temporary license plate to a casual buyer of a vehicle pursuant to subsection (B) of this section. The expiration date may not extend beyond forty five days from the vehicle's date of purchase or lease. The bill of sale, title, lease contract, temporary registration card~~

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~~issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease. The department may charge a five dollar fee for the temporary license plate. The county auditor's office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor's office associated with the production and issuance of the temporary license plates.~~

~~(E) A licensed vehicle dealer or a leasing company of new or used vehicles may issue to the buyer or lessee of a vehicle at the time of its sale or lease a temporary license plate in accordance with subsection (A). The expiration date may not extend beyond forty five days from the date of purchase or lease. Issuing entities may utilize no more than the top upper fifty percent free space on their temporary license plates for dealer or company identification. Traceable temporary license plates from issuing entities that do not utilize the plate for dealer or company identification must include an identifier selected by the department. Third party providers that produce temporary license plates must not charge an additional fee to issuing entities that chose to issue traceable temporary license plates that include the identifier selected by the department. The ~~bottom~~ lower fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department pursuant to Section 56-3-210(A)(4). The bill of sale, title, lease contract, temporary registration eard issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease.~~

~~(F) Except as provided for in this section chapter, a dealer or leasing company may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. A dealer or leasing company may not place a temporary license plate on a vehicle until the vehicle is sold to a purchaser and until the temporary license plate number and other identifying information has been recorded in the electronic database and printed on the ~~bottom~~ lower fifty percent~~

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of the temporary license plate. A dealer that issues or allows a temporary license plate to be issued in violation of this section also may have the dealer violation points, as determined by the department, assessed. A nondealer issuing entity that violates this section may have its issuing privileges suspended by the department. The department shall develop a process for tracking fraudulently issued or sold temporary plates.

~~(F)~~(G) Any person or entity authorized by this ~~section~~ chapter to issue a temporary license plate shall maintain records as required by the department. Records maintained pursuant to this subsection shall be open to inspection by the department or its agents during reasonable business hours. Records must include the inventory control number of each temporary license plate, the vehicle identification number, issuance date, and expiration date.

~~(G)~~ If a person intends to transfer a license plate from one vehicle to another vehicle, he may place the license plate to be transferred on the newly acquired vehicle on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained in the newly acquired vehicle at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the vehicle with the department within forty five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

~~(H)~~ A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as required by Section 56-3-110 within forty five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. Licensed motor vehicle dealers, leasing companies, and other entities may provide temporary license plates only for items that are purchased from that dealer, company, or entity.

~~(I)~~ Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle. The total fee for the temporary license plates the department or counties issue pursuant to this chapter shall be calculated based on:

(1) the five-dollar cost of the plate, which must be placed in a special restricted account to be used solely by the department for the costs associated with the production and issuance of new license plates; and

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(2) an additional five dollars which must be placed credited to the State Highway Fund as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.

(J)(1) Only one temporary license plate shall be issued to a purchaser of a vehicle for the vehicle he has purchased before it is registered permanently. The department may issue special permits to consumers who have not received their registration within the prescribed forty five days. The total fee for the temporary license plates issued pursuant to this chapter by licensed dealers, leasing companies, and other entities must be calculated based on:

(a) the actual cost of the license plate plus issuing and printing, as well as standard shipping and handling costs; and

(b) an additional five dollars which must be remitted to the department to be credited to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.

(2) Dealers, leasing companies, and other entities shall not charge any fees for traceable temporary license plates in excess of the fees provided for in this subsection.

(K) The department may restrict or revoke the ability to issue temporary license plates for an issuing entity found to be in violation of this section. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease. The bill of sale, title, lease contract, or copy of one these documents must contain a description of the vehicle, the name and address of both the seller and the purchaser of the vehicle, and its date of sale or lease.

(L) All temporary license plates must be valid for no more than forty-five days and must be affixed at all times to the rear of the item in an unobscured and secure manner.

(M) Only one temporary license plate may be issued to a purchaser of an item. The temporary license plate must be used only on the item for which it was issued and must not be transferred, loaned, or assigned to any other person or item.

SECTION 9. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-211. The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that is purchased in this State that may be registered in a foreign jurisdiction and farm trucks registered in another jurisdiction that are harvesting and transporting seasonal crops. Temporary license

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plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

SECTION 10. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-212. (A) The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that will be registered in this State or vehicles used solely for corporate research and development. In the case of the need to move trailers and semi trailers before they have been purchased, temporary license plates may be issued to those items for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

(B) A person who newly acquires a vehicle or an owner of a vehicle registered in a foreign jurisdiction that is being moved into this State, that is required to be registered under this title, and that is not properly registered and licensed, before operating the vehicle on the State's highways during the forty-five-day period contained in this section, must:

(1) transfer a license plate from another vehicle pursuant to Section 56-3-1290;

(2) purchase a new license plate and registration;

(3) purchase a temporary license plate from the department; or

(4) purchase a temporary license plate from the county auditor's office in the county in which the person resides.

(C) The department, upon proper application, must issue a temporary license plate to a casual buyer of any item that will be registered in this State.

(D) If a person intends to transfer a license plate from one item to another item that is the same type and classification, then he may place the license plate to be transferred on the newly acquired item on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained with the newly acquired item at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the item with the department within forty-five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

(E) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as

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soon as he receives them, or by the end of the expiration period of the temporary license plate, whichever occurs first, unless the provisions of Section 56-3-213 apply. A person who operates an item in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. This subsection does not apply to vehicles used solely for corporate research and development or trailers and semi trailers that have temporary license plates for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business.

(F) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered has forty-five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must license and register the vehicle immediately.

(G) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

SECTION 11. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-213. (A) The department may issue solely to South Carolina residents, as proven by showing their driver's license or identification card issued by the department, special permits to operate any item otherwise required to be registered under this title when the item does not display the required license plate or registration card. In the case of a newly acquired vehicle, the department may issue a special permit pursuant to this section only when it has reason to believe that a person has made all attempts to appropriately register the item within the forty-five days of acquiring the vehicle. The department retains the authority to issue special permits at other times when extenuating circumstances exist. Special permits issued pursuant to this section must be valid for no more than forty-five days and must be affixed to the rear of the item in an unobscured and secure manner to operate. The department is the only entity authorized to provide a special permit pursuant to this section. There is no fee for special permits issued pursuant to this section.

(B) The provisions of this section do not apply to items registered in a foreign jurisdiction or used for corporate research and development.

SECTION 12. Section 56-3-2340(A) of the S.C. Code is amended to read:

Section 56-3-2340. (A) The Department of Motor Vehicles, or its designated agent, ~~may allow~~ shall require licensed motor vehicle dealers to issue ~~first time temporary~~ motor vehicle registrations and temporary

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~~license plates directly from the dealership. A dealership shall apply to the department upon forms approved and provided by the department. The department may request information necessary to ensure the integrity of the current licensing system. The department may allow or refuse a dealership the right to issue motor vehicle registrations or license plates based upon criteria established by the department. If a dealership previously is denied the privilege to issue registrations and license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates. If in the opinion of the department a bond is necessary to ensure the payment of fees associated with the registering and licensing of a vehicle, the department may require a bond not to exceed the estimated value of new license plates and validation stickers held by the dealership or the department's designated agent. Unless disallowed by the department, any dealership that begins a transaction through a third-party vendor pursuant to Section 56-3-210(C)(2) that provides a service connection between issuing entities and the department must complete the entire transaction, including titling and registering the vehicle in the same manner. Unless extenuating circumstances apply, at the department's discretion, dealers may not obtain certificates of title, temporary motor vehicle registrations, or temporary license plates from the department's branch offices. A dealership must make attempts to apply to the department electronically, including utilizing digital scans of forms approved and provided by the department.~~

SECTION 13. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-214. (A) The department shall implement a quality assurance program to ensure the integrity of the electronic registration and titling program. Pursuant to this section, the quality assurance entity shall perform quality assurance reviews of data and submitted forms through the electronic vehicle registration system. The department shall develop program standards and specifications for quality assurance. Quality assurance entities must agree to the program terms, conditions, standards, specifications, and bond requirement in order to participate.

(B)(1) A quality assurance entity must be a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers.

(2) If the quality assurance entity does not meet reasonable accuracy standards, the department may solicit for and select a different quality assurance provider without regard to this subsection and in accordance with the State Consolidated Procurement Code.

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(3) If a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers does not respond to a solicitation to be a quality assurance entity, then this subsection does not apply.

(C) The quality assurance entity shall review all required documents for all transactions for all applications of title and registration submitted by dealers in accordance with department standards.

(D) The quality assurance entity shall charge a fee of ten dollars per vehicle sold by the dealer. The ten-dollar fee is an official fee and may be charged to the consumer by the dealership. The fee shall be a standalone line item on a dealer invoice or bill of sale and is not calculated as part of the purchase price of the vehicle.

(E) The department may allow or refuse a dealership the right to issue temporary motor vehicle registrations or temporary license plates through the electronic registration and titling program should the accuracy rate of its documentation fall below ninety-five percent as determined through the quality assurance entity and reported to the Department of Motor Vehicles on a monthly basis or upon request by the department.

(F) If a dealership previously is denied the privilege to issue registrations and temporary license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates again.

(G) The quality assurance entity shall carry a bond to ensure departmental standards and the protection of personally identifiable information remains intact. The bond amount shall be determined by the department.

(H) The department is authorized to collect a transaction fee from the quality assurance entity that transmits or retrieves data from the department pursuant to this section. The fee must not exceed five dollars for each transaction. Two dollars and fifty cents of each fee collected pursuant to this subsection These fees must be credited to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The other two dollars and fifty cents of each fee collected pursuant to this subsection shall be retained by the Department of Motor Vehicles and earmarked in an account for the sole purpose of technology modernization. Fees in the account may be carried forward from fiscal year to fiscal year.

SECTION 14. Section 8-21-15(B) of the S.C. Code is amended to read:

(B) This section does not apply to:

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- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) charges for vendor fees, convenience fees, transaction fees, or other similar fees that allow a person to pay a state agency or contracted vendor on behalf of a state agency for goods, services, fees, or other items through any payment method other than cash;
- ~~(8)~~(9) court fees or fines levied in a judicial or adjudicatory proceeding.

SECTION 15. Section 56-14-30 of the S.C. Code is amended to read:

Section 56-14-30. (A) Before engaging in business as a recreational vehicle dealer in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month ~~twelve-thirty-six~~ months from the date of issue, the "licensing period", and must be displayed prominently at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

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(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)~~(C) A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first ~~make application~~ apply to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses ~~in any one licensing period every twelve months~~. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

~~(C)~~(D) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

~~(D)~~(E) A person who fails to secure either a temporary or a permanent license as required in this chapter and sells a recreational vehicle is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars or more than ~~one thousand~~ three hundred dollars or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~(E)~~(F) For purposes of this section, ~~the~~ each unauthorized sale of each a recreational vehicle where the dealer has not applied for and received a license from the department appropriate for that sale constitutes a separate offense. Nothing in this chapter may be construed to prohibit

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any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The Department of Motor Vehicles shall enforce the provisions contained in this section. The ticketing agency shall retain fifty percent of all fines collected pursuant to this section.

~~(F)~~(G) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

SECTION 16. Section 56-14-40 of the S.C. Code is amended to read:

Section 56-14-40. (A) Before a license as a recreational vehicle dealer is issued, an applicant shall file an application with the department and provide information the department may require including, but not limited to, the name and addresses of individuals who own or control ten percent or more of the interest in the business.

(B)(1) Each applicant shall furnish a surety bond in the penal amount of ~~thirty~~ fifty thousand dollars on a form prescribed by the department.

~~(2) A new bond or a proper continuation certificate must be delivered provided to the department annually every twelve months during the license period before a dealer's license may be renewed. The dealer or surety, or the dealer's or surety's designee, must notify the department of any bond name or address changes during the licensing period. Notice must be provided within thirty days of a change. Proof of the bond and the proper continuation of the bond may be provided to the Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.~~

~~(3) A dealer's license expires immediately upon expiration or termination of a dealer's bond, or a decrease of a dealer's bond below fifty thousand dollars.~~

~~(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.~~

~~(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a recreational vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a recreational vehicle by a licensed recreational vehicle dealer or the dealer's agent acting for the dealer, or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or his agent of any provisions of this chapter.~~

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(6)(a) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering vehicles by a recreational vehicle dealer, the department may maintain a cause of action against the dealer's surety bond and may recover damages if the owed taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the collected taxes and fees to the appropriate entity as prescribed by law.

(b) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(c) This subsection does not apply to monies a recreational vehicle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made a bona fide, good faith effort by registered or certified mail, return receipt requested, or by private delivery service acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For purpose of this subsection, the dealer should make a bona fide, good faith effort to refund the monies due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~ fifty thousand dollars on each bond and to the amount of the actual loss incurred.

(8) The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license ~~year~~ period, there is a change in the information a dealer gave the department in obtaining or retaining a license, the licensee must report the change to the department within thirty days on a form prescribed by the department.

(D) If a licensee ceases to be a recreational vehicle dealer, he shall notify the department within ten days and return any license and all dealer license plates.

(E) In the event of a licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the

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conclusion of the license period or eighteen months after the licensee's death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 17. Section 56-14-50 of the S.C. Code is amended to read:

Section 56-14-50. No recreational vehicle dealer may be issued or allowed to maintain a recreational vehicle dealer's license unless:

(1) The dealer maintains a bona fide place of business for selling or exchanging recreational vehicles, which must be the principal business conducted from the location. A bona fide place of business includes a permanent, enclosed building, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, occupied by the owner or operator and easily accessible by the public, at which a permanent business of bartering, trading, or selling recreational vehicles or displaying vehicles for bartering, trading, or selling is conducted, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter.

(2) The business must display a permanent sign identifying the business with letters at least six inches in height, clearly readable from the nearest major avenue of traffic.

(3) The business must have a reasonable area or lot to properly display recreational vehicles.

(4) A recreational vehicle dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of his bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The property adjacent to or within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or within sight of his bona fide established place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this item must provide on the dealer license application the street address of the property adjacent to or the property within sight of

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his bona fide place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 18. Section 56-14-70 of the S.C. Code is amended to read:

~~Section 56-14-70. A license may be denied, suspended, or revoked if the applicant or licensee or an agent of the applicant or licensee is determined by the department to have:~~

- ~~—(a) made a material misstatement in the application for the license;~~
- ~~—(b) violated any provision of this chapter;~~
- ~~—(c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a vehicle;~~
- ~~—(d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers by the laws of this State;~~
- ~~—(e) been convicted of any violation of law involving the acquisition or transfer of a title to a vehicle or of any violation of law involving tampering with, altering, or removing vehicle identification numbers or markings;~~
- ~~—(f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~
- ~~—(g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or failed to maintain records of each vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~
- ~~—(h) given, loaned, or sold a vehicle dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer to whom the license plate was originally issued.~~

~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle~~

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~~Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~

~~—Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an application or licensee for any reason prescribed in Section 56-15-350.~~

SECTION 19. Section 56-15-310 of the S.C. Code is amended to read:

Section 56-15-310. (A)(1) Before engaging in business as a dealer or wholesaler in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires ~~twelve-thirty-six~~ months from the month of issue, ~~the~~ (licensing period), and must be displayed prominently at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business ~~except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Before exhibiting and selling motor homes at temporary locations as permitted above, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.~~

(2) During the dealer license application process, the department shall provide any information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

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(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(3) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action without regard to the time periods provided in this subsection.

~~— Any person failing to secure a temporary license as required by this section is guilty of a misdemeanor and, upon conviction, must be punished in the same manner as he would be punished for failure to secure his regular dealer's license.~~

~~— The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than motor homes at authorized temporary locations.~~

(B) A person who fails to secure either a temporary or a permanent license as required in this chapter and facilitates an unauthorized sale of a motor vehicle in violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars or ~~more than one thousand dollars or~~ imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

For purposes of this section, the sale of each motor vehicle constitutes a separate offense. For purposes of this section, each instance of an unauthorized sale of a motor vehicle where the dealer has not applied for and received a license from the department appropriate to that sale is conclusively deemed to be a separate and distinct offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 20. Section 56-15-320 of the S.C. Code is amended to read:

Section 56-15-320. (A) Before a license as a "wholesaler" or "dealer" is issued to an applicant, he shall file an application with the Department of Motor Vehicles and furnish the information the department may

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require including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B)(1) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of ~~thirty- fifty~~ thousand dollars on a form prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter.

(6) In instances of taxes or fees owed to the State that pertain to the process of buying, selling, titling, or registering vehicles by the dealer, the department has a right of action against the dealer's surety bond and may recover damages if those taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private

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delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. The dealer must make a bona fide good faith attempt to refund money due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~ fifty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license ~~year~~ period, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the explicit consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a vehicle dealer license under his or her own name and meet all requirements for a licensed vehicle dealer in order to continue operating the business.

SECTION 21. Section 56-15-330 of the S.C. Code is amended to read:

Section 56-15-330. No dealer ~~or wholesaler~~ may be issued or allowed to maintain a motor vehicle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motor vehicles which must be the principal business conducted from the fixed location. ~~The sale of motoreycle or motor driven cycles need not be the principal business conducted from the fixed location.~~ A bona fide established place of business for any motor vehicle dealer includes a permanent,

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enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motor vehicles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters. Wholesaler dealers are not required to have space to display vehicles.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business. This subsection does not apply to wholesale dealers.

(3) The dealer's place of business must have a reasonable area or lot to properly display motor vehicles. This subsection does not apply to wholesale dealers.

(4) A dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of the bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such a road or a rail road track. The property adjacent to or the property within sight of the bona fide place of business must display the same permanent dealership sign as the bona fide established place of business pursuant to item (2). The property adjacent to or property within sight of the bona fide place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or property within sight of the bona fide place of business must be maintained at the bone fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this subsection must provide on the dealer license application the street address of the adjacent property or the property within sight and affirm that the dealer has met any local requirements lawfully conduct business at that location.

SECTION 22. Section 56-15-350 of the S.C. Code is amended to read:

Section 56-15-350. (A) Any ~~license~~ licenses in the name of the same applicant issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or

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licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have refused to comply with, been convicted of, or pleaded nolo contendere to any of the following offenses in this State or another jurisdiction in the United States:

___ ~~(a)~~(1) made a material misstatement in the application for the license;

___ ~~(b)~~(2) violated any provision of this chapter or the requirements contained in Article 3, Chapter 19, Title 56;

___ ~~(c)~~(3) ~~been found by a court of competent jurisdiction~~ to have committed any fraud connected with the sale or transfer of a motor vehicle;

___ ~~(d)~~(4) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;

___ ~~(e)~~(5) ~~been convicted of any violation of~~ violated any law involving the acquisition or transfer of a title to a motor vehicle;

___ ~~(6) or of any violation of law involving tampering~~ tampered with, altering ~~altered, or removing~~ removed motor vehicle identification numbers or markings;

___ ~~(f)~~(7) ~~been found by a court of competent jurisdiction to have~~ violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);

___ ~~(g)~~(8) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; ~~or~~

___ ~~(h)~~(9) ~~Given~~ given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

___ (10) accepted or delivered a certificate of title to any other dealer, wholesaler, or any other person in which the title or assignment of title is signed in blank;

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(11) committed any of the following crimes for which there is a conviction or plea of guilty or plea of nolo contendere and for which the conviction or plea date was ten or less years from the date of the application or renewal application of:

(a) a violent crime as defined in Section 16 1 60;

(b) a crime involving illegal drugs, other than simple possession of marijuana;

(c) a crime involving tax evasion or failure to pay taxes or fees as required by law;

(d) a crime involving the illegal use, carrying, or possession of a dangerous weapon;

(e) any crime having an element of identity theft, misuse of another person's identity information, larceny, embezzlement, false statements, falsification of documents, false swearing or dishonest or deceitful dealing; or

(f) a crime having an element of criminal sexual battery or conduct of any type or degree with a minor or an adult;

(12) failed to pay on demand any civil penalty imposed by the department authorized by this chapter which the person or licensee has failed to appeal or for which the person or licensee has exhausted appeals;

(13) failed to surrender a dealer license as required by this chapter or allowing any third party to sell any vehicles or operate a dealership;
or

(14) had a previous dealer license revoked for that applicant under this section.

(B) Items (A)(1)-(11) do not apply to any pardoned or expunged crime within the ten-year time period;

(C) The department may deny future dealer licenses for the same applicant if a previous dealer license was revoked for that applicant under this section. When assessing the license application, with respect to acts identified in item (A)(14) in a foreign jurisdiction, the department shall determine if the facts of the act would constitute a violation in this State. If the acts leading to a revocation in a foreign jurisdiction would not constitute a violation in this State, then the department may not use the act as sole justification to deny, suspend, or revoke a license.

(D) The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of

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procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

(E) Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

SECTION 23. Title 56 of the S.C. Code is amended by adding:

CHAPTER 37

Motor Vehicle Dealer Performance Evaluation System

Section 56-37-10. This article applies to any dealer licensed under Title 56 regardless of the dealer license type.

Section 56-37-20. As used in this title:

(1) "Immediate family" means spouse, parent, stepparent, child, stepchild, sister, brother, grandparent, and grandchild.

(2) "Suspend" means temporarily prevent from continuing.

(3) "Revoke" means prevent from continuing for at least ten years.

(4) "Violation" means a single found incident leading to the issuance of points. For purposes of this Article, a violation could be a single sale, a single vehicle, a single document, or other similar items.

(5) "Open title" means a dealer selling a vehicle without paying the complete financial obligation needed to obtain the title for the sold vehicle

(6) "Out-of-trust" means, upon the purchase of a vehicle by a dealer and the seller has completed his portion of the certificate of title, the dealer or purchaser intentionally leaves the buyer or purchaser assignment blank on the title.

(7) "Dealer" means any entity licensed as a dealer under this title without regard to the type of dealer license issued by the department.

Section 56-37-30. (A) There is established a points system for evaluating the performance record of any dealer licensed under this title and its continuing ability to operate as a dealer in this State. The department may only impose the sanctions described below if they are found to have occurred in the course of dealer-related business, to include a private citizen acting on behalf of a licensed dealer in their role as a dealer. If any dealer or employee of a dealership makes these errors in their role as a private citizen, those violations are not counted against the dealer license but may be penalized in accordance with state law.

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(B) For multiple record errors over a six-month period of time, the department may impose a two-point violation against a dealer license for the following:

- (1) errors or omissions on transactions regarding incoming or outgoing documents;
- (2) incorrect acquisition or sale dates;
- (3) incorrect vehicle identification numbers;
- (4) incorrect make, model, or type of body;
- (5) incorrect incoming or outgoing odometer reading;
- (6) incorrect name and address of the person a vehicle was acquired from or transferred to;
- (7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or
- (8) issuance of a second temporary plate to a purchaser;

(C) The following are four-point violations:

- (1) dealer selling at address different than indicated on dealer application and license;
- (2) failure to deliver a title to a buyer or the department within forty-five days of the date of sale;
- (3) reasonable records request unavailable upon the demand of the department;
- (4) issuance of any temporary license plate to a person not authorized to have the plate;
- (5) misuse of dealer, transporter, or wholesale auto auction plate;
- (6) operating or allowing the operation of a vehicle with a suspended dealer plate;

(D) The following are six-point violations:

- (1) selling out-of-trust or breach-of-trust;
- (2) possession of an open title;
- (3) altering or changing documents to avoid or delay registration;
- (4) maintaining or producing fraudulent records;
- (5) licensure as a wholesaler dealer only, but selling vehicles retail;
- (6) having a volume of sales that do not warrant the number of license plates issued;
- (7) dealer or auction facilitating a wholesaler selling retail;
- (8) failure to remit any state-owed fees within the time period prescribed by law to the department;
- (9) conviction by the licensee involving acquisition or transfer of a title to a vehicle;

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(10) conviction by the licensee of a criminal offense or judgment in a civil case in which there is fraud connected to the sale or transfer of a vehicle;

(11) use of fraudulent methods or practices.

(E) The department's Inspector General or the Inspector General's designee has the authority to issue sanctions based on findings during inspections and audits. The department may turn any records of sanctions over to the law enforcement entity with jurisdiction over the licensed location of the dealership for criminal prosecution.

Section 56-37-40. (A) There is created a Dealer Sanction Review Board that consists of the executive director of the department or his designee, a department employee with expertise in dealer licensing regardless of dealer license type, two non-franchise automobile dealers, and three franchise automobile dealers. All dealers serving on the board must have been in business no less than ten years and be in good standing with the department. The department is responsible for ensuring the board is seated at the beginning of each fiscal year. Unless the board decides otherwise or a board member no longer qualifies to remain on the board, individuals on the board serve for three fiscal years and may serve a maximum of nine consecutive years. The department in conjunction with the board should take efforts to ensure that dealers represent all regions of the State and the sizes of dealerships owned. The two statewide dealer associations shall choose their members. The chairperson shall be elected and rotated between dealer members serving on the board.

(B) Dealers licensed pursuant to this title may contest sanctions provided for in this article by written request to the department no later than thirty days after receiving formal notice of the sanctions being levied.

(1) All notices of sanctions are deemed received no later than thirty days after mailing by the department.

(2) No later than sixty days after receiving the written request from the dealer, the board must determine if the sanctions and corresponding points must be posted to the dealer's record as maintained by the department.

(3) No contested sanctions and corresponding points may be posted until the board has made a determination.

(4) The board's decision is considered final unless a dealer files a protest in administrative law court within twenty days of being provided written notice.

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(5) The board may decide to decrease the number of points levied for a sanction, but the board may not increase the number of points levied for a sanction beyond those specified in this article.

(C) If a dealer licensed under this title does not contest sanctions within the time period prescribed in subsection (B), the assessed points are effective will be posted to the dealer's record maintained by the department.

Section 56-37-50. In computing the total number of points levied against any dealer after a particular violation, those accrued as a result of violations during the twelve-month period including and immediately preceding the last violation must be counted at their full value. Those accrued from twelve to twenty-four months preceding the last violation must be counted at one-half their established value, and those resulting from violations which occurred more than twenty-four months prior to the last violation must not be counted.

Section 56-37-60. (A) Any dealer who has accumulated points under the provisions of this article must have the number of points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that the dealer has completed a voluntary course related to the proper licensing of dealers in this State. Before an entity may administer the course, and every three years thereafter, the department must approve the course. Entities offering this course must provide documentation, to the satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

(B) No dealer's points may be reduced more than one-time in a three-year period by completing a course related to the proper licensing of a dealer in this State.

Section 56-37-70. (A) The department must suspend the license of any dealer for seven days upon the accumulation of twelve points or if the dealer has misused any department computer system or third-party computer system that contains department data, including allowing another dealer location other than the one licensed by the department access to the system.

(B) The department must suspend the license of any dealer for thirty days upon the second accumulation of twelve points within a three-year period from the end-date of the prior suspension.

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three-year period. Dealers may not re-apply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection

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apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certified mail at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer's or wholesaler's license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Section 56-37-80. (A) The Department of Motor Vehicles must immediately revoke the license of any dealer issued pursuant to this title upon:

(1) a conviction involving theft or possessions of a stolen vehicle, involvement with a chop shop, or a violation of law involving tampering with, altering, or removing vehicle identification numbers or markings; or

(2) a conviction in administrative, civil, or criminal court of a dealer violation of state or federal law regarding the disconnecting, resetting, altering, or otherwise unlawful tampering with a motor vehicle's odometer.

(B) Upon the revocation of a license, the licensee, or his designee, shall immediately return to the department the license and all dealer license plates. The department must revoke the dealer license plates if the plates are not returned to the department.

(C) The department may deny any application for dealer licenses for ten years after notification of the conviction if the applicant is a member of the immediate family as a dealer whose license has been revoked. At the conclusion of the ten-year period, a dealer whose license has been revoked may apply to the Dealer Sanctions Review Board to be

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relicensed. However, upon review of the board, a dealer whose license has been revoked may continue to be denied a dealer license of any type.

SECTION 24. Section 56-16-140 of the S.C. Code is amended to read:

Section 56-16-140. (A)(1) Before engaging in business as a motorcycle dealer or motorcycle wholesaler in this State, every person must first ~~make application~~ apply to the Department of Motor Vehicles for a license. Every license issued expires ~~twelve~~ thirty-six months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is ~~fifty-one hundred fifty~~ fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

(2)(a) A licensed dealer may exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a dealer's exhibition license. Before exhibiting motorcycles and their related products as provided in this item, the dealer shall first apply to the department for an exhibition license. The applicant shall provide the department with the name, location, and dates of the particular exhibition for which he is seeking an exhibition license.

(b) A dealer must hold a valid dealer's license pursuant to this section to be issued an exhibition license. Exhibition licenses are valid for a period not to exceed ten consecutive days, must be prominently displayed at the exhibition site, apply to only the licensee, and may not be transferred to another dealer or exhibition location. A dealer may not purchase more than six exhibition licenses ~~in any licensing period~~ every twelve months.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

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(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)(C)~~ A person who fails to secure a license as required in this chapter has facilitated an unauthorized sale of a motorcycle and is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars nor more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars nor more than one thousand dollars or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(D) For purposes of this subsection, the sale of each motorcycle constitutes a separate offense. For purposes of this section, each instance of an unauthorized sale of a motorcycle where the dealer has not applied for and received a license from the department appropriate to the sale is conclusively deemed to be a separate and distinct offense. This provision does not apply to instances where a rightfully licensed retail dealer, pursuant to Chapter 15 of this title, accepts a motorcycle on trade to then sell at his retail location. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 25. Section 56-16-150 of the S.C. Code is amended to read:

Section 56-16-150. ~~(A)~~ (A) Before any license as a motorcycle "wholesaler" or "dealer" is issued to an applicant, he must file an application with the Department of Motor Vehicles and furnish the information the department may require, including, but not limited to, information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

~~(2)(B)(1)~~ Each applicant for licensure as a motorcycle dealer or wholesaler must furnish a surety bond in the penal amount of ~~fifteen~~ twenty-five thousand dollars on a form to be prescribed by the director of the department.

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(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below twenty-five thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by an owner of a motorcycle, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a motorcycle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent, of any of the provisions of this chapter.

(5) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering motorcycles by a motorcycle dealer, the department has a right of action against the dealer's surety bond and may recover damages if those taxes and fees are not paid within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the motorcycle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For the purposes of this subsection, the dealer should make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

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(6) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. A new bond or a proper continuation certificate must be delivered to the department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred.

(7) The surety has the right to terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

~~(3)(C)~~ If, during any license year, there is any change in the information that a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

~~(4)(D)~~ In the event a licensee ceases being a dealer or wholesaler, he shall, within ten days thereafter, notify the department of this fact and return to the department any license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his or her own name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 26. Section 56-16-160 of the S.C. Code is amended to read:

Section 56-16-160. No dealer may be issued or allowed to maintain a motorcycle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motorcycles which must be the principal business conducted from the fixed location. The sale of motorcycles or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motorcycle dealer includes a permanent,

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enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motorcycles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motorcycles.

(4) A motorcycle dealer may use his license to conduct business on property adjacent to or within site of his bona fide established place of business. The property adjacent to or property within sight of his bona fide established place of business is deemed to be contiguous to his bona fide established place of business even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The adjacent property or the property within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the adjacent property must be maintained at the bona fide established place of business pursuant to this section. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license under this item must declare to the department on the dealer license application the street address of the adjacent property or property within sight of his bona fide established place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 27. Section 56-16-180 of the S.C. Code is amended to read:

~~Section 56-16-180. Any license issued under this chapter may be denied, suspended, or revoked if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:~~

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- ~~—(a) Made a material misstatement in the application for the license;~~
- ~~—(b) Violated any provision of this chapter;~~
- ~~—(c) Been found by a court or competent jurisdiction to have committed any fraud connected with the sale or transfer of a motorcycle;~~
- ~~—(d) Employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;~~
- ~~—(e) Been convicted of any violation of law involving the acquisition or transfer of a title to a motorcycle or of any violation of law involving tampering with, altering, or removing motorcycle identification numbers or markings;~~
- ~~—(f) Been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motorcycle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~
- ~~—(g) Refused or failed to comply with the Department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motorcycle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~
- ~~—(h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any motorcycle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.~~
- ~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~
- ~~—Upon the denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an~~

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applicant or licensee for a motorcycle dealer license, to include existing licenses in the name of the same applicant, for any reason prescribed in Section 56-15-350.

SECTION 28. Section 56-19-370 of the S.C. Code is amended to read:

Section 56-19-370. (A) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the department has reason to believe that the dealer did not properly title, or, if applicable, register the vehicle within forty-five days after the sale due to criminal intent, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

(3) If a title is in suspended status, the department must make the information regarding the reason for the suspension available in a timely manner through the third-party provider pursuant to Section 56-3-210.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed the title in suspended status or if a financial institution has not released the lien in a timely manner.

SECTION 29. The Department of Motor Vehicles shall ensure that no one is registered as an uninsured motorist on the effective date of this act.

SECTION 30. Section 56-3-180 of the S.C. Code is repealed.

SECTION 31. Section 56-3-215 of the S.C. Code is repealed.

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SECTION 32. Article (29), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 33. Article (30), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 34. Dealers subject to the provisions contained in Section 56-14-50, 56-15-330, or 56-16-160 who maintain business operations on adjacent properties or properties within sight as described in the code section applicable to the dealer but who do not meet the requirements of Section 56-14-50, 56-15-330, or 56-16-160, as applicable to the dealer and as amended by this act may be grandfathered by the Department of Motor Vehicles for the remainder of the license under which the dealer is operating as of the effective date of this act.

SECTION 35. (A) SECTION 1 takes effect twelve months after the approval by the Governor. (B) SECTION 5 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(C)(1) SECTIONS 8, 9, 10, 11, 12, 30, 31, 32, and 33 take effect eight months after the approval by the Governor, provided that necessary solicitations are awarded in a timely manner in accordance with the State Consolidated Procurement Code.

(2) Section 56-3-214(C), 56-3-214 (D), 56-3-214 (E), 56-3-214 (F), and 56-3-214 (H) take effect ten months after the effective date of SECTIONS 8, 9, 10, 11, and 12.

(D) SECTION 12 takes effect ten months after the effective date for subsection (C).

(E) SECTIONS 14 through 28 take effect on January 1, 2024. Any dealership applying for or renewing a license or operating on a currently issued license on or after January 1, 2024, is subject to the provisions of SECTIONS 14 through 28.

(F) SECTION 29 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(G) The remaining SECTIONS of this act, and Section 56-3-214(A), 56-3-214 (B)(1), 56-3-214 (B)(2), 56-3-214 (B)(3), and 56-3-214 (G), take effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

On motion of Senator BENNETT, the Bill was carried over.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-112.BM0005S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 34-11-90(f) and inserting:

(f) notwithstanding another provision of law, if a defendant receives multiple convictions within a three-year period of time in magistrates court for a violation of this section, the defendant may, after ten years from the date of the last conviction, apply or cause someone acting on his behalf to apply, to the court for an order expunging the records of arrest and the multiple convictions. This provision does not apply to any crime classified as a felony. If the defendant receives no other convictions during the ten-year period following the last conviction under this section and full restitution has been made on all checks that are the subject of the convictions, the court must issue an order expunging the records. No person may take advantage of the rights permitted by this subsection more than once. Neither the application for nor successful expungement of a qualifying applicant's record as authorized by subsection (e) precludes application for and expungement of a qualifying applicant's record under this subsection. After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this subsection more than once. This nonpublic record is not subject to release under Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need this information in order to prevent the rights afforded by this subsection from being taken advantage of more than once.

Renumber sections to conform.

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Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW

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ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-252.MB0009S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-500(1), (2), and (3) and inserting:

(1) "Personal contact information" means the home address and the home or personal cellular telephone number of the eligible requesting party;

(2) "Eligible requesting party" means an active or former law enforcement officer who has filed a formal request under the provision of this article;

(3) "Law enforcement officer" means an active or former federal, state, or local certified law enforcement officer or corrections officer.

Amend the bill further, SECTION 1, by striking Section 30-2-510(A) and (B) and inserting:

(A) Information that relates to the personal contact information of an eligible requesting party, or that reveals whether the individual has family members, and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

(1) notifies the state or local government agency of the law enforcement officer's choice to restrict public access to or posting of personal contact information by submission of a form produced by the South Carolina Criminal Justice Academy; and

(2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

(B) A choice made under this article remains valid with the following exceptions:

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(1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

(2) state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

(3) the law enforcement officer requests release of the law enforcement officer's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law.

Amend the bill further, SECTION 1, by striking Section 30-2-510(D) and inserting:

(D) Any personal contact information as defined under this article must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of any other otherwise public information allowed by law.

Amend the bill further, SECTION 1, by striking Section 30-2-510(F) and inserting:

(F) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.).

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. The South Carolina Criminal Justice Academy shall create a form for law enforcement officers to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, law enforcement identification number, law enforcement agency, federal employee number (if applicable), dates of service, service status, and an exception section to permit disclosure of personal contact information for a specific purpose for a limited time.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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On motion of Senator HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, SECOND READING FAILED**

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE

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OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-260.MF0003S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Sections 61-3-110 and 61-3-120 and inserting:

Section 61-3-110. (A) An individual shall not be employed as an alcohol server or a manager on permitted or licensed premises unless and until that individual obtains, within one hundred twenty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol.

(B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department, the division, or the agents and employees of each. For the purposes of enforcement of the provisions of this chapter, a permittee or licensee shall also make available to the department or the division, when requested, the hire date of an alcohol server.

(C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for one hundred twenty calendar days shall subject the permittee or licensee to a written warning by the department.

Section 61-3-120. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best evidence practice standards, offered by providers. A program that has not received approval within sixty days from submission shall be considered denied. A provider may appeal denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

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(2) A provider shall provide alcohol server training programs to all applicable individuals free of charge.

(B) The curricula of each program must include the following subjects:

- (1) state laws and regulations pertaining to:
 - (a) the sale and service of alcoholic beverages;
 - (b) the permitting and licensing of sellers of alcoholic beverages;
 - (c) impaired driving or driving under the influence of alcohol or drugs;
 - (d) liquor liability issues;
 - (e) the carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages; and
 - (f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages;
- (2) the effect that alcohol has on the body and human behavior including, but not limited to, its effect on an individual's ability to operate a motor vehicle when intoxicated;
- (3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;
- (4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;
- (5) information on recognizing the signs of intoxication and methods for preventing intoxication;
- (6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;
- (7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty-one years of age and intoxicated individuals;
- (8) methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and for handling situations involving individuals who have provided illegal identification;
- (9) South Carolina law enforcement information; and
- (10) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

(C) The department shall approve only online designed training programs that meet each of the following criteria:

- (1) A program must cover the content specified in subsection (B).

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(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and must be developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program shall be offered online.

(4) Online training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer-based training programs shall use linear navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted; be interactive; have audio for content; and include a test.

(6) Training and testing shall be conducted online. All tests must be monitored by an online proctor. A passing grade for a test, as provided by the program, is required.

(7) Training certificates are issued by the provider only after training is complete and a test has been passed successfully.

(8) Within ten business days after a training is completed, each provider must give to the department a report of all individuals who have successfully completed the training and testing. The provider must also maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a provider that the department determines has violated the provisions of this chapter. If a provider's authorization is suspended or revoked, then that provider must cease operations in this State immediately and refund any money paid to it by individuals enrolled in that provider's program at the time of the suspension or revocation.

Amend the bill further, SECTION 3, by striking Section 61-3-140(D) and inserting:

(D) Alcohol server certificates are valid for a period of five years from the date that the alcohol server certificate was issued. After the five-year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server.

Amend the bill further, SECTION 3, by striking Section 61-3-140(F) and inserting:

(F) The department shall issue and renew alcohol server certificates for all qualifying applicants free of charge.

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(G) An applicant shall be deemed to be a qualifying applicant for the purpose of alcohol server certificate issuance and renewal if they have successfully completed all training and testing requirements as found in Section 61-3-120.

Amend the bill further, SECTION 3, by striking Section 61-3-150(A)(1) and inserting:

(1) for a first offense, shall be issued a written warning by the department;

Amend the bill further, SECTION 3, by striking Section 61-3-150(C), (D), and (E) and inserting:

(C) Violations of the provisions of this chapter shall be considered cumulatively for each alcohol server.

(D) The department may issue an administrative order to suspend or revoke the certificate of an alcohol server who accumulates more than three violations of the provisions of this chapter within a three-year period of time. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

(E) An individual whose alcohol server certificate is suspended or revoked is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 for such period as stated in the suspension or revocation order and until the individual obtains a new alcohol server certificate pursuant to the provisions of this chapter. The department shall make the information on suspended or revoked alcohol server certificates accessible for licensees and permittees to verify when necessary.

(F) The provisions of this chapter shall not be interpreted to waive the liability of a permittee or licensee that may arise pursuant to the provisions of Title 61.

Amend the bill further, SECTION 6, by striking Section 61-4-50(A)(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Amend the bill further, SECTION 7, by striking Section 61-4-90(A)(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than

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thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Amend the bill further, SECTION 8, by striking Section 61-4-580(C)(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Amend the bill further, SECTION 9, by striking Section 61-6-2220(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Amend the bill further, SECTION 10, by striking Section 61-6-4070(A)(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Amend the bill further, SECTION 11, by striking Section 61-6-4080(A)(1) and inserting:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must be issued a written warning by the department; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Senator CLIMER proposed the following amendment (SJ-260.MF0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 14 and inserting:

SECTION 14. The State, through the South Carolina Department of Alcohol and Other Drug Abuse Services, shall provide alcohol server training at no cost to any participant for the first three years after the effective date of this act. The alcohol education training shall meet or exceed the requirements of Section 61-3-120, as added by this act, and shall be provided quarterly at no fewer than seven locations across the State. An individual who completes this training successfully is eligible to apply for an alcohol server certificate pursuant to the requirements of Section 61-3-140, as added by this act.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 21; Nays 21

AYES

Allen	Campsen	Cash
Davis	Fanning	Gambrell
Goldfinch	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
McElveen	Rankin	Rice
Sabb	Scott	Senn
Setzler	Stephens	Williams

Total--21

NAYS

Alexander	Bennett	Climer
Corbin	Cromer	Garrett
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Martin	Massey	Peeler
Reichenbach	Shealy	Talley
Turner	Verdin	Young

Total--21

There being no further amendments, the Bill, as amended, failed to receive second reading.

OBJECTION

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senators HUTTO and HARPOOTLIAN objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 546 -- Senators Massey, Alexander, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND

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WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-546.PH0001S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 and inserting:

SECTION X. Section 41-27-710 of the S.C. Code is amended to read:

Section 41-27-710. (A) The committee must be composed of nine members, three of whom must be members of the House of Representatives appointed by the Speaker, at least one of whom must be a member of the minority party; three of whom must be members of the Senate appointed by the President of the Senate, at least one of whom must be a member of the minority party; and three of whom shall be appointed by the Governor from the general public at large, of which one must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. A member of the general public appointed by the Governor may not be a member of the General Assembly.

(B) The committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and other officers as the committee considers necessary. Afterward, the committee at least annually shall meet and at the call of the chairman or a majority of the members. A quorum consists of five members.

~~(C) Unless the committee finds a person qualified to serve as the Executive Director of the Department of Employment and Workforce, the person may not be appointed.~~

~~—(D)—~~A member of the committee that misses three consecutive scheduled meetings at which a quorum is present must be removed from and replaced on the committee by the person that appointed that member.

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~~(E)~~(D) The committee must discharge its duties related to screening and nominating qualified individuals for appointment by the Governor in the manner provided in Chapter 20, Title 2.

SECTION X. Section 41-27-720 of the S.C. Code is amended to read: Section 41-27-720. The committee shall:

~~(1) nominate three qualified applicants for the Governor to consider in appointing the executive director. In order to be found qualified, the person must meet the minimum requirements as provided in Section 41-29-35. The committee must consider a person's experience and expertise in matters related to unemployment, workforce development, and economic development. A person may not be appointed to serve as the permanent executive director unless he is found qualified by the committee. If the Governor rejects all of the nominees, the committee must reopen the nominating process;~~

~~(2)~~ screen Department of Employment and Workforce Appellate Panel candidates for qualifications. In order to be found qualified, the person must meet the minimum requirements as provided in Section 41-29-300(E). The committee must consider a person's experience and expertise in matters related to unemployment, workforce development, and economic development. A person may not be elected to serve on the Department of Employment and Workforce Appellate Panel unless he is found qualified by the committee;

~~(3)~~(2) conduct an annual performance review of the executive director, which must be submitted to the General Assembly and the Governor. A draft of the executive director's performance review must be submitted to him, and the executive director must be allowed an opportunity to be heard before the committee before the final draft of the performance review is submitted to the General Assembly and the Governor;

~~(4)~~(3) submit to the General Assembly and the Governor, on an annual basis, the committee's evaluation of the performance of the Department of Employment and Workforce. A proposed draft of the evaluation must be submitted to the Executive Director of the Department of Employment and Workforce before submission to the General Assembly and the Governor, and the Executive Director of the Department of Employment and Workforce must be given an opportunity to be heard before the committee before the completion of the evaluation and its submission to the General Assembly and the Governor;

~~(5)~~(4) assist in developing an annual workshop of at least six contact hours concerning ethics and the Administrative Procedures Act for the executive director and employees of the Department of Employment and Workforce as the committee considers appropriate;

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~~(6)~~(5) make reports and recommendations to the General Assembly and the Governor on matters relating to the powers and duties set forth in this section;

~~(7)~~(6) submit a letter to the General Assembly with the annual budget proposals of the Department of Employment and Workforce, indicating the committee has reviewed the proposals; and

~~(8)~~(7) undertake additional studies or evaluations as the committee considers necessary.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

On motion of Senator CLIMER, the Bill was carried over.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR

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VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

CARRIED OVER

S. 642 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; BEAR HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5165, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CAMPSER, the Resolution was carried over.

OBJECTION

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Senator HUTTO objected to consideration of the Resolution.

POINT OF ORDER

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE

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RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

CARRIED OVER

S. 646 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-PANEL FOR MASSAGE/BODYWORK, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 227, DESIGNATED AS REGULATION DOCUMENT NUMBER 5132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 647 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ACCOUNTANCY, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 812, DESIGNATED AS REGULATION DOCUMENT NUMBER 5149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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On motion of Senator MASSEY, the Resolution was carried over.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 1:18 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

ADJOURNMENT

At 1:20 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, March 22, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Ezekiel 37:1

Ezekiel the prophet tells us: “The hand of the Lord came upon me, and he brought me out by the spirit of the Lord and set me down in the middle of a valley; and it was full of bones.”

Let us pray: Gracious God, we are so very conscious of the limits that surround us. For no matter how we might struggle to get things done on our own, we sooner or later realize there’s just so much we alone can often do during this troubled and unsettled period we’re living in. That is why we turn to You, O Lord, trusting in Your promises of a hope-filled future. Therefore, as You did in the past, we ask that You once again breathe afresh on these leaders, granting each of them the zeal and the determination to bring about good results for all of our people, not just for some. And may each Senator truly find himself or herself renewed by Your grace. In Your wondrous name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hutto	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Martin
Massey	McElveen	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley

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Turner
Young

Verdin

Williams

A quorum being present, the Senate resumed.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5160

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34 and R.10-42

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 22, 2023

Doctor of the Day

Senator CAMPSSEN introduced Dr. John Corless of Charleston, S.C.,
Doctor of the Day.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Grooms
S. 108 Sen. Scott
S. 148 Sen. Kimpson
S. 284 Sens. Jackson and Scott
S. 521 Sen. Verdin
S. 557 Sen. Climer
S. 581 Sen. Senn
S. 612 Sen. Gustafson
S. 623 Sen. Kimbrell
S. 659 Sen. Senn

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RECALLED

S. 205 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 491 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM THE NEWBERRY/FAIRFIELD COUNTY LINE TO STATE ROAD S-20-99 "JOHNNY PEOPLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 651 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO ADD AN EXEMPTION FOR CERTAIN SOLAR ENERGY EQUIPMENT, FACILITIES, OR DEVICES.

lc-0276sa23.docx : 9aac18d1-ba8b-4071-8847-0673dee38fe1

Read the first time and referred to the Committee on Finance.

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S. 652 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-62-50, RELATING TO THE TAX REBATE FOR CERTAIN MOTION PICTURE PRODUCTION COMPANIES, SO AS TO INCREASE THE ANNUAL LIMIT, AND BY ALLOWING THE USE OF REBATES FOR CERTAIN EXPENDITURES AND EXPENSES; AND BY REPEALING SECTION 12-62-60 RELATING TO DISTRIBUTION OF ADMISSIONS TAXES FOR REBATES TO MOTION PICTURE PRODUCTION COMPANIES AND CERTAIN DEPARTMENTAL EXPENSES.

lc-0197dg23.docx : 91d9f187-7389-4dd6-ba77-ea53e038ffd3

Read the first time and referred to the Committee on Finance.

S. 653 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR CERTAIN RENEWABLE ENERGY RESOURCE PROPERTIES.

lc-0277sa23.docx : 10641a84-033b-4c44-93a8-5c6c06ef5318

Read the first time and referred to the Committee on Finance.

S. 654 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN

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ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

lc-0180hdb23.docx : 60e068b3-5b34-4aea-a1e0-9a786bcf0410

Senator HUTTO spoke on the Bill.

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 655 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PEGGY BANGLE OF DORCHESTER COUNTY AND TO COMMEND HER DEDICATED AND EXEMPLARY COMMITMENT TO HER COMMUNITY.

lc-0280sa-gm23.docx : 705fcd57-f5f3-4e72-818b-1005ec3513eb

The Concurrent Resolution was adopted, ordered sent to the House.

S. 656 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOHN DAVID THOMPSON FOR A LIFETIME OF DEDICATED COMMUNITY SERVICE AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE DAYS AHEAD.

lc-0105ha-rm23.docx : f29d8704-14ff-42fa-8059-cff7ff81716c

The Concurrent Resolution was adopted, ordered sent to the House.

S. 657 -- Senator Fanning: A BILL TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF

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1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

lc-0205ph23.docx : 7128368e-a716-409d-ace5-df29784b8dc9

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 658 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE PASTOR AND CONGREGATION OF FIRST PRESBYTERIAN CHURCH OF SUMTER, TO COMMEND THEM FOR TWO HUNDRED YEARS OF FAITH AND DISTINGUISHED SERVICE TO OUR STATE, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

lc-0280cm-gm23.docx : 164a9b78-4683-4d9c-94c4-12af5c278dc9

The Concurrent Resolution was adopted, ordered sent to the House.

S. 659 -- Senators Matthews and Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17 OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0238km-vc23.docx : 47fc82d4-b3c7-40e4-a373-f894ea916000

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 660 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE NINETY SIX WILDCATS ACADEMIC TEAM, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR PERFORMANCE AND TO CONGRATULATE THEM FOR WINNING THE 2023 SOUTH CAROLINA STATE CHAMPIONSHIP OF ACADEMICS TITLE.

lc-0285wab-gm23.docx : ca71d824-d360-4c8e-abf9-ab89d18c0520

The Senate Resolution was adopted.

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S. 661 -- Senator Jackson: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF TONIA MORRIS, DEPUTY STATE TREASURER FOR THE SOUTH CAROLINA TREASURER'S OFFICE, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT FROM SERVICE TO THE STATE OF SOUTH CAROLINA AFTER AN EXEMPLARY CAREER OF MORE THAN TWENTY-EIGHT YEARS, AND TO WISH FOR HER A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

lc-0104ha-gm23.docx : afb169b1-ee13-4dd4-8418-803f588d8723

The Concurrent Resolution was adopted, ordered sent to the House.

S. 662 -- Senator Garrett: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DR. HOWARD THOMAS, LONGTIME PROFESSOR AT ERSKINE COLLEGE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

lc-0283wab-rm23.docx : abaa9025-877e-4231-8e84-2f74e513f1d3

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 108 -- Senators Davis and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Ordered for consideration tomorrow.

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Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 284 -- Senators Davis, Turner, Jackson and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 298 -- Senators Bennett and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A

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NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 581 -- Senators Hembree, Campsen, McElveen, Goldfinch and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE

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DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 612 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

Ordered for consideration tomorrow.

Appointment Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Charles David Tuttle, 821 Harborside Lane, Columbia, SC 29229-7431 *VICE* David C. Goodall

Received as information.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

S. 546 -- Senators Massey, Alexander, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO

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APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator DAVIS, the Bill was carried over.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE

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COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY

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ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

On motion of Senator MALLOY, the Bill was carried over.

AMENDMENT PROPOSED, CARRIED OVER

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-252.MW0010S):

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-500(2) and inserting:

(2) "Eligible requesting party" means an active or former law enforcement officer, circuit court judge, or Supreme Court Justice who has filed a formal request under the provisions of this article;

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young,

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Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-483.SA0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

SECTION X. Section 37-2-307 of the S.C. Code is amended to read:

Section 37-2-307. (A) As used in this section:

~~____(1) Every motor vehicle dealer charging closing fees on a motor vehicle sales contract shall pay a one-time registration fee of ten dollars during each state fiscal year before January thirty-first to the Department of Consumer Affairs. The department shall set the fee annually in an amount not to exceed twenty-five dollars.~~

~~____(2) The closing fee must be included in the advertised price of the motor vehicle, disclosed on the sales contract, and displayed in a conspicuous location in the motor vehicle dealership.~~

~~—(B)—A closing fee is defined as a fee charged for recovery of a motor vehicle dealer's actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer, ~~person, or entity~~ including, but not limited to, compliance with all state, federal, and lender requirements, preparation and retrieval of documents,~~

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protection of the private personal information of the consumer, records retention, and storage costs.

(2) "Department" means the South Carolina Department of Consumer Affairs.

(3) "Dealer" means a "motor vehicle dealer" as defined in Section 56-15-10.

(B)(1) Every dealer charging closing fees in a motor vehicle sale or lease transaction shall pay a filing fee of ten dollars to the department each time the dealer provides notice of a new closing fee amount to the department. The department shall set the filing fee annually in an amount not to exceed twenty-five dollars.

(2) The closing fee must be disclosed on the motor vehicle sale or lease contract, displayed in a conspicuous location in the motor vehicle dealership, and clearly and conspicuously disclosed in any advertisement of a specific motor vehicle for sale or lease.

(C)(1) Prior to charging a closing fee, a ~~motor vehicle~~ dealer shall provide written notice to the department of Consumer Affairs of the maximum amount of ~~a~~ the closing fee the dealer intends to charge ~~on an annual basis~~.

(2) If the maximum amount of the proposed closing fee the dealer intends to charge is not more than two hundred twenty-five dollars for each vehicle, the closing fee is considered to be approved by the department, and the dealer does meet and fulfill all reasonable requirements and criteria in compliance with this section. If the proposed closing fee exceeds two hundred twenty-five dollars, the department may review the amount of the closing fee for reasonableness using the criteria in item (3) (5). ~~if the maximum amount of the closing fee intended to be charged by a dealer in a vehicle transaction exceeds two hundred twenty-five dollars per vehicle. The department shall not conduct a review of the amount of the closing fee for reasonableness when the maximum amount the dealer intends to charge in a vehicle transaction is not more than two hundred twenty-five dollars per vehicle.~~

(3) If the department intends to conduct a formal review of a proposed closing fee, the department shall provide written notice to the ~~motor vehicle~~ dealer of the department's intention to review the proposed closing fee within ~~thirty~~ fifteen days of receiving the complete proposed closing fee notice. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings within thirty days of receiving the complete proposed closing fee notice. If the department does not provide a ~~motor vehicle~~ the dealer with written notice of the department's ~~intention to~~

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~~review approval of the proposed closing fee within thirty days of receiving the proposed closing fee notice, the motor vehicle dealer is authorized to charge the proposed closing fee. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review.~~

~~(4) The dealer is at all times authorized to submit a new closing fee that is equal to or less than two hundred twenty-five dollars per vehicle which is not subject to review. If the department finds that a proposed closing fee is not reasonable, the dealer may request a hearing in accordance with the Administrative Procedures Act. During the pendency of the department's review period, a motor vehicle dealer or the pendency of any action before the Administrative Law Court, the dealer is authorized to charge a closing fee at an amount not to exceed the amount most recently on file and permitted to be charged by the department. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.~~

~~(2) If the maximum amount of the closing fee that the dealer intends to charge is not more than two hundred twenty-five dollars per vehicle, the closing fee is deemed approved by the department and the dealer does meet and fulfill all reasonableness requirements and criteria in compliance with the law and this section.~~

~~(3) In determining the reasonableness of a closing fee, the department shall allow the following items to be included in a reasonable closing fee:~~

~~(a) all administrative~~

~~(5)(a) In determining the reasonableness of a closing fee, the department shall accept and allow all of the dealer's actual costs and expenses, including, but not limited to, employee compensation, information processing, facilities costs, staff, supplies, and materials, and financial work needed to transfer the motor vehicle to the consumer and to procure the associated with the following closing and delivery activities:~~

~~(i) closing of the motor vehicle sale or lease transaction, including any associated loan or lease and transferring title of the motor vehicle to the consumer;~~

~~(b) all costs for administrative expenses, costs, staff, supplies, and materials necessary by the dealer to comply with all state, federal, and lender requirements;~~

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~~_____ (e) all costs for administrative costs, staff, and materials needed for the preparation and retrieval of documents;~~

~~_____ (d) all costs for administrative costs, staff, supplies, and materials necessary for the protection of the private personal information of the consumer; and~~

~~_____ (e) all costs for administrative costs, staff, supplies, and materials necessary for records retention and storage costs of such records.~~

~~_____ (ii) delivering the motor vehicle to the consumer;~~

~~_____ (iii) complying with all state, federal, and lender requirements;~~

~~_____ (iv) preparing, storing, and retrieving transaction documents; and~~

~~_____ (v) protecting the private personal information of the consumer.~~

~~_____ (b) Dealer costs must be calculated using generally accepted cost accounting principles for the preceding twelve-month period.~~

~~_____ (c) In determining the reasonableness of a closing fee, the department may compare a particular dealer's costs only with other similarly situated dealers.~~

(D) Whether the vehicle transaction is a credit sale, consumer lease, or cash transaction:

(1) notwithstanding ~~another~~ any other provision of law, a ~~motor vehicle~~ dealer who complies with this section and any regulation promulgated under it and who charges a closing fee is not engaging in any action which is arbitrary, in bad faith, unconscionable, an unfair or deceptive practice, or an unfair method of competition for purposes of Sections 56-15-30, ~~and 56-15-40, and 39-5-20~~ with regard to the charging of a closing fee and may lawfully charge a closing fee;

(2) a ~~motor vehicle~~ dealer may assert any defenses provided to a creditor pursuant to the provisions of this title; and

(3) a purchaser injured or damaged by an action of a ~~motor vehicle~~ dealer in violation of this section or any regulation promulgated thereunder, may assert the remedies available pursuant to the provisions of this title.

(E)(1) ~~The Department~~ ~~department of~~ ~~Consumer Affairs~~ shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as~~ limited to, by this section. The department ~~shall~~ may make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle~~ dealer's ~~books, accounts, and records,~~ but only to the extent necessary to determine if the dealer is complying ~~dealer's compliance~~ with the disclosure provisions of this section ~~subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(4), and this financial information~~

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must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.~~ In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:

(a) promote education for consumers and best practices for dealers; and

(b) mediate complaints between a consumer and a dealer, whenever possible.

(3) In administering and enforcing this section and in any review or investigation of dealers, the department shall:

(a) have probable cause to believe, based on a consumer complaint or other credible evidence, that the dealer has violated a provision of this title;

(b) before contacting the dealer's employees or visiting the dealer's business premises, present the dealer with written notice of any cause or complaint which necessitates any department review or investigation and any request for records necessary to conduct the review or investigation;

(c) allow the dealer to cure any unintentional violation of this title within sixty days of notice from the department; and

(d) close its investigation into the complaint and pursue no further administrative action on it once the complaint has been cured.

(4) A dealer that has cured an unintentional error may not be held liable in any action for a violation of this title if the dealer shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.

(F) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

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Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (LC-483.HA0011S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 37-2-307(E) and inserting:

(E)(1) ~~The Department of Consumer Affairs~~ shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as limited to, by this section.~~ The department ~~shall may~~ make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle dealer's books, accounts, and records, but only to the extent necessary to determine if the dealer is~~ complying dealer's compliance with the disclosure provisions of this section subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(5), and this financial information must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act. In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:~~

~~(a) promote education for consumers and best practices for dealers; and~~

~~(b) mediate complaints between a consumer and a dealer, whenever possible.~~

~~(3) The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a provision of this section or a provision of this title related to closing fees. In administering and enforcing this section:~~

~~(a) The department must provide a written notice by certified mail to the dealer regarding the complaint or other credible evidence. If~~

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the department's records show an email address for the dealer, the department must also send an email to the dealer. This written notice must contain sufficient information for the dealer to identify documents related to the alleged violation, request only such information as is reasonably related to the alleged violation, and state that the dealer may provide a written response to the allegation.

(b) The dealer must respond to the department's notice within forty-five days from the date the written notice described in item 3(a) was received via certified mail. If a dealer fails to provide the requested information within sixty days from the date of receipt of the written notice via certified mail, the department may commence a proceeding pursuant to the Administrative Procedures Act.

(c) The department must issue a decision within fifteen days of receipt of the requested information from the dealer. If the department determines the dealer failed to comply with the requirements of this section or of this title regarding closing fees, the department's decision must determine if the violation was either (1) not intentional and resulted from a bona fide error, or (2) an intentional violation.

(i) In the event of a violation that was not intentional and resulted from a bona fide error, the dealer must refund any excess charge paid by the consumer. The department must close the investigation upon notice that the consumer received the refund.

(ii) In the event of an intentional violation, the department may request only those records reasonably related to the alleged violation for the ten transactions immediately preceding and the ten transactions immediately after the transaction identified in the complaint or other credible evidence received by the department. If the department discovers a potential violation of any kind related to closing fees in any of these transactions, the department may request only those records reasonably related to the alleged violation for transactions occurring on the date of the transaction identified in the complaint or other credible evidence, and transactions thirty days immediately preceding and thirty days immediately after the transaction identified in the complaint or other credible evidence received by the department.

(4) A dealer may not be held liable in any action for a violation of this section or a violation of this title regarding closing fees if the dealer: (a) shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error; and (b) the dealer refunded any excess charge paid by the consumer.

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(5) A dealer who is found to have intentionally violated this section, or any other provision in this title regarding closing fees, must refund any excess charge paid by the customer within thirty days from the date of written notice from the department regarding its determination of a violation. Notwithstanding any other provision of law, the following remedies also apply for an intentional violation:

(a) for the first violation in a twelve-month period, the department must send a written warning to the dealer;

(b) for a second violation in a twelve-month period, the department may charge a five hundred dollar administrative penalty;

(c) for a third violation in a twelve-month period, the department may charge not more than a one thousand dollar administrative penalty; and

(d) for a fourth or subsequent violation in a twelve-month period, the department may charge not more than a five thousand dollar administrative penalty.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

On motion of Senator RICE, the Bill was carried over.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CORBIN, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CORBIN, the Resolution was carried over.

AMENDED, READ THE SECOND TIME

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

The Senate proceeded to the consideration of the Resolution.

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Senator HUTTO proposed the following amendment (SMIN-3312.MW0005S), which was adopted:

Amend the joint resolution, as and if amended, page 1, by striking lines 29-33 and inserting:

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether administration of these child-related national food and nutrition programs by the Department of Agriculture rather than the Department of Education is a more logical and efficient approach, given the Department of Agriculture's relationship to matters concerning food and nutrition; and

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether these child-related national food and nutrition programs should be provided at no cost to all South Carolina students. Now, therefore,

Amend the joint resolution further, by striking SECTION 1(A) and inserting:

SECTION 1. (A) There is created the "Child Food and Nutrition Services Study Committee" to examine the advisability of transferring the administration of certain food and nutrition programs and initiatives of the Food and Nutrition Service Child Nutrition Program of the United States Department of Agriculture currently administered by the State Department of Education to the State Department of Agriculture and whether these child-related national food and nutritional programs should be provided at no cost to all South Carolina students. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs. The committee must also examine ways to enhance collaboration and pricing to increase purchasing powers for South Carolina farmers to ensure locally sourced foods are being provided to schools.

Amend the joint resolution further, by striking SECTION 1(B)(4) through 1(B)(10) and inserting:

(4) one member appointed by the House Minority Leader;

(5) one member appointed by the President of the Senate;

(6) one member appointed by the Chairman of the Senate Education Committee;

(7) one member appointed by the Chairman of the Senate Agriculture and Natural Resources Committee;

(8) one member appointed by the Senate Minority Leader;

(9) one member appointed by the State Superintendent of Education;

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(10) the Director of the Department of Social Services or his designee;

(11) two members from a local school district's food services department appointed by the State Superintendent of Education;

(12) one member appointed by the State Commissioner of Agriculture;

(13) two members appointed by the Governor who are employed by nonprofit service providers that specialize in hunger relief; and

(14) two members who have a child that is a recipient of free and reduced lunch appointed by the State Superintendent of Education.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Resolution, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--44

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NAYS

Talley

Total--1

The Resolution, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-241.KM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 40-84-10(A) and inserting:

(A) There is created the South Carolina Board of Genetic Counselors, to license genetic counselors. The purpose of this board is to protect the public through the regulation of professionals who educate and communicate with the public regarding the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(1), (2), and (3) and inserting:

(B)(1) The board must be composed of five members appointed by the Governor, one of whom must be a lay member from the State at large and four practicing genetic counselors. The board shall review and make

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determinations regarding all matters relating to genetic counselors including, but not limited to:

- (a) applications for licensure;
- (b) licensure renewal requirements;
- (c) disciplinary investigations or actions; and
- (d) promulgation of administrative regulations.

(2) Members of the board shall serve three-year terms until their successors are appointed and qualify, except for initial appointments.

(3) The chair of the board must be elected by a majority vote of the board members and must preside over meetings. Meetings must be held biennially. Additional meetings may be held at the call of the chair or upon the written request of three board members.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(4)(a) and (b) and inserting:

(a) Initial genetic counselor members shall serve without a license until licenses become available.

(b) Initial genetic counselor members must be ABGC certified for a minimum of five years.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(5) and (6) and inserting:

(5) Members of the board are entitled to per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(6) A board member may be removed by the Governor for good cause or if he misses two consecutive committee meetings without good cause.

Amend the bill further, SECTION 1, by deleting Section 40-84-10(B)(8).

Amend the bill further, SECTION 1, by striking Section 40-84-20(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) and inserting:

(2) "ACGC" means the Accreditation Council for Genetic Counseling, its successor or equivalent.

(3) "Board" means the Board of Genetic Counselors created in Section 40-84-10.

(4) "Department" means the Department of Labor, Licensing and Regulation.

(5) "Genetic counselor" means a person who has met all the conditions of this chapter and is licensed in this State to practice genetic counseling.

(6) "Limited licensee" means a person who obtains a limited license by the board who meets all the requirements for licensure except the

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successful completion of the examination, and whose activities are performed under supervision.

(7) “NSGC” means the National Society of Genetic Counselors, its successor or equivalent.

(8) “Practice of genetic counseling” means:

(a) obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic/medical conditions and diseases in a patient, his offspring, and other family members;

(b) discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic/medical conditions and diseases;

(c) identify and order genetic laboratory tests as appropriate for the genetic assessment;

(d) integrate genetic laboratory test results and other diagnostic studies with personal and family medical histories to assess and communicate risk factors for genetic/medical conditions and diseases;

(e) explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

(f) evaluate responses of the client and his family to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

(g) identify and use community resources that provide medical, educational, financial, and psychosocial support and advocacy; and

(h) provide written documentation of medical, genetic, and counseling information for families and health care professionals.

(9) “Student” or “genetic counselor student” means an individual enrolled in an ACGC-approved genetic counselor program while engaged in completing the clinical education requirement for graduation.

(10) “Supervision” means supervision provided by a licensed genetic counselor or physician and shall mean the review of genetic counseling and case management as appropriate that include regular chart reviews of clients with the limited licensee and the supervisor. Supervision may be conducted in person or by telesupervision. For the purposes of this definition, “telesupervision” means clinical supervision that is provided by an electronic communication device, whether audio or video, or both.

Amend the bill further, SECTION 1, by striking Section 40-84-40(B)(3)(a) and (b) and inserting:

(a) a master’s degree from a genetic counseling training program accredited by the ACGC or an equivalent program as determined by the board; and

(b) ABMGG certification.

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Amend the bill further, SECTION 1, by striking Section 40-84-40(C), (D), and (E) and inserting:

(C) The board may issue a limited license to a limited licensee applicant who meets all of the requirements for licensure except the certification requirement in this section and has obtained active candidate status establishing eligibility to sit for the certification examination administered by the ABGC or the ABMGG. A limited license shall expire automatically upon the earliest of:

(1) issuance of a full license;

(2) thirty days after the applicant fails to pass the certification examination; or

(3) one year from the date the limited license was issued.

(D) An applicant may be licensed pursuant to this chapter if he demonstrates to the satisfaction of the board that he is licensed or registered under the laws of another state, territory, or jurisdiction of the United States which, in the opinion of the board, imposes substantially the same licensing requirements as this chapter.

(E) The board shall not issue a permanent license to a licensed or registered genetic counselor of another state or territory of the United States:

(1) whose license is currently revoked, suspended, restricted in any way, or on probationary status in that state or territory; or

(2) who currently has a disciplinary action pending in another state or territory.

Amend the bill further, SECTION 1, by striking Section 40-84-50(A) and inserting:

(A) The department shall renew a license upon receipt of the renewal application and upon payment of the fee in an amount to be determined by the board in regulation.

Amend the bill further, SECTION 1, by deleting Section 40-84-50(D).

Amend the bill further, SECTION 1, by striking Section 40-84-70 and inserting:

Section 40-84-70. The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, promulgation of regulations for the practice of genetic counseling, and establishing disciplinary procedures.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. The initial license fee is six hundred dollars. The license fee is subject to change in regulation in accordance with the provisions

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of Section 40-1-50, as added to the S.C. Code by this act. The department may establish and adjust application fees, license renewal fees, late fees, reinstatement fees, and other related fees in regulation. The department shall only establish fees at levels which are adequate to ensure the continued operation of the regulatory program established in this act and may not set or maintain fees that substantially exceed this need.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 6

AYES

Alexander	Allen	Bennett
Campsen	Cash	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Climer	Corbin	<i>Johnson, Michael</i>
Kimbrell	Massey	Reichenbach

Total--6

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Motion Adopted

Having voted on the prevailing side, Senator VERDIN moved to reconsider the vote whereby second reading of S. 260 failed on Tuesday, March 21, 2023.

OBJECTION

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION

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61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

The Senate proceeded to the consideration of the Bill.

Senator RANKIN explained the Bill.

The question then being second reading of the Bill.

Senator MARTIN objected to further consideration of the Bill.

ADOPTED

S. 605 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

S. 628 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 FROM ITS JUNCTION WITH TUGALOO AND SMITH ROADS TO THE INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 IN GREENVILLE COUNTY "DEAN STUART CAMPBELL, SQUIRE OF THE DARK CORNER SCENIC MEMORIAL BYWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

AMENDED, ADOPTED

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND

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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Senate proceeded to the consideration of the Resolution.

Senators MASSEY, YOUNG and SETZLER proposed the following amendment (SR-3854.KM0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the eleventh undesignated paragraph and inserting:

That the members of the South Carolina General Assembly, by this resolution, request the Department of Transportation name the interchange in Aiken County located at the intersection of Interstate 20 and Edgefield Highway “State Representative Irene Krugman Rudnick Interchange” and erect appropriate markers or signs at this location containing these words.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION FOR SPECIAL ORDER FAILED

S. 414 -- Senators Gambrell, Massey, Turner, Bennett, Grooms and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

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Senator MASSEY moved that the Bill be made a Special Order.

Senator GARRETT spoke in favor of the motion to set the Bill for Special Order.

Senator KIMPSON spoke against the motion to set the Bill for Special Order.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 17

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Setzler
Stephens	Williams	

Total--17

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call S. 414 from the Contested Calendar.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 29; Nays 15

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner
Verdin	Young	

Total--29

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	McElveen	McLeod
Sabb	Scott	Senn
Setzler	Stephens	Williams

Total--15

The motion under Rule 32B was adopted.

MOTION ADOPTED

At 2:49 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

March 20, 2023

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

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Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-5, S. 478, which seeks to amend Act No. 549 of 1973 so as to reduce the number of members of the Board of Directors of the Broadway Water and Sewerage District of Anderson County ("District") from nine to seven. Although I appreciate the well-intentioned effort to address this local matter, because the manner in which S. 478 attempts to do so ultimately conflicts with the Constitution, I am compelled to veto the Bill.

Like several of my predecessors, I have been clear and consistent since the beginning of my administration that I will veto unconstitutional local or special legislation. The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation "for a specific county" and "where a general law can be made applicable." S.C. Const. Art VIII, Section 7; S.C. Const. art. III, Section 34(1X). In the context of special purpose districts, the South Carolina Supreme Court has established that "a special purpose district limited to one county violates home rule." *Cnty. of Florence v. W. Florence Fire Dist.*, 422 S.C. 316, 322, 811 S.E.2d 770, 774 (2018). Although the ratification of Article VIII, Section 7 "did not dissolve pre-home rule special purpose districts," the provision's prohibition of single-county laws "does apply to legislation enacted post-home rule that concerns a special purpose district created prior to the rule." *Id.* (citation omitted); see also *Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 80, 321 S.E.2d 258, 265 (1984) ("Article VIII, Section 7 is not only applicable to special legislation creating a special purpose district, but also to special legislation dealing with special purpose districts created prior to the ratification of Article VIII or the amendment of prior special legislation." (citation omitted)).

Here, S. 478 indicates that the district established by Act No. 549 of 1973 shortly before the ratification of Article VIII, Section 7 is located entirely within Anderson County. See generally *Op. Att'y Gen.*, 1990 WL 599181, at *1 (S.C.A.G. Apr. 23, 1990) ("A review of [Act No. 709 of 1990] and also Section 2 of Act No. 549 of 1973 reveals that apparently the entire district is located within Anderson County.") As a result, "the General Assembly can modify legislation regarding special purpose districts only through the enactment of general law." *Spartanburg Sanitary Sewer Dist.*, 283 S.C. at 81, 321 S.E.2d at 266; cf. S.C. Code Ann. Section 6-11- 335 (establishing a process to add members to the governing body of a special purpose district). Accordingly, while I do not doubt that this Bill is intended to address an

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important local concern, I must veto S. 478 because the measure amounts to unconstitutional local, or special, legislation.

For the foregoing reasons, I am respectfully vetoing R-5, S. 478 and returning the same without my signature.

Yours very truly,
Henry McMaster

VETO OVERRIDDEN

(R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWAY WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWAY WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

The veto of the Governor was taken up for immediate consideration.

Senator GAMBRELL moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn

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Setzler
Turner

Shealy
Williams

Stephens
Young

Total--42

NAYS

Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Objection

Senator MARTIN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

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The Committee on Judiciary proposed the following amendment (SJ-576.PB0009S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(1), (2), (3), and (4) and inserting:

(1) "Alien" means a person who is not a citizen of the United States.

(2) "Corporation controlled by a foreign adversary" means a legal entity engaged in commerce that:

(a) is wholly owned by a foreign adversary;

(b) has a foreign adversary as a dominant shareholder, directly or indirectly;

(c) is wholly owned by a citizen of a foreign adversary; or

(d) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(3) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(4) "Dominant shareholder" means the single owner of ten percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership.

(5) "Interest" means any estate, remainder, or reversion, or portion of the estate, remainder, or reversion, or an option pursuant to which one party has a right to acquire, receive, access, enjoy, or control legal or equitable title to real property.

Amend the bill further, SECTION 1, by striking Section 27-13-30(B) and (C) and inserting:

(B) Subject to the provisions contained in subsection (C), no alien or corporation controlled by aliens, either in his or its own right or as trustee, cestui que trust or agent, shall own or control within the limits of this State more than five hundred thousand acres of land. Nothing in this subsection shall apply to lands owned or controlled by any such person or corporation nor to lands mortgaged to such a person or corporation on March 9, 1896, nor shall this section apply to lands conveyed by an alien to a corporation controlled by such alien.

(C) No corporation controlled by a foreign adversary may acquire any interest in real property within the limits of this State.

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:

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(1) also is a citizen of the United States; or

(2) resides in the United States, and

(a) possesses a valid green card as a lawful permanent resident,
and

(b) acquires no more than:

(i) five acres for residential or recreational use, or

(ii) five tax parcel properties that do not exceed in the
cumulative twenty-five acres for commercial use as a landlord or
property manager.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the committee amendment.

Senator GUSTAFSON spoke on the committee amendment.

Senator HARPOOTLIAN spoke on the committee amendment.

Senator CAMPSEN spoke on the committee amendment.

The amendment was adopted.

Amendment No. 1

Senator HUTTO proposed the following amendment (SMIN-576.MW0018S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(4) and inserting:

(4) “Dominant shareholder” means the single owner of thirty-three
percent or more of a legal entity engaged in commerce’s stock, securities,
or other indicia of ownership; or multiple owners of twenty percent or
more of a legal entity engaged in commerce’s stock, securities, or other
indicia of ownership.

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

Amendment No. 2

Senator HUTTO proposed the following amendment (SMIN-576.MW0022S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(1)(c) and (d).

Amend the bill further, SECTION 1, by striking Section 27-13-30(D).

Renumber sections to conform.

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Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

Amendment No. 3

Senator HUTTO proposed the following amendment (SMIN-576.MW0023S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D) and inserting:

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary:

(1) that also is a citizen of the United States;

(2) that is a resident of the State of South Carolina and is legally residing in the state under a valid greencard as a legal permanent resident and non-immigrant visas petitions with lawful work authorizations; or

(3) for any interest in real property that was legally acquired prior to the effective date of this act.

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

Amendment No. 4

Senator GOLDFINCH proposed the following amendment (SR-576.JG0037S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Article 1, Chapter 35, Title 15 of the S.C. Code is amended by adding:

Section 15-35-190. (A) For the purposes of this section:

(1) "Party controlled by a foreign adversary" means a legal entity engaged in litigation that:

(a) is wholly owned by a foreign adversary;

(b) is wholly owned by a citizen of a foreign adversary;

(c) is subject to the jurisdiction of a foreign adversary;

(d) has a foreign adversary as a dominant shareholder, directly or indirectly; or

(e) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(2) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of

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Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(3) “Dominant shareholder” means the single owner of ten percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership.

(B) In a civil action initiated by or funded by a party controlled by a foreign adversary, or initiated by any party for the purpose of a foreign adversary deriving some benefit, the party adverse to the party controlled by a foreign adversary is entitled to summary judgment in his favor upon all or any part of the civil action if that party shows to the court that the party controlled by a foreign adversary is engaged in the action for the purpose of gaining an economic, competitive, or political advantage rather than settling a dispute between private parties.

(C) If a summary judgment is entered against a party controlled by a foreign adversary, then the party controlled by a foreign adversary may appeal the summary judgment directly to the Supreme Court. The Supreme Court shall hear the appeal on an expedited schedule.

Renumber sections to conform.

Amend title to conform.

On motion of Senator GOLDFINCH, with unanimous consent, the amendment was withdrawn.

Amendment No. 5

Senator MASSEY proposed the following amendment (SJ-576.PB0035S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and (D) and inserting:

(C) A citizen of a foreign adversary or a corporation controlled by a foreign adversary may not acquire any interest in real property within the limits of this State. The provisions of this subsection do not apply to businesses and industries operating within the limits of the State on December 31, 2022, if the land or real property is acquired for expansion purposes and the expansion is approved by the Secretary of Commerce and the Governor.

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:

(1) also is a citizen of the United States; or

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(2) resides in the United States, and
(a) possesses a valid green card as a lawful permanent resident,
and
(b) acquires no more than:
(i) five acres for residential or recreational use, or
(ii) five tax parcel properties that do not exceed in the
cumulative twenty-five acres for commercial use as a landlord or
property manager.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator GOLDFINCH proposed the following amendment (SR-576.JG0040S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Article 1, Chapter 35, Title 15 of the S.C. Code is amended by adding:

Section 15-35-190. (A) For the purposes of this section:

(1) "Party controlled by a foreign adversary" means a legal entity engaged in litigation that:

- (a) is wholly owned by a foreign adversary;
- (b) is wholly owned by a citizen of a foreign adversary;
- (c) is subject to the jurisdiction of a foreign adversary;
- (d) has a foreign adversary as a dominant shareholder, directly or indirectly; or

(e) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(2) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(3) "Dominant shareholder" means the single owner of ten percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more

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of a legal entity engaged in commerce's stock, securities, or other indicia of ownership.

(4) "Abuse of process" means the misuse of the legal process for an ulterior purpose, improper purpose, or a purpose different than the proceeding's intended purpose.

(B) In a civil action initiated by or funded by a party controlled by a foreign adversary, or initiated by any party for the purpose of a foreign adversary deriving some benefit, the party adverse to the party controlled by a foreign adversary is entitled to summary judgment in his favor upon all or any part of the civil action if that party shows to the court that the party controlled by a foreign adversary is engaged in an abuse of process including, but not limited to, the purpose of advancing the foreign adversary's economic, competitive, military, or political advantage rather than settling a dispute between private parties.

(C) If a summary judgment is entered against a party controlled by a foreign adversary, then the party controlled by a foreign adversary may appeal the summary judgment directly to the Supreme Court. The Supreme Court shall hear the appeal on an expedited schedule.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator MARTIN proposed the following amendment (SR-576.JG0041S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D) and inserting:

~~—(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:~~

~~—(1) also is a citizen of the United States; or~~

~~—(2) resides in the United States, and~~

~~—(a) possesses a valid green card as a lawful permanent resident, and~~

~~—(b) acquires no more than:~~

~~—(i) five acres for residential or recreational use, or~~

~~—(ii) five tax parcel properties that do not exceed in the cumulative twenty five acres for commercial use as a landlord or property manager.~~

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Renumber sections to conform.

Amend title to conform.

On motion of Senator BENNETT, the amendment was carried over.

Objection

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator WILLIAMS objected.

Motion Adopted

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

The Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator GROOMS, the Senate agreed to stand adjourned.

ADJOURNMENT

At 5:16 P.M., on motion of Senator GROOMS, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 23, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Proverbs 19:4

In the Book of Proverbs we are told that: "Wealth brings many friends, but the poor are left friendless."

Join me as we bow in prayer: O loving Lord, we fully realize the blessings that are ours. Compared to those in many other places around the globe, we are a richly blessed people; we know that. For Your gifts to us are humbling; they touch our lives in so very many meaningful ways. Yet even as we affirm this in our prayer today, we know that not every South Carolinian shares in the blessings a good number of us take for granted. Sadly, far too many of our fellow citizens have very little. So that is why today, Lord, we ask You to embrace in Your care the needy around us: the poor, the forgotten, the disadvantaged. May this Senate, Lord -- may each of us -- care for all of our sisters and brothers in ways that are genuinely meaningful and loving, doing so in Your wondrous name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Campsen
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Reichenbach
Rice	Sabb	Senn

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Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to go into Executive Session.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 10, 2026

6th Congressional District:

Mathias G. Chaplin, 7740 Exeter Lane, Columbia, SC 29223-2518
VICE Peter Smith

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

4th Congressional District:

Erica James, 901 Jenkins Street, Greenville, SC 29601-3920 *VICE*
Mary S. Sonksen

Referred to the Committee on Family and Veterans' Services.

Doctor of the Day

Senator MARTIN introduced Dr. Helen Stockinger of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator FANNING, at 1:47 P.M., Senator McLEOD was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator K. JOHNSON, at 1:49 P.M., Senators JACKSON and WILLIAMS were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator YOUNG, at 1:49 P.M., Senators GAMBRELL and TALLEY were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator DAVIS, at 2:57 P.M., Senator MARTIN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MATTHEWS, at 2:57 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator KIMBRELL, at 2:58 P.M., Senator FANNING was granted a leave of absence for today.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Remarks by Senator DAVIS

Thank you, Mr. PRESIDENT. Thank you, members. It's the first time this session I've risen on a Point of Personal Interest. This is going to be the first time this session that you've heard me talk about the Compassionate Care Act. The empowerment of doctors on a very limited circumstance to authorize patient use of cannabis -- subject to continual physician oversight, subject to being dispensed by pharmacists, limited to conditions, for only which there is empirical evidence that there is medicinal benefit that cannabis can provide to a patient who is suffering. I am going to speak about it today because we are approaching the crossover deadline. I had honestly thought, based on my discussion with my colleagues in this Senate, that we were going to get this Bill over to the House this year -- where it was last year -- after passing twenty-eight to sixteen and then being ruled on the last day or week of session as being out of order because it had a revenue raising component to it -- because it had a sales tax imposed to help cover the cost of the program -- first time ever they have ever done that. The Clerk, Ken Moffitt, Sara Parrish,

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and everybody had reviewed the Bill with me and said this is not a revenue raising Bill. This raises revenue ancillary to a primary purpose of the Bill that is other than revenue raising. Don't worry about it! But it got ruled out of order. It got punked by the House over there and got our wings clipped. Back then, everyone was so angry, that we were going to try to take it up and put it on another Bill, but it got ruled out of order of not being germane. So that couldn't happen. That's okay. We're going to have it this year.

I'm going to give you the state of where we are right now with this Bill. The federal government has given, if possible, even more of a green light regarding letting states do this. The IRS has issued regs. Congress every year puts in the budget saying -- medical marijuana states are not to be challenged. The Treasury Department has issued regs to banks allowing them to take proceeds from medical cannabis sales. The Attorney General has told the U.S. attorneys to stand down and not enforce federal laws against any state that has authorized medical use of cannabis. The federal courts consistently, time and time again, have said this is an appropriate space for states to act. Yet, we still have those that say the supremacy clause and the oath they take to the U.S. Constitution prevents them from voting for this Bill. That is ridiculous, wrong and false.

The second thing I will say is this -- in addition to all those green lights that the federal government is now giving us, other states are now adopting this. North Carolina is about to become the 39th state -- their Senate passed it. Our Bill, this Bill, we debated for three weeks last year after eight years' worth of subcommittee testimony -- is more restrictive. What do I mean by that? It's restrictive, Senator HUTTO, regarding the conditions that can be treated by it. It's not wide open. It is very narrowly circumscribed where there is empirical data saying there is a medical relationship between taking it and a benefit. It's not anecdotal. It doesn't allow smoking. It requires a doctor on the front end to have an incredible amount of due diligence to say they have explored every other alternative before they have authorized cannabis for one of these limited purposes. We worked on the floor to have pharmacists involved in the process. We are one of the few states that has pharmacists involved. So, we have medical professionals at the front end and the back end.

This is the most conservative Bill and yet, we can't take it up for debate. Some of the reasons that I have heard recently as to why we can't take it up for debate is that this work product, Senator VERDIN, is not worthy of this Senate because it has not been vetted -- eight years of hearings! Over a dozen subcommittee hearings of testimony, three

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weeks of Senate debate with amendments adopted and this Bill isn't ready for this Senate to debate? Because it hasn't been vetted -- that is embarrassing. I'm sorry I didn't stand up for you, Chairman of Medical Affairs, when you were criticized for polling it out of committee. A Bill we have already approved out of committee and subjected you to the criticism from some of our colleagues that you did this Senate a disservice by sending up a work product that wasn't worthy of the Senate. Okay? There are people suffering! I sent to you -- a lot of you -- a text from someone you all know and love about what she is going through right now with her mother who is dying of pancreatic cancer -- who was in so much pain from chemotherapy, she had to be taken to the emergency room last night. She had to be put on opioids which knocked her out completely. When we know that cannabis can be a therapeutic substitute for that and increases the quality of life. This is embarrassing that we can't do this! It's embarrassing to me! It really is.

Now, I can go through all the aspects of this Bill that make it conservative, but I think after three weeks' worth of debate -- robust debate, debate in which I took up every reasonable amendment that was offered and incorporated -- I don't need to repeat that to you all. You know throughout this process there is a physician on the front end, a pharmacist on the back end, and there are regulations all throughout. You can't smoke it. You can't have it in certain forms. You can't appeal to children. You must have independent labs. Every single state law that has passed this -- I have borrowed from the best provisions to make this a Bill we can be proud of. A Bill that, I would say, is beyond precedent for having been vetted and yet we have people in this Chamber that say it hasn't been vetted! That is a lie! It's a lie and it's not compassionate! It's wrong! I've got to listen to phone calls from people asking me what the hell has happened! I waited my turn. I haven't talked about this. We took up CON repel. We took up school choice. We took up China and now we are going to take up Preemption. We took up other things. I waited my turn because it was understood that we were going to take this up because it passed twenty-eight to sixteen last year. A majority of the Republican Caucus passed it last year and the House clipped our wings on it and embarrassed our staff. I had to come back here, Senator HUTTO, and explain to Sarah Parrish and Ken Moffitt about how the advice they gave this Chamber had been overruled by Tommy Pope who was presiding over in the House. Okay? They were embarrassed. They gave good advice and this Senate -- if you recall, this Senate was ready to take action and try to put it on another Bill. We were going to do it

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until somebody objected to it for not being germane -- which the PRESIDENT gave the right ruling -- no complaint about that.

So, I apologize to the Chairman of Medical Affairs for the criticism that you got on this. I really am. I should have stood up for you. The reason it didn't get taken up in material part is because misrepresentations were being made to members regarding what the House would do with this Bill if it got sent over there. Information was relayed to members in the Senate that it doesn't matter if we take it up this year. The House isn't going to take it up so why do the heavy lifting? The House IS going to take it up! I've been working with Speaker Smith for the last year on getting this taken up. If any of those Senators wanted that as a reason, not to set this up for Special Order, they could have come to me and looked me in the face and said this is what we are hearing, and I would have set things straight. Senator HUTTO, they didn't bother to do that. They embarrassed me on the floor of this Senate when the Majority Leader stood up during the Motion Period and made a motion for Special Order. The opponents of this Bill screamed, "No", so it got to a roll call. Then when it went to roll call seven or eight individuals, who I had worked with last year, adopted their amendments last year, answered their questions last year -- they voted for this Bill last year, they went ahead and flipped and voted it down.

In the fifteen years I have been in this Senate, I have never experienced that, never -- never have! And it is not something I would ever do to another member. I would never do that! In fact, what I do is on subcommittees that I chair and I'm the floor leader, even if I don't like that Bill, I take it on as something I'm going to get passed. I'm going to get it passed, even if I had reservations. Genetic counseling -- I've got reservations regarding whether it needs to be licensed. But I respect the will of my colleagues. It's in my subcommittee and I'm going to come to this well and get this thing passed because that is what an honorable member does. I have not been treated honorably. The people of South Carolina have not been treated honorably. We are behaving in a way that is driven by fear, misimpressions and misinformation. We're going to be the 50th state to authorize this and in the meantime, we have people who are taking opioids for things they could have relieved by using medical cannabis. We have individuals with neurological disorders, people with Crohn's Disease, people with real maladies for which there is empirical peer review science saying this can help and we are telling doctors, "No!" I don't have an answer for all the people calling me saying, "Why couldn't you get this done?" I failed -- I failed!

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You know what? I am tempted to just take my name off the Bill and let somebody else be the primary sponsor. Maybe somebody else can get it done when I can't -- obviously after nine years. You know what the definition of insanity is? It's doing the same thing over and over again with the same result. Maybe I'm not the person to lead this thing and someone else needs to lead this. I'm happy to yield because it is far more important that this get done and doctors be allowed to do what doctors think is in the patients' best interests than me getting any credit for it. We had this debate regarding COVID and regarding Ivermectin, and in things doctors felt were in the patients' best interest. A lot of people rose and said, "Who are we to second guess these doctors?" If these doctors think this is in the patient's best interest, politicians do not belong there. When it served their political interest to say that they did or when it is in something like this, they don't. That is just wrong! Now I realize that this Bill is probably dead for another year. Thank y'all, thank y'all -- probably dead for another year. I weighed whether to say anything about it, just play an inside game, build up capital, and help people with Bills, be a good faith broker or subcommittee chairmanship -- do the job. That is not working for me anymore. It is not working anymore so I'm going to try a different approach.

On motion of Senator GARRETT, with unanimous consent, the remarks of Senator DAVIS were ordered printed in the Journal.

Expression of Personal Interest

Senator VERDIN rose for an Expression of Personal Interest.

Remarks by Senator VERDIN

Thank you, Mr. PRESIDENT and members of the Senate. Senator DAVIS, as I spent my time here, you're not replaceable. The service that you bring to us in our little point in time is immeasurable. As it relates to the Medical Affairs Committee, your service is incalculable. We all come here with certain abilities and certain skill sets and yours are -- I can't think of superlatives to describe your service to us -- your service to South Carolina. And as it relates to all these hard issues that we are dealing with in Medical Affairs -- the reason I come to you so much is because I don't have others in the committee coming and begging for this work. And I'm sure there are other committees that have the same regard for your work product. I do want to just acknowledge the fact that we have polled Bills. We have polled a lot of hard Bills -- we polled a lot of nine to eight votes out of this committee. And as it's been represented

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to the members of the committee on the poll, those substantive changes, a lot of language changes, but I'm going to confess there were only two members of the committee that actually saw the work and analysis of the staff -- others that may have looked at it very briefly there on the floor as the poll sheet was going around. But for the work of the drafting and the work of coming to the conclusion that we needed the poll -- it was just you and Senator CASH. There may have been a member on the committee that asked for material relating to the Bill and it was provided to them on a side-by-side basis. That document is available to anyone now. We're all sensitive about what we put out here because our time is valuable. But it was that valuable time in trying to cooperate with the consensus on both sides of this aisle to try to put some work product together for the consideration of the Senate knowing there was much more hard work coming down the pike. And there still is. Probably all are aware that Gressette 105 was occupied by an incredibly painful debate this morning for a couple hours, painful regardless of your perspective -- pro or con -- for the Bills. For those of you working on that -- thank you, I appreciate you.

But Senator, whether it is further committee work on that subject or it remains here, whatever the will of this Body is, I'm committed to you. I've done a lot of things differently here in the last year that I hope will be of service to you. As you well know, I'm like Senator MASSEY, Senator RICE and Senator GARRETT -- I like to sleep in my own bed at night, but I've only slept in my own bed twice this year on session days because I want to be of better service to you. So, whatever needs to be done in regard to the Senate's obligation, I'm committed to it. I just want to say -- I hope I'm not running out of time -- but I do want to take a minute or two to discuss this very subject of compassionate care. I don't think there are any of us -- and there's different membership now -- but I don't think there's anyone here when this subject was first introduced to us who was more diametrically opposed to the concept than I -- maybe someone, some equally and some that are still. Now my perspective might not have been driven by the same interest groups or stakeholders. I'll say my ear was not as attuned to law enforcement as some others, but I certainly wasn't neglectful of it. My ear was attuned, primarily, to medicine. And I'm conservative by nature, and I'm not wanting to get ahead of medical science and research but the overarching issue of compassion, as related to the inculcation of our faith, started me down the path of reconsidering my position; and then giving heed and attention to discern as best I can the medical science. And that's how I've come to the position of following your leadership and trying to be of assistance.

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And I don't like to even contemplate the crass political environment -- who's interested in what seats. I love serving here. I'm more hopeful of my service here than I've been in a while. So, for me, on a subject like this, based on the votes we've taken, in God's providence, it may just be that I have more opportunities to demonstrate for my constituents, who are still coming to my understanding. But that process is taking place with our electorate just as it has for many of us in here. So, as I've hit a stage in life with children, grandchildren and business, it's more and more borne upon me that we are not weathervanes. The day and age we're living in -- if I can be proud of anything -- and I hate to even use the word "pride" but I tell you I'm not on a phone calling a political consultant every time a hard vote comes down through here. I've never done it. And I would encourage all of us to do it less. Thank you for the opportunity to come behind my colleague and hopefully bring some clarification and the opportunity to lay out before you my commitment to build consensus and build better quality of life for all of the people that we represent, our family, our friends and our neighbors.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator VERDIN were ordered printed in the Journal.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MATTHEWS rose for an Expression of Personal Interest.

Remarks by Senator MATTHEWS

Thank you, Mr. PRESIDENT. I didn't expect that I would come up to speak on this issue, so I am going to try to keep this as quick as possible. I was surprised the other day when this Senate took up the issue of whether or not we would place the Compassionate Care Act in its appropriate spot so we could deliberate and consider it. Senator DAVIS is correct -- every other special order or rules position vote has gone along the lines of placing what the majority has requested into that spot. So, I was surprised that a number -- even my own colleagues -- mistook that vote. Not a vote for it being placed in its proper place -- the question was not, "Do you agree with the Bill?" because no one had looked at the

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Bill. The question was whether or not the Senate should have given it its proper place. The question is not whether or not you agree with the Compassionate Care Act. The question was whether or not this Senator, who had worked nine hard years on this issue, deserved to have it brought before this Body. Should he have been given his opportunity just as you would have wanted if this had been your issue? I don't understand how so many of us didn't understand. The question isn't do you agree with him. The question is, do we owe our comrades in this Body the right to deliberate on their Bill?

When one of the Senators said something about meritocracy, I looked it up. It is defined as a government governed by the merits of what your particular skills are. There is no one more meritorious to argue this issue because of all the work Senator DAVIS has done on this Compassionate Care Act. When I got here in 2015, he was here with the pictures. He was here with the families. We were allowed to talk to people, to find out what was important. He was doing this outside of committee meetings. One of the first committees I was assigned to be on was the subcommittee for the Compassionate Care Act. I'm going to tell you something, I've been on a lot of subcommittees, but this subcommittee was one of substance. It was not a subcommittee where you sit in a room and listen and then go on about your business. Senator DAVIS had a subcommittee where he gave us assignments. I have never been on a subcommittee that required so much work. He gave us an assignment and respected us enough to carry it out. He expected at the next committee meeting that we would have a response. He knew that I -- and this is where we get to the meritocracy issue -- did a lot of criminal defense and civil defense work. So, what did he do? He placed me in charge of the subcommittee dealing with SLED. Now, I have a lot of experience and respect for SLED as well as my police departments and sheriff's departments. I met with the Sheriff's Association. I met with the city police officers. During the summer when everybody else was going about their business I had not one, not two, but three meetings in my conference room with the stakeholders. What did I hear? We went through all of the elements. We went through all of the different chapters of this Bill, and I asked them how can we make this better for you? How can we make this better so that we take into consideration your concerns. The number one concern that I always heard was this is a gateway drug. Well, it doesn't say it in here. How do we fix that? When Senator KIMPSON was dealing with doctors and medical staff -- that was his assignment -- they took care of the gateway drug issue. When it related to police officers being allowed to use medical marijuana, we took care

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of that issue. I don't know what else we could have done to not give everybody their due. In other words, deliberate.

I am surprised that this Senate has taken it up in special order, since I've been here, we started out with certificate of need, we went to two different school voucher Bills, then we went to the six-week ban. We say we have compassionate care about the unborn. Well, this was a Compassionate Care Act that cares about children that are alive, those that are here. If you really have compassion, we should be taking up this Bill. You can vote against it. We should take up this Bill. We shouldn't be dealing with Chinese land blocking. We should be dealing with issues that really deserve to be placed in the special order slot. We should respect the work that our fellow Senator has given to this Bill. This Body is supposed to be a deliberative Body. We need to start deliberating with compassion.

On motion of Senator K. JOHNSON, with unanimous consent, the remarks of Senator MATTHEWS were ordered printed in the Journal.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

Remarks by Senator K. JOHNSON

Thank you, Mr. PRESIDENT. Members, I'm going to flip the script a little bit. I don't necessarily want to talk about medical marijuana, but I will say this. I listened to Senator DAVIS, and if anybody said that the Bill has not been vetted, I know differently. I know the Bill has been vetted. To the point that Senator MATTHEWS made, there was a time when I was on that subcommittee and until this day, I spent more time on that subcommittee Bill than I did any other Bill since I have been here. Albeit I was on the other side of the issue, I think Senator DAVIS will concur that we have disagreed on this Bill, but that it has been a respectful disagreement. I've always commended him on constructing this Bill much better than the previous one. The Bill that we are debating is far better than the Bill that we first created years ago when I sat on the subcommittee, but I didn't want to talk about the medical marijuana issue.

I felt like since we were talking about Bills that deal with health care, I want to just remind the Body that for the last several years, I have filed a Bill to expand Medicaid. Senator DAVIS, I know you're frustrated because your Bill hasn't passed but your Bill has been getting hearings, moved to committees, and it's being voted on in both bodies; however,

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my Bill to expand Medicaid has never even received a committee hearing. We're talking about whether we want to agree or disagree that medical marijuana saves lives and if it has medicinal value -- I'm not quite there yet. I do know that if Medicaid expansion is passed that will save lives in South Carolina. We have two to three hundred thousand South Carolinians who fall between that gap. We can fix this and help deserving people to qualify and get affordable quality health care. As I said, for some reason, that Bill can't even get a committee hearing. I'll just end by saying that if we really want to provide compassionate care in South Carolina, there should be no debate about Medicaid expansion because it will provide just that.

On motion of Senator McLEOD, with unanimous consent, the remarks of Senator K. JOHNSON were ordered printed in the Journal.

Expression of Personal Interest

Senator McLEOD rose for an Expression of Personal Interest.

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. I didn't think I'd be up here today but, I just wanted to take a quick minute to say thank you to Senator DAVIS. This has been his fight for longer than I've served in this Chamber, and it's been my fight for as long as I've served in this Chamber, but it was also my fight when I served in the South Carolina House.

To see the amount of time, energy, effort and resources that have been expended just to try and pass a Bill that would help so many people across South Carolina. A Bill that would help me. As I look around, I see every day that I'm still the only one in this Chamber who lives with a chronic health condition and wears my mask faithfully even when it's hot -- even when I'm tired -- even when I don't feel like it.

When I was elected in 2016 to this Body, I often talked about having to relearn so many of the things that I had to -- I'm sorry, to unlearn so many of the things I had to learn when I was in the House for six years. But what I appreciated most about serving in this Body seemed to be when I got here not just the consideration for each other but the deliberation that Senator MATTHEWS mentioned. It was the fact that I got to leave the chaos of the House. Some of it I missed, a lot of it I didn't. When I got here, everybody seemed intentional about the work that we're supposed to do. They seemed to be considerate and respectful of each other's opinions, perspectives and politics.

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So, to now witness what I did when this Bill was brought up for Special Order -- knowing that I have voted against many Bills that have been set for Special Order over my objection -- even after putting my name on a Bill or Bills in opposition to those Bills. I still sat. I still stood respectfully and did the work and asked the questions and voted against it if I was opposed to it. But to have an issue like this that not only impacts me personally but a lot of us in here who suffer with chronic health conditions -- or to have family members and constituents who suffer from chronic health conditions. In fact, I believe next week I'll be meeting with a family that I met with a few weeks ago right in the room next door. A mom who cried and talked about losing her son to an opioid overdose. Those are the discussions -- those are the voices that need to be represented in this debate.

It can't just be about politics. It can't just be about whether we would use marijuana or whether we would have a family member who needs medical marijuana. It has to be bigger than that. Aren't we bigger than that?

To see and hear the passion, frustration, and anger in Senator DAVIS' voice earlier -- it took me back. It took me back to when I stood here, and I have co-sponsored that Bill and worked with him every year, every time he's introduced it and I did the same thing in the House. I served on 3M in the House and tried to get it through. I served on Medical Affairs here in the Senate and worked with all of you to try and just think outside of yourself. Think about those who suffer with cancer. Think about those who suffer from PTSD, epilepsy, lupus, sickle cell -- all the chronic health conditions that we either have or we know somebody who has and who suffers daily. And because this is an option, why would we stand in the way of getting people the help and the support they need? I'm not going to, I know I'm probably at my five minutes. I just want you to think about that, and to think about doing things differently for the right reasons for all of us. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator McLEOD were ordered printed in the Journal.

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

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Remarks by Senator FANNING

There was a train; the train was loaded down, Senator SABB, with all kinds of things that they were taking to the next town. This train was a fairly new train but had been trying for years to start its work as a courier of goods and services across the mountain to the next town that had been isolated for years.

The train is loaded down with stuff. It starts moving up the hill, chug, chug, chug, chug, chug. Eventually, about halfway up the hill, the train gave out. It got stuck halfway up the hill. You may remember this story. It was stuck. It couldn't go back down. If you'd release, you'd go back down to the town. It couldn't make it over the hill, so it was stuck there on the tracks. And the folks in the next town couldn't get the goods and services they'd been waiting on forever, and ever, and ever, and ever -- real needs that they had. But the answers to their needs were sitting on this train that was stuck on the tracks. And they couldn't go down because they couldn't do anything about it; they didn't have the strength to go up the tracks. So finally, Senator MATTHEWS, another train came by. This was a big locomotive -- it came up there booking it! Chug, chug, chug, chug, all the way up to the train, and they waived them down and said, "Stop! Save us! Save us!"

And so the train stopped and said, "What do you need?" And they said, "We need help getting over this hill. Will you help us get over the hill?" And it said, "I'm too busy. I can't do that. I have a lot of other things I need to do." So it went on by.

The train tried again -- couldn't do it again. Another train came by. This one was a passenger train. And said, "No, we've got other priorities. We can't really help you." They asked for help. Then finally, you'll remember this, a little blue engine came putting up the tracks. Little blue engine -- shiny, new little, tiny little train comes up next to him -- and the people waved him down saying, "Look, we're loading up with things we know children need. We're loading up with things that we know that the doctors have told us will help our kids in the community in the next town and help them with what they need, but we're stuck here on the tracks and nobody will help us. We've done the work to get over the hill, but nobody is going to help us." But the blue engine said, "I'll try. I've never been up the track myself at all before, but at least I'll try."

And so that little engine started -- it connected with the train -- and started going putter, putter, putter, putter, putter, putter. It started inching up over the hill. And the little blue engine started pulling it. And as he did, you know what the little engine was saying, do you not? "I think I can. I think I can. I think I can. I think I can." Everybody on the train

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behind him is saying, "I think I can. I think I can." Because this has been going on forever and ever and ever, no one thought it could be done. But there was one little blue engine that said you know what, I think I can do it.

And he worked his way up the hill pulling the train behind him -- "I think I can, I think I can." He crested over the top, and all of a sudden, the people in the town said, "Yay. We're finally going to get the help that our doctors have said we need! We're finally going to get the medicine we've been needing for years!" And as soon as he crested, the little blue engine went down the hill and said, "I knew I could. I knew I could. I knew I could. I knew I could."

I share that story with you to share that there have been children and elderly people waiting on an answer to their medical conditions. Kids with epilepsy, old folks that are suffering from all kinds of debilitating diseases that other states, with their trains, have been able to get the help to the citizens that need it, but not in South Carolina. We let it get stuck, and then all of a sudden, hauling from Beaufort, South Carolina, Senator TOM DAVIS was the little blue engine that could. He went up and took that thing that was stuck there forever. And for eight years -- putter, putter, putter, putter -- started hauling this over the top. And when I say hauling this over the top, when you have a problem with the Bill, he said, "How" can he change the Bill to get you onboard? If you don't think my analogy is working, if you don't like the Bill, what can we do to get you onboard?

He was willing to make changes to this Bill that, I'm guessing, Senator DAVIS, you didn't want to make; but you were willing to make the changes to get everyone onboard. And finally, in this story, we get over the hill. The little engine that could -- Senator DAVIS -- was able to get everyone onboard, and we passed this Bill with a vote of twenty-eight to sixteen. We took it down the mountain, and we got down the mountain, and the House said, "Go back." And now the Senate is going to make us spend another eight years with the little engine that could pulling it up.

Senator DAVIS, we thank you for the work that you've done for eight years on this Bill. From the bottom of my heart, thank you. But more importantly, we don't just owe Senator DAVIS the right to take up his Bill -- that we told him he was going to have -- we owe the citizens we represent to take up this Bill. The vote was not twenty-three to twenty-two -- the vote was twenty-eight to sixteen -- which proves that the little engine from Beaufort County took the Bill over the hill. We recognized that and we said, "Since the House screwed you on the other side of the hill, we'll give you a shot to do it again." This Bill is not what started

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the legislative session last year. This Bill, if I'm correct, Senator DAVIS, was what we finished with last year.

So for every one of you that didn't want to get onboard -- but Senator DAVIS changed his Bill to get you onboard -- that's the same Bill we're having now. It's the same Bill we sent over to the House. I don't know what y'all are doing. I am not asking you to pass the Bill at all. I respect your stance on the Bill. I'm asking you to debate the freaking Bill. Do the citizens of South Carolina not at least deserve the right to have us debate a Bill that meets their needs? A Bill that's already crossed over the hill. Why would we not debate a Bill that's exactly like the one we passed last year by an overwhelming twenty-eight to sixteen margin? And if anyone objects, couldn't we at least debate it and allow you to object again in the end. Don't our citizens deserve that.

Picture the citizens in the next town that have been waiting eight years! Children waiting for their medicine. Old folks waiting for their medicine. We have a Senator that has now made this Bill so conservative -- there's one way to get marijuana. If this passes, there would be two. One way is to drive to Five Points, roll down your window, and get marijuana. The other way is call your doctor, make an appointment, go see the doctor, have the doctor document that he tried everything else -- the only thing left after he tried everything else was to get medical cannabis. He still can't give it to you. You have to wait and go some place to get it and use it.

Now, which way do you think people are going to abuse it? Rolling down the window at Five Points or following this? He listened to you -- the little engine that could -- to try to get everybody onboard to get over the hill -- he listened to each and every one of us. We passed this twenty-eight to sixteen. And I'm not saying personally I feel like I owe you, Senator DAVIS, but I think more importantly, we owe the citizens we represent to at least have a debate on the Bill.

Is preemption any more or less important than this? Banning aliens from owning property? Is it any more or less important than this? Is passing one but not two voucher Bills when the Body has already spoken on this any more or less important?

When we make decisions, we are defining our relationship with the House, and so I hope we think about the decisions we have made this year of us getting our Bill over the hill to them. When we sent it over to them last year, they flipped their finger at us and sent us back on the other side of the mountain. Whether we act or don't act is sending a message. So, if we don't send it back to them, we are saying, you are more powerful than we are. Is that the message that we want to send?

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So, if we're not tackling this eight-year issue, what's our plan? If we're not going to do this, let's say we persuade the little engine that could, Senator DAVIS, to keep his name sponsoring the Bill. What's the plan? What do we tell him? Try again next year? Try again next year? If this is not the plan, what are we going to do to keep that engine from going over the hill -- what is it that we're going to do? We've got two ways to tackle this. We've already missed the boat on one. I hope we don't miss the other. Thank you, Mr. PRESIDENT.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator FANNING were ordered printed in the Journal.

Expression of Personal Interest

Senator GUSTAFSON rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 30 Sen. K. Johnson
S. 150 Sen. Grooms
S. 161 Sen. Grooms
S. 252 Sen. Garrett
S. 298 Sen. Kimbrell
S. 521 Sen. Talley
S. 588 Sen. Kimbrell

RECALLED

H. 3816 -- Rep. Leber: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES RUSSELL CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY "DAVID L. LYBRAND MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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RECALLED

S. 659 -- Senators Matthews and Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17 OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSER, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CLIMER, with unanimous consent, Senators RICE, McELVEEN and CLIMER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 663 -- Senator Turner: A SENATE RESOLUTION TO RECOGNIZE AND HONOR GE GAS POWER, PART OF GENERAL

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ELECTRIC VERNOVA.

sr-0347km-hw23.docx : 5b4ace51-e3e8-492f-8da2-0c4655046290

The Senate Resolution was adopted.

S. 664 -- Senator K. Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR AMERICAN HONDA MOTOR CO., INC. SOUTH CAROLINA MANUFACTURING.

sr-0349km-hw23.docx : fb35e7ac-980c-4911-86f0-429f86fd1d57

The Senate Resolution was adopted.

S. 665 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LOCKHEED MARTIN.

sr-0348km-vc23.docx : e2d0bf32-ed71-4775-b47f-de83ac9504f4

The Senate Resolution was adopted.

S. 666 -- Senator Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ELECTROLUX HOME PRODUCTS, INC.

sr-0346km-vc23.docx : 2872cccb-2dbd-4b3d-80c1-67e33086f5f7

The Senate Resolution was adopted.

S. 667 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND MICHELE WELTON, A MUSIC TEACHER IN YORK SCHOOL DISTRICT 1, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY-EIGHT YEARS AS AN EXEMPLARY EDUCATOR, AND TO WISH HER LASTING SUCCESS AND PLEASURE IN ALL HER FUTURE UNDERTAKINGS.

lc-0192hdb-gm23.docx : d0eed5b1-941b-4abc-a671-c7f4e6586ac1

The Senate Resolution was adopted.

S. 668 -- Senator Gustafson: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE ALFRED MAE DRAKEFORD, MAYOR OF THE CITY OF CAMDEN, FOR HER MANY YEARS OF DEDICATED PUBLIC AND COMMUNITY SERVICE AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

sr-0350km-hw23.docx : b49554d4-01c5-46c5-808c-9525a1d10ce6

The Senate Resolution was adopted.

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S. 669 -- Senator K. Johnson: A SENATE RESOLUTION TO HONOR THE REVEREND GEORGE P. WINDLEY, SR., PASTOR OF EBENEZER MISSIONARY BAPTIST CHURCH IN MANNING, FOR HIS FORTY-FOUR YEARS OF GOSPEL MINISTRY AT EBENEZER, TO CONGRATULATE HIM ON THE OCCASION OF HIS RECENT RETIREMENT, AND TO WISH HIM THE LORD'S RICHEST BLESSINGS IN THE DAYS AHEAD.

lc-0225vr-rm23.docx : 6c3e6711-7e2d-4885-9b8e-6537cc930a05

The Senate Resolution was adopted.

S. 670 -- Senator M. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-870, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REQUIRE ANY PERSON UNDER THE AGE OF THIRTEEN TO WEAR A PERSONAL FLOTATION DEVICE ON ANY SIZE VESSEL UNLESS THE PERSON IS IN THE CABIN OR BELOW DECK OF THE VESSEL.

lc-0206ph23.docx : da61bd6e-52c3-4023-b2d1-8f1f24363eb3

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 671 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "LANGUAGE EQUALITY AND ACQUISITION FOR DEAF KIDS (LEAD-K) ACT"; BY AMENDING CHAPTER 36, TITLE 59, RELATING TO PRESCHOOL PROGRAMS FOR CHILDREN WITH DISABILITIES, BY ADDING ARTICLE 3, SO AS TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION SHALL JOINTLY SELECT LANGUAGE DEVELOPMENTAL MILESTONES AS RESOURCES FOR PARENTS OF DEAF OR HARD-OF-HEARING CHILDREN TO USE TO MONITOR AND TRACK CERTAIN LANGUAGE ACQUISITION AND DEVELOPMENTAL STAGES TOWARD THE ENGLISH LITERACY OF THOSE CHILDREN, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO SOLICIT INPUT FROM EXPERTS ON SELECTING CERTAIN LANGUAGE DEVELOPMENTAL MILESTONES FOR DEAF OR HARD-OF-HEARING CHILDREN, TO PROVIDE FOR THE COMPOSITION AND OTHER DUTIES OF THE ADVISORY COMMITTEE, TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE

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THAT IMPLEMENTATION IS CONTINGENT ON FUNDING, AMONG OTHER THINGS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 36, TITLE 1, AS "ARTICLE 1, GENERAL PROVISIONS"; AND TO PROVIDE A TIMELINE FOR THE ESTABLISHMENT OF LANGUAGE DEVELOPMENTAL MILESTONES.

sr-0079jg23.docx : d5d083fa-00e3-446d-aef6-655aa9a97305

Read the first time and referred to the Committee on Education.

S. 672 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HELP FIND THE MISSING ACT"; AND BY ADDING SECTION 23-1-260 SO AS TO DEFINE CERTAIN TERMS, PROVIDE CIRCUMSTANCES WHEN CORONERS OR MEDICAL EXAMINERS MUST REFER DECEDENTS' BODIES FOR EXAMINATION TO SLED'S FORENSIC SERVICES LABORATORY WHICH MUST RETAIN AND FURNISH CERTAIN INFORMATION ABOUT THE PERSONS TO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM, TO REQUIRE THE COLLECTION OF DENTAL RECORDS BY LAW ENFORCEMENT AGENCIES OF PERSONS WHO ARE SUBJECTS OF MISSING PERSONS REPORTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE REPORTING OF MISSING PERSONS IN CERTAIN DATABASES, TO REQUIRE SLED TO ADOPT RULES RELATING TO THE DISSEMINATION OF MISSING PERSONS' RECORDS, TO PROVIDE LAW ENFORCEMENT AGENCIES MAY NOT ESTABLISH OR MAINTAIN POLICIES WHICH REQUIRE A WAITING PERIOD BEFORE ACCEPTING AND INVESTIGATING MISSING CHILD REPORTS AND MUST ENTER THE REPORTS INTO THE NATIONAL CRIME INFORMATION CENTER, TO PROVIDE WHEN MISSING PERSONS ARE FOUND, LAW ENFORCEMENT AGENCIES MUST INFORM SLED AND THE NATIONAL INSTITUTE OF JUSTICE THAT THE PERSONS HAVE BEEN FOUND, TO PROVIDE THIS SECTION DOES NOT PROHIBIT CERTAIN AGENCIES AND PERSONS FROM MAINTAINING CASE FILES RELATED TO MISSING CITIZENS OR UNIDENTIFIED BODIES, AND TO PROVIDE SLED SHALL PERFORM ANNUALLY A COMPLIANCE REVIEW OF THE PROVISIONS CONTAINED IN THIS SECTION.

lc-0274cm23.docx : 8f843812-cce9-494b-8829-3f1fe87200ec

Read the first time and referred to the Committee on Judiciary.

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S. 673 -- Senators Goldfinch, Cromer, Bennett, Climer, Gambrell, Peeler, Turner, Hembree, Verdin, Shealy, Young, Corbin, Rankin and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-121-500 SO AS TO ESTABLISH THE PALMETTO LEGISLATIVE MILITARY APPOINTMENT AND DEFINE RELEVANT TERMS; BY ADDING SECTION 59-121-510 SO AS TO ESTABLISH THE PALM APPOINTMENT SCHOLARSHIP OFFERED BY THE SOUTH CAROLINA ARMY NATIONAL GUARD TO COVER ALL COSTS FOR AN APPOINTEE TO ATTEND THE CITADEL FOR A MAXIMUM OF FOUR YEARS, TO PROVIDE FORTY-SIX APPOINTMENT NOMINATIONS PER SCHOOL YEAR, AND TO ESTABLISH THAT INDIVIDUALS SELECTED FOR NOMINATION WILL BE SELECTED BY A MEMBER OF THEIR COUNTY LEGISLATIVE DELEGATION; BY ADDING SECTION 59-121-520 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THE APPOINTMENT; BY ADDING SECTION 59-121-530 SO AS TO PROVIDE APPOINTMENT OBLIGATIONS FOR APPOINTEES; BY ADDING SECTION 59-121-540 SO AS TO PROVIDE PROCEDURES FOR NOMINATION OF INDIVIDUALS AND DETERMINATION OF EACH NOMINEE'S QUALIFICATION FOR MILITARY SERVICE; BY ADDING SECTION 59-121-550 SO AS TO PROVIDE PROCEDURES FOR APPOINTEES WHO FAIL TO FULFILL APPOINTMENT OBLIGATIONS AND THE REPAYMENT OF APPOINTMENT SCHOLARSHIPS; BY ADDING SECTION 59-121-560 SO AS TO APPROPRIATE FROM THE GENERAL FUND OF THE STATE WHATEVER AMOUNT IS NECESSARY TO PROVIDE TO ALL ELIGIBLE RECIPIENTS THE PALM APPOINTMENT SCHOLARSHIPS.

sr-0055jg23.docx : d019bfe3-afdb-45f7-b2c5-9cbb0c7e304a

Read the first time and referred to the Committee on Finance.

S. 674 -- Senators Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "INTERSTATE 95 BRIDGE TOLL ACT"; AND BY ADDING SECTION 57-3-619 SO AS TO AUTHORIZE AND EMPOWER THE DEPARTMENT OF TRANSPORTATION TO DESIGN, CONSTRUCT, AND INSTALL TOLL-COLLECTING BOOTHS AT FOUR BRIDGES ALONG INTERSTATE HIGHWAY 95, TO PROVIDE FOR THE DISBURSEMENT OF TOLL REVENUES, TO PROVIDE THE DEPARTMENT SHALL PRESENT A PROJECT

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PLAN TO THE GENERAL ASSEMBLY, AND TO PROVIDE THE DEPARTMENT SHALL PROVIDE RELIEF FROM TOLLS TO QUALIFIED RESIDENTS AND COMMERCIAL CARRIERS OF THIS STATE.

lc-0279cm23.docx : f2c109e6-9d16-4a93-a079-9299dfebea32

Senator HUTTO spoke on the Bill.

Read the first time and referred to the Committee on Transportation.

S. 675 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO EXPRESS THAT THE GENERAL ASSEMBLY BELIEVES THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE AND THE ECONOMY, TO CONGRATULATE THE DARLINGTON RACEWAY FOR ANNOUNCING THE CONTINUATION OF A SECOND RACE TO ITS SCHEDULE, DOUBLING THE ECONOMIC IMPACT TO THE STATE, TO CELEBRATE NASCAR'S SEVENTY-FIFTH ANNIVERSARY, TO IDENTIFY SOUTH CAROLINA'S RICH NASCAR HISTORY, AND TO NAME THE WEEKS AROUND BOTH RACES, MAY 8-MAY 15, 2023, AND AUGUST 28-SEPTEMBER 5, 2023, AS "DARLINGTON RACEWAY WEEK", TWO WEEKS TOO TOUGH TO TAME.

lc-0243ph-jn23.docx : 1ec91746-d269-4cdd-b446-5b16cea44d69

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 676 -- Senator McLeod: A SENATE RESOLUTION TO HONOR THE THETA GAMMA CHAPTER OF ALPHA KAPPA ALPHA SORORITY, INC., AT THE UNIVERSITY OF SOUTH CAROLINA FOR THE STELLAR CONTRIBUTIONS ITS MEMBERS HAVE MADE TO THEIR COMMUNITY, TO CONGRATULATE THEM UPON THE OCCASION OF THEIR CHAPTER'S FIFTIETH ANNIVERSARY, AND TO DECLARE FRIDAY, NOVEMBER 3, 2023, "THETA GAMMA DAY" IN THE PALMETTO STATE.

lc-0235ph-rm23.docx : 58d75a1e-bc42-4fc5-93c3-04db93f2c3d7

The Senate Resolution was adopted.

S. 677 -- Senators Gustafson and McElveen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CONGREGATION AND PASTOR OF ST. MATTHEW BAPTIST CHURCH IN KERSHAW COUNTY AND TO CONGRATULATE

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THEM UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF
MINISTRY AND TO THE KERSHAW COMMUNITY.

lc-0281sa-gm23.docx : 6ee4e49e-ffbd-4994-bd59-595d68d14c02

The Senate Resolution was adopted.

S. 678 -- Senators McElveen and K. Johnson: A CONCURRENT
RESOLUTION TO RECOGNIZE AND HONOR THE ALICE DRIVE
MIDDLE SCHOOL STEM STUDENTS AND STEM LEAD
TEACHER, DR. MARINA MOSNEAGUTA, FOR THEIR
SIGNIFICANT SCHOLASTIC ACHIEVEMENTS AND TO
CONGRATULATE THEM FOR CAPTURING THE STATE
CHAMPIONSHIP IN THE SAMSUNG SOLVE FOR TOMORROW
STEM COMPETITION.

lc-0244ph-gm23.docx : b7113b90-cb70-438d-945e-9ec8969570d4

The Concurrent Resolution was adopted, ordered sent to the House.

Appointments Reported

Senator DAVIS from the Committee on Labor, Commerce and
Industry submitted a favorable report on:

Statewide Appointments

Initial Appointment, Jobs Economic Development Authority, with the
term to commence July 27, 2020, and to expire July 27, 2023

4th Congressional District:

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607 *VICE*
Stephen Mudge

Received as information.

Reappointment, Jobs Economic Development Authority, with the
term to commence July 27, 2023, and to expire July 27, 2026

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607

Received as information.

MOTION TO VARY THE ORDER OF THE DAY FAILED

Senator MARTIN moved under Rule 32 to vary the order of the day
to proceed to S. 576 in Special Order status on the statewide calendar.

The motion failed.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILLS

S. 377 -- Senator Campsen: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

On motion of Senator CAMPSSEN.

S. 654 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT

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SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator HUTTO.

S. 657 -- Senator Fanning: A BILL TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

On motion of Senator FANNING.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian

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Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Young		

Total--37

NAYS

Hembree

Total--1

The Bill was read the third time, passed and ordered sent to the House.

CARRIED OVER

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

On motion of Senator MARTIN, the Bill was carried over.

HOUSE BILL RETURNED

The following Resolution was read the third time and ordered returned to the House with amendments.

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY,

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AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

OBJECTION

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

Senator MATTHEWS objected to consideration of the Bill.

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OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE

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IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

Senator MATTHEWS objected to consideration of the Bill.

OBJECTION

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn and Garrett: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

Senator MATTHEWS objected to consideration of the Bill.

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OBJECTION

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senator CLIMER objected to consideration of the Bill.

OBJECTION

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

Senator CLIMER objected to consideration of the Bill.

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OBJECTION

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CLIMER objected to consideration of the Resolution.

OBJECTION

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CLIMER objected to consideration of the Resolution.

OBJECTION

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM

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PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

Senator MARTIN objected to consideration of the Bill.

POINT OF ORDER

S. 108 -- Senators Davis and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 284 -- Senators Davis, Turner, Jackson and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 298 -- Senators Bennett, Turner and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET

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FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 581 -- Senators Hembree, Campsen, McElveen, Goldfinch and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn and

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Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 612 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 205 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

The Resolution was adopted, ordered sent to the House.

S. 491 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM THE NEWBERRY/FAIRFIELD COUNTY LINE TO STATE ROAD S-20-99 "JOHNNY PEOPLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:55 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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Motion to Adjourn Failed

At 1:56 P.M., Senator SCOTT moved that the Senate stand adjourn.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 7; Nays 28

AYES

Fanning	<i>Johnson, Kevin</i>	Malloy
Matthews	Sabb	Scott
Stephens		

Total--7

NAYS

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	<i>Johnson, Michael</i>
Kimbrell	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Turner	Verdin
Young		

Total--28

The Senate refused to adjourn.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY

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TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Amendment Nos. 1, 2 and 3 were withdrawn.

Amendment No. 9

Senator REICHENBACH proposed the following amendment (SJ-576.PB0051S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and inserting:

(C) A citizen of a foreign adversary or a corporation controlled by a foreign adversary may not acquire any interest in real property within the limits of this State. The provisions of this subsection do not apply to businesses and industries operating within the limits of the State on December 31, 2022, if the land or real property is acquired for expansion purposes and the expansion is approved by the Secretary of Commerce and the Governor. The provisions of this subsection also do not apply to businesses that on or before the effective date of this subsection have received commitments or proposals from the Department of Commerce related to discretionary state incentives, and such businesses shall be eligible to acquire land or real property to establish operations or later expand in the State with the approval of the Secretary of Commerce and the Governor.

Renumber sections to conform.

Amend title to conform.

Senator REICHENBACH explained the amendment.

On motion of Senator REICHENBACH, the amendment was carried over.

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Amendment No. 10

Senator MASSEY proposed the following amendment (SJ-576.PB0052S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D)(2)(a) and (b) and inserting:

(a) has been granted lawful permanent resident status by the United States government, and

(b) acquires no more than five acres for residential use.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 11A

Senator McELVEEN proposed the following amendment (SMIN-576.MW0054S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and inserting:

(C) No corporation controlled by a foreign adversary may acquire any interest in real property within one mile of the property line of a military base, military installation, military airport, or within one mile of the property line of other critical infrastructure, whether physical or virtual, so vital to the State that the incapacity or destruction of such systems and assets would have a debilitating impact on state security, state economic security, state public health or safety or any combination of those matters.

Amend the bill further, SECTION 1, Section 27-13-30, by adding a subsection to read:

(E) Subject to the provisions contained in subsection (B), nothing in this section is intended to restrict the operation or expansion of operations of legal entities controlled by aliens currently operating in this State.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

On motion of Senator McELVEEN, the amendment was carried over.

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Amendment No. 12

Senator McELVEEN proposed the following amendment (SMIN-576.AA0049S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and inserting:

(C) No corporation controlled by a foreign adversary may acquire any interest in real property within three miles of a military base, military installation, military airport, or within three miles of other critical infrastructure, whether physical or virtual, so vital to the State that the incapacity or destruction of such systems and assets would have a debilitating impact on state security, state economic security, state public health or safety, or any combination of those matters.

Amend the bill further, SECTION 1, Section 27-13-30, by adding a subsection to read:

(E) Subject to the provisions contained in subsection (B), nothing in this section is intended to restrict the operation or expansion of operations of legal entities controlled by aliens currently operating in this State.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

On motion of Senator McELVEEN, the amendment was carried over.

Amendment No. 7

Senator MARTIN proposed the following amendment (SR-576.JG0041S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D) and inserting:

~~—(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:~~

~~—(1) also is a citizen of the United States; or~~

~~—(2) resides in the United States, and~~

~~—(a) possesses a valid green card as a lawful permanent resident, and~~

~~—(b) acquires no more than:~~

~~—(i) five acres for residential or recreational use, or~~

~~—(ii) five tax parcel properties that do not exceed in the cumulative twenty five acres for commercial use as a landlord or property manager.~~

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Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

Senator MASSEY spoke against the amendment.

The amendment failed.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Amendment No. 8 was withdrawn.

Motion Adopted

On motion of Senator REICHENBACH, with unanimous consent, Amendment No. 9 was withdrawn.

Amendment No. 13

Senator REICHENBACH proposed the following amendment (SJ-576.PB0055S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and inserting:

(C) A citizen of a foreign adversary or a corporation controlled by a foreign adversary may not acquire any interest in real property within the limits of this State. The provisions of this subsection do not apply to businesses and industries operating within the limits of the State on December 31, 2022, if the land or real property is acquired for expansion purposes and the expansion is approved by the Secretary of Commerce and the Governor. The provisions of this subsection also do not apply to businesses that on or before March 23, 2023, have received commitments or proposals from the Department of Commerce related to discretionary state incentives, and such businesses shall be eligible to acquire land or real property to establish operations or later expand in the State with the approval of the Secretary of Commerce and the Governor.

Renumber sections to conform.

Amend title to conform.

Senator REICHENBACH explained the amendment.

Senator MALLOY spoke on the amendment.

The amendment was adopted.

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Amendment No. 14

Senator McELVEEN proposed the following amendment (SMIN-576.AA0056S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and inserting:

(C) No corporation controlled by a foreign adversary may acquire any interest in real property within twenty miles of the property line of a military base, military installation, military airport, or within twenty miles of the property line of other critical infrastructure, whether physical or virtual, so vital to the State that the incapacity or destruction of such systems and assets would have a debilitating impact on state security, state economic security, state public health or safety or any combination of those matters.

Amend the bill further, SECTION 1, Section 27-13-30, by adding a subsection to read:

(E) Subject to the provisions contained in subsection (B), nothing in this section is intended to restrict the operation or expansion of operations of legal entities controlled by aliens currently operating in this State.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment failed.

On motion of Senator McELVEEN, with unanimous consent, Amendment Nos. 11A and 12 were withdrawn.

Senator SCOTT spoke on the Bill.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 31; Nays 5

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Garrett
Goldfinch	Grooms	Gustafson

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Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Turner	Verdin
Young		

Total--31

NAYS

Allen	Harpootlian	Sabb
Scott	Stephens	

Total--5

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 3:14 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 24, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN.

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Bonnie L. Moses of Seneca, South Carolina. Bonnie lived a meaningful 100 years! Bonnie served on the Board of Registration as chairwoman and retired as a bailiff from the Oconee County Courthouse in 2008. She was a faithful member of Ebenezer Baptist Church where she was a blessing to those who knew her. Bonnie was a beloved member of her community and will be dearly missed.

ADJOURNMENT

At 11:06 A.M., on motion of Senator JACKSON, the Senate adjourned to meet next Tuesday, March 28, 2023, at 12:00 P.M.

* * *

Tuesday, March 28, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 57:1

We hear the Psalmist declare: "Be merciful to me, O God, be merciful to me; for in you my soul takes refuge; in the shadow of your wings I will take refuge, until the destroying storms pass by."

Bow with me as we pray, please: Glorious Lord, everywhere around us here in our State we see evidence of the absolute wonder of Your creation. Nature's springtime gifts warm our hearts. Yet today we cannot get out of our minds the death and destruction to the west of us in Mississippi, Alabama and even in Georgia. We pray, Lord, that You will hold in Your loving arms all who have had their world turned upside down by terrifying winds, horrendous loss of property and the overwhelming death of loved ones -- including the innocent souls killed yesterday at the Covenant Church School in Nashville. Dear God, this Senate prayerfully embraces all of our sisters and brothers who have lost so very much, even as we humbly thank You for the blessings You give to us by Your grace. In Your name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Matthews

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McElveen	Peeler	Reichenbach
Rice	Scott	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks by Senator KIMPSON

Thank you, MR. PRESIDENT, may I have everyone's attention? When the gunshots began to pop, Mrs. Polly Sheppard first assumed it was faulty wiring in the building. Then came the shouts, the agony -- as she hid under a table in the kitchen in the back of the Fellowship Hall. Dylan Roof killed our brethren -- the Reverend Clementa Pinckney first, and then shot Reverend Daniel Simmons -- who had rushed to assist his pastor. The gunman kept shooting. Mrs. Sheppard said, "I could hear the clips falling." From under the table, she called 911. She watched as this gunman approached her. She began to recite "The Lord is my shepard, I shall not want, he makeith me to lie down in green pastures, he leadeth me beside the still waters." "I had given up," she said, "My body was loose, I was just waiting for the bullet." Mrs. Sheppard continued to recite, "I walk through the valley of the shadow of death, I will fear no evil for thou art with me." When the gunman reached Mrs. Sheppard, the killer stopped and asked her, "Did I shoot you yet?" She responded, "No." His response was that he was not going to shoot her.

It is my humble honor and privilege to introduce this Body to two of the survivors of the shooting on that night -- Mrs. Felicia Sanders and Mrs. Polly Sheppard. These two ladies and Mr. Sanders, you can please stand. Mr. Sanders is a father, a nephew and a cousin of the deceased. These three individuals lived. They lived -- and they continue to live to champion the cause and the calls of the righteous. They are here today to advocate for South Carolina to join the rest of the Nation as we pass hate crime legislation. This morning, they are championing this very critical legislation for our State, our business interests, and our humanity. And they are traveling across this Country to make sure that those who died on that night did not die in vain. They have engaged in the fight for background checks. What sense does it make to have a background check if the background check does not have to be complete? Why do

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you need an AR--15 to hunt deer? And these are the voices that we have been listening to since the horrific murder on that evening and the voices that the Nation has been listening to as they advocate for us to observe humanity and that we respect one another.

I want the Senate to take some time, Mr. PRESIDENT, to join me in welcoming these righteous freedom fighters who have taken their time to advocate for hate crime legislation and a myriad of other issues such as the preservation of the church and many other eleemosynary, non-profit organizations. Mr. PRESIDENT let's welcome these courageous freedom fighters to the Senate.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator KIMPSON were ordered printed in the Journal.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5151

Agency: Department of Labor, Licensing and Regulation-State Board of Nursing

Chapter: 91

Statutory Authority: 1976 Code Section 40-33-10(E)

SUBJECT: Handling Patient Records Upon the Death, Disappearance, or Incapacity of a Licensee

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 27, 2023

Doctor of the Day

Senator K. JOHNSON introduced Dr. Victoria Pollard of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:05 P.M., Senator ALLEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:55 P.M., Senator SABB was granted a leave of absence for today.

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Leave of Absence

On motion of Senator McELVEEN, at 2:53 P.M., Senator SCOTT was granted a leave of absence until 3:20 P.M.

Leave of Absence

On motion of Senator SENN, at 2:53 P.M., Senator VERDIN was granted a leave of absence until 4:10 P.M.

Leave of Absence

At 3:11 P.M., Senator CROMER requested a leave of absence until 4:00 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 108 Sens. Kimbrell, Climer and Senn
S. 284 Sens. Kimpson and Senn
S. 298 Sen. Campsen
S. 303 Sens. Adams and Kimbrell
S. 355 Sen. Turner
S. 483 Sens. Cromer and Garrett
S. 521 Sen. Williams
S. 527 Sen. Turner
S. 557 Sens. Garrett and Alexander
S. 581 Sens. Grooms and Corbin
S. 668 Sen. McLeod

RECALLED

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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RECALLED AND ADOPTED

S. 675 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO EXPRESS THAT THE GENERAL ASSEMBLY BELIEVES THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE AND THE ECONOMY, TO CONGRATULATE THE DARLINGTON RACEWAY FOR ANNOUNCING THE CONTINUATION OF A SECOND RACE TO ITS SCHEDULE, DOUBLING THE ECONOMIC IMPACT TO THE STATE, TO CELEBRATE NASCAR'S SEVENTY-FIFTH ANNIVERSARY, TO IDENTIFY SOUTH CAROLINA'S RICH NASCAR HISTORY, AND TO NAME THE WEEKS AROUND BOTH RACES, MAY 8-MAY 15, 2023, AND AUGUST 28-SEPTEMBER 5, 2023, AS "DARLINGTON RACEWAY WEEK", TWO WEEKS TOO TOUGH TO TAME.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted.

RECALLED

H. 3678 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE CROSSING THE CSX AND NORFOLK SOUTHERN RAILROAD TRACKS ALONG BLOSSOM STREET IN THE CITY OF COLUMBIA IN RICHLAND COUNTY "THE HONORABLE L. CASEY MANNING BRIDGE RESPECTED JUDGE AND TRAILBLAZING GAMECOCK" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

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The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 679 -- Senator Stephens: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF EDDIE CLAY BERRY, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0353km-hw23.docx : 17d96e4a-0e21-4eee-9e27-3dfb4681f1fe

The Senate Resolution was adopted.

S. 680 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PHIL SUGGS, A MUSIC TEACHER IN YORK SCHOOL DISTRICT 1, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-NINE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0106ha-gm23.docx : afe7c7a7-5f29-47ea-9026-e034079a3632

The Senate Resolution was adopted.

S. 681 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THOMAS HOLLAND UPON THE OCCASION OF HIS RETIREMENT FROM GREENWOOD COUNTY PARKS AND RECREATION AFTER THIRTY YEARS OF DEDICATED SERVICE, AND WISH HIM MANY YEARS OF ENJOYMENT AND RELAXATION IN A WELL-DESERVED RETIREMENT.

lc-0290wab-gm23.docx : 17fdd309-7ece-4e21-99a4-94e96bc05969

The Senate Resolution was adopted.

S. 682 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LISA HAWTHORNE, A CLERK AND POLL WORKER IN THE GREENWOOD COUNTY VOTER REGISTRATION AND ELECTIONS OFFICE, UPON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED

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SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0108ha-gm23.docx : c7e9104f-0094-41f8-a076-55501309edc2

The Senate Resolution was adopted.

S. 683 -- Senators Hutto, Matthews and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-41-80, RELATING TO PENALTIES FOR UNAUTHORIZED ABORTIONS, SO AS TO ELIMINATE PENALTIES PERTAINING TO A PREGNANT WOMAN PROCURING A DRUG OR MEDICINE FOR SELF ADMINISTRATION OR SUBMITTING TO AN OPERATION OR PROCEDURE TO TERMINATE A PREGNANCY.

smin-0053mw23.docx : 1d1663ed-40a1-4f03-b234-5bc02b118278

Read the first time and referred to the Committee on Medical Affairs.

S. 684 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-27-10, RELATING TO DEFINITIONS CONCERNING ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES SO AS TO DEFINE TERMS RELATED TO ELECTRIC VEHICLE CHARGING STATIONS; AND BY AMENDING SECTION 58-27-1060, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS, SO AS TO PROVIDE THAT AN ELECTRIC UTILITY, A MUNICIPALITY, A CONSOLIDATED POLITICAL SUBDIVISION, THE PUBLIC SERVICE AUTHORITY, AND ELECTRIC COOPERATIVES THAT PROVIDE, OWN, OPERATE, OR MAINTAIN AN ELECTRIC VEHICLE CHARGING STATION MUST DO SO THROUGH A SEPARATE, UNREGULATED ENTITY, SO AS TO PROVIDE THAT ELECTRIC CHARGING STATION FEES, TERMS, RATES, CHARGES, AND CONDITIONS MUST BE ON A NON-DISCRIMINATORY BASIS, AND SO AS TO PROVIDE THAT REVENUE DERIVED FROM AN ELECTRIC CHARGING STATION SHALL NOT SUBSIDIZE THE OWNER'S INVESTMENTS AND OPERATIONS.

sr-0345km23.docx : a2b041fc-f555-4b28-9362-abeaf19e66bf

Read the first time and referred to the Committee on Judiciary.

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S. 685 -- Senator Malloy: A JOINT RESOLUTION TO PROVIDE FOR A STATEWIDE ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2024 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF THIS STATE FAVOR LEGAL USE OF MEDICAL CANNABIS.

sr-0084jg23.docx : cce38037-61ce-4ed5-adf0-9beb2f87e584

Read the first time and referred to the Committee on Medical Affairs.

S. 686 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF ACCOUNTANCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 5170, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0288wab-rt23.docx : 7c0596ec-6f7a-4a79-9f3e-de67d9d15336

Read the first time and ordered placed on the Calendar without reference.

S. 687 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, AND R.10-42, DESIGNATED AS REGULATION DOCUMENT NUMBER 5160, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0291wab-dbs23.docx : 4efd9c0d-4a00-401c-842a-f3e98c28a7cb

Read the first time and ordered placed on the Calendar without reference.

S. 688 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, AND R.10-41, DESIGNATED AS REGULATION DOCUMENT NUMBER 5157, PURSUANT TO THE PROVISIONS

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OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0289wab-dbs23.docx : 9a3db67c-8d8d-431f-a3bd-b5aafcd4d97d

Read the first time and ordered placed on the Calendar without reference.

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

lc-0286sa-jn23.docx : db8fc334-a2d9-42e1-83ef-56329f694b27

The Concurrent Resolution was introduced and referred to the Committee on Operations and Management.

H. 4174 -- Reps. Rutherford, Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF KEVIN ALEXANDER GRAY OF RICHLAND

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COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

lc-0277cm-gm23.docx : 670b51a8-765a-4282-a537-ac6dc95fffe8

The Concurrent Resolution was adopted, ordered returned to the House.

HOUSE CONCURRENCES

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

Returned with concurrence.

Received as information.

S. 655 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PEGGY BANGLE OF DORCHESTER COUNTY AND TO COMMEND HER DEDICATED AND EXEMPLARY COMMITMENT TO HER COMMUNITY.

Returned with concurrence.

Received as information.

S. 656 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOHN DAVID THOMPSON FOR A LIFETIME OF DEDICATED COMMUNITY SERVICE AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE DAYS AHEAD.

Returned with concurrence.

Received as information.

S. 658 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE PASTOR AND CONGREGATION OF FIRST PRESBYTERIAN CHURCH OF SUMTER, TO COMMEND THEM FOR TWO HUNDRED YEARS OF FAITH AND DISTINGUISHED SERVICE TO OUR STATE, AND TO EXTEND

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BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

S. 661 -- Senator Jackson: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF TONIA MORRIS, DEPUTY STATE TREASURER FOR THE SOUTH CAROLINA TREASURER'S OFFICE, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT FROM SERVICE TO THE STATE OF SOUTH CAROLINA AFTER AN EXEMPLARY CAREER OF MORE THAN TWENTY-EIGHT YEARS, AND TO WISH FOR HER A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

Returned with concurrence.

Received as information.

S. 678 -- Senators McElveen and K. Johnson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ALICE DRIVE MIDDLE SCHOOL STEM STUDENTS AND STEM LEAD TEACHER, DR. MARINA MOSNEAGUTA, FOR THEIR SIGNIFICANT SCHOLASTIC ACHIEVEMENTS AND TO CONGRATULATE THEM FOR CAPTURING THE STATE CHAMPIONSHIP IN THE SAMSUNG SOLVE FOR TOMORROW STEM COMPETITION.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILLS

S. 377 -- Senator Campsen: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

On motion of Senator CAMPSSEN.

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S. 654 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator HUTTO.

S. 657 -- Senator Fanning: A BILL TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD

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OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

On motion of Senator FANNING.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-330.BJ0016S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-740(B)(2) and inserting:

— (2) A person who violates the provisions of this ~~section~~ subsection is guilty of a ~~felony~~ misdemeanor and, upon conviction,;

Amend the bill further, SECTION 1, by striking Section 16-11-740(B)(2)(c) and (d) and (B)(3) and inserting:

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

(3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

Re-number sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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The amendment was adopted.

The question then being the third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

AMENDED, READ THE SECOND TIME

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis and Alexander:
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF

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FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

The Senate proceeded to the consideration of the Bill.

Senator SETZLER proposed the following amendment (SMIN-484.MW0003S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(D) and (E) and inserting:

(D) The department shall allocate funds in a manner that ensures that each of the regions of this State receives no more than twenty-five percent of the funds annually.

(E) The South Carolina Office of Resilience, upon request from the department, may assist in the maintenance of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator CAMPSSEN proposed the following amendment (SFGF-484.BC0009S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(B), (C), (D), and (E) and inserting:

(B) Revenues for the fund must be remitted to the State Treasurer and credited to an account that is separate and distinct from the general fund. Balances in the fund must be retained and carried forward annually and interest earned on balances in the fund must be credited to the fund.

(C) The fund must only be used by the department for the following purposes:

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(1) the removal of hazardous, abandoned, or unattended vessels, marine debris, or hazards to navigation from the waters of this State;

(2) identification, marking, and lighting of hazards to navigation in accordance with applicable rules governing aids to navigation; and

(3) the development and administration of a grant program to provide funds to applicants, whether public or private, to remove hazardous, abandoned, or unattended vessels, marine debris, or hazards to navigation from the waters of this State.

(D) The department must allocate annual fund revenues for use in the four game zones of this State based upon the number of registered and documented watercraft in each game zone. If the department determines a game zone's proportional allocation is not used or obligated by the end of a fiscal year, it may distribute up to seventy-five percent of the unused and unobligated allocation for use in the other game zones on an as-needed basis. The remaining unused and unobligated allocation must be added to the game zone's proportional allocation for the following fiscal year. For the purpose of this subsection, Game Zone 1 consists of the entirety of Greenville, Oconee, and Pickens Counties and Game Zone 2 consists of no part of Greenville, Oconee, and Pickens Counties.

(E) The South Carolina Office of Resilience, upon request from the department, may assist in the development and administration of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Amend the bill further, SECTION 4, by striking Section 12-37-3215(A)(2) and inserting:

(2) The owner of an abandoned, junked, or adrift watercraft or outboard motor seized pursuant to this chapter, in addition to any other penalties imposed in this chapter, must also be fined not less than five hundred dollars nor more than the cost of performing the removal of the abandoned, junked, or adrift watercraft or outboard motor. The revenue collected from this fine must be remitted to the State Treasurer and deposited into the South Carolina Waterways Protection Fund.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 1

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Massey

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN

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INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator CLIMER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, AMENDMENT PROPOSED, OBJECTION**

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS

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TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-3518.KM0011S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 56-1-395 of the S.C. Code is amended to read:

Section 56-1-395. (A) The Department of Motor Vehicles shall establish a driver's license reinstatement fee payment program. A person who is a South Carolina resident, is eighteen years of age or older, and has had his driver's license suspended may apply to the Department of Motor Vehicles to obtain a license valid for no more than ~~six~~twelve

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months to allow time for payment of reinstatement fees. If the person has served all of his suspensions, has met all other conditions for reinstatement, and owes ~~three~~ two hundred dollars or more of South Carolina reinstatement fees only for suspensions that are listed in subsection (E), the Department of Motor Vehicles may issue a ~~six-month~~ twelve-month license upon payment of a ~~thirty-five~~ forty dollar administrative fee and payment of ~~fifteen~~ ten percent of the reinstatement fees owed. Of the forty-dollar administrative fee, the department may retain five dollars to cover the cost of operating the program. The remainder must be credited to the State Highway Fund established in Section 57-11-20.

(B) During the period of the ~~six-month~~ twelve-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first. The department may provide the person with a fee schedule that shows how much the person may pay every month to satisfy the fees that he owes in a timely manner. The department may allow a person to make payments towards the payment program online. However, the first and final payments must be paid in person at one of the department's branch offices.

(C) When all fees are paid, and the department records demonstrate that the person has no other suspensions, the person is eligible to renew his regular driver's license.

(D) If all fees are not paid by the end of the ~~six-month~~ twelve-month period, existing suspensions shall be reactivated.

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, ~~56-1-120~~, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), ~~56-2-2740~~, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, ~~56-10-270~~, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any ~~three-year~~ two-year period. Once a person has participated in the payment program for a suspension, the person cannot enter into another payment program for the same suspension. If the person receives another payment program-qualifying suspension pursuant to subsection (E) while already enrolled in the payment program, the person cannot add the new suspension to the existing payment program. If a person who is currently participating in a payment plan commits a subsequent infraction for which his license is suspended for some period of time, then he may no longer participate in the payment plan for the prior offense.

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~~—(G) The payment program administrative fee of thirty five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

SECTION 2. Section 56-1-396(F) of the S.C. Code is amended to read:

(F) Qualifying suspensions include, and are limited to, suspensions pursuant to Sections ~~34-11-70, 56-1-120, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), 56-2-2740, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-270, and~~ 56-10-520, 56-10-530, and ~~56-25-20~~. Qualifying suspensions do not include suspensions pursuant to Section 56-5-2990 or 56-5-2945, and do not include suspensions pursuant to Section 56-1-460, if the person drives a motor vehicle when the person's license has been suspended or revoked pursuant to Section 56-5-2990 or 56-5-2945.

SECTION 3. Section 56-10-240(A) and (B) of the S.C. Code are amended to read:

Section 56-10-240. (A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

(B) The Department of Motor Vehicles, ~~in its discretion, may authorize insurers to utilize alternative methods of providing notice of cancellation, refusal to renew, new policies written, and renewals to the department.~~ The department may not reissue a registration certificate and license plate for that vehicle until satisfactory evidence has been filed by the owner or by the insurer who gave the cancellation or refusal to renew notice to the department that the vehicle is insured. Upon receiving information to the effect that a policy is canceled or otherwise terminated on a motor vehicle registered in South Carolina, the department shall suspend the owner's driving privileges, license plate, and registration certificate and shall initiate action as required within fifteen days of the notice of cancellation to pick up the license plate and registration certificate. A person who has had his driving privileges, vehicle license plate, and registration certificate suspended by the department, but who at the time of suspension possesses liability insurance coverage sufficient to meet the financial responsibility requirements as set forth in this chapter, has the right to ~~appeal~~ provide documents showing that the

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~~vehicle was actually insured during the suspension period the suspension immediately to the Director of the Department of Insurance department.~~
If the ~~Director of the Department of Insurance department~~ determines that the person has sufficient liability insurance coverage, ~~he shall notify the department~~ and the suspension is voided immediately. The department shall give notice by first class mail of the cancellation or suspension of driving and registration privileges to the vehicle owner at his last known address.

SECTION 4. Section 56-10-245 of the S.C. Code is amended to read:

Section 56-10-245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56-10-240 ~~of the 1976 Code~~ must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician's statement. The total amount of the fine provided for in this section may not exceed two hundred dollars per vehicle for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

SECTION 5. Article 5, Chapter 10, Title 56 of the S.C. Code is amended to read:

Article 5

~~Establishment of Uninsured Motorist Fund~~ Operating an Uninsured Motor Vehicle

Section 56-10-510. ~~In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in Section 56-9-20, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of five hundred and fifty dollars. Notwithstanding any other provision of law, fifty dollars of the uninsured~~

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~~motor vehicle fee is nonrefundable and is directed to be paid to the South Carolina Reinsurance Facility for the recoupment of assessments or losses of the South Carolina Reinsurance Facility pursuant to Section 56-10-554 until otherwise ordered by the director of the Department of Insurance. However, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee exclusive of any nonrefundable portion must be prorated to conform to the registration period. This uninsured motor vehicle fee shall be increased annually based upon and in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. The director of the Department of Insurance, by annual order, will set this exact fee. The application for registering an uninsured vehicle must have the following statements printed on or attached to the first page of the form, boldface, twelve point type: "THIS \$550 FEE IS NOT AN INSURANCE PREMIUM AND YOU ARE NOT PURCHASING ANY INSURANCE BY PAYING THIS FEE. THIS \$550 UNINSURED MOTORIST FEE IS FOR THE PRIVILEGE TO DRIVE AND OPERATE AN UNINSURED MOTOR VEHICLE ON THE SOUTH CAROLINA ROADS." This uninsured motorist notice required by this section must also be given to the person registering an uninsured motor vehicle. The director shall prescribe the exact format of this notice by regulation and shall adjust the amount of this fee annually as part of the order by the director of the Department of Insurance adjusting the uninsured motorist fee in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle, under the penalties set forth in Section 56-10-520, shall execute and furnish to the director his certificate that the motor vehicle is an insured motor vehicle as defined by the laws of this State, or that the director has issued to its owner, in accordance with Section 56-9-60, a certificate of self insurance applicable to the vehicle sought to be registered. The director, or his designee, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured to submit a certificate of insurance on a form prescribed by the director. The director must forward the certificate of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether the policy or bond named in the certificate is currently in force. At that time, and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company must cause to be~~

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~~filed with the director a written notice if the policy or bond was not applicable as to the named insured. The director must prescribe the manner in which the written notice must be made. The refusal or neglect of any owner within thirty days to submit the certificate of insurance when required by the director or his designee or the notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, must require the director to suspend any driver's license and all registration certificates and license plates issued to the owner of the motor vehicle until the person:~~

~~—(1) has paid to the director of the Department of Motor Vehicles a fee of three hundred dollars to be disposed of as provided for in Sections 56-10-550 and 56-10-552 with respect to the motor vehicle determined to be uninsured; and~~

~~—(2) furnishes proof of financial responsibility for the future in the manner prescribed in Section 56-10-10, et seq. of this chapter. An order of suspension required by this section is not effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for hearing must be included in the order of suspension. When three years have elapsed from the effective date of the suspension required in this section, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. If the director determines that the fee applicable to the registration of an uninsured motor vehicle has been paid on the vehicle in question on or before the date that the insurance certificate was requested, no suspension action must be taken. The director shall suspend the driver's license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of Section 56-10-520, but the director shall dispense with the suspension when the person is convicted for a violation of Section 56-10-520 and the Department of Motor Vehicle's records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner before the date and time of the alleged offense. Reserved~~

Section 56-10-520. (A)(1) It is unlawful for a ~~A~~ person who owns an uninsured motor vehicle:

~~—(1) licensed in the this State; or~~

~~—(2) subject to registration in the this State;~~

~~—who operates or permits the operation of that motor vehicle to operate or allow the operation of the uninsured motor vehicle in this State. without first having paid to the director the uninsured motor vehicle fee~~

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required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.

(2) It is unlawful for a person who is not the owner of an uninsured motor vehicle to operate the uninsured motor vehicle in this state if the person operating the motor vehicle knows that the motor vehicle is uninsured. A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must:

(3) A person who violates subsection (A)(1) or (2) is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined ~~no~~ not less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days, or both;

(b) for a second offense, must be fined two hundred dollars or imprisoned for thirty days, or both; or

(c) for a third or subsequent offense, must be imprisoned for not less than forty-five days nor more than six months.

(4) Only convictions pursuant to this section which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

~~The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56-10-510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56-10-510 as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56-10-260.~~

~~—Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56-9-330.~~

(B) The director-Department of Motor Vehicles shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a

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violation of ~~any provisions of~~ this section, and the ~~director- department~~ shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of ~~such- the~~ person until ~~such- the~~ person pays the reinstatement fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56-10-510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person as provided in this section.

(C) The director- department shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension.

(D) The reinstatement fee shall be six hundred dollars until adjusted in accordance with this section. The reinstatement fee may be adjusted annually, at the beginning of the calendar year, based upon and in relation to the average rate level for private passenger automobile insurance coverages by insurers in this State. The Department of Insurance, by annual order, will set the exact fee. The Department of Insurance shall annually notify the Department of Motor Vehicles by the first business day of October of the reinstatement fee for the upcoming calendar year.

Section 56-10-530. When it appears to the ~~director- Department of Motor Vehicles from the-its records of his office~~ that an uninsured motor vehicle as defined in Section 56-9-20, subject to registration in the State, is involved in a reportable accident in the State resulting in death, injury, or property damage with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee as prescribed in Section 56-10-510, the ~~director- department~~ shall, in addition to enforcing the applicable provisions of Section 56-10-10, et seq. ~~of this~~

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~~chapter~~, suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with those provisions of law and has paid to the ~~director of the Department of Motor Vehicles~~ a department a reinstatement fee as provided by Section 56-10-510~~520~~, to be disposed of as provided by Section 56-10-550, with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility in the manner prescribed in Section 56-9-350, et seq. However, no order of suspension required by this section must become effective until the ~~director~~ department has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for a contested case hearing must be included in the order of suspension. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the effective date of the suspension herein required, the director may relieve such person of the requirement of furnishing proof of future financial responsibility. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined or, presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the department before the date and time of the accident, is sufficient bar to the suspension provided for in this section.

Section 56-10-535. The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or

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~~narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.~~

~~—However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such person of the requirement of furnishing proof of future financial responsibility.~~ Reserved

Section 56-10-540. ~~Whenever any proof of financial responsibility filed by any person as required by this chapter no longer fulfills the purpose for which required, the director shall require other proof of financial responsibility as required by this chapter and shall suspend such person's driver's license, registration, certificates, and license plates and decals pending the furnishing of proof in a manner prescribed by the director. Notice of such suspension shall be made in the form provided for in Section 56-1-465.~~

A person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this chapter and have not been reinstated shall immediately return, either in person or electronically, every such license, registration certificate, and set of license plates and decals held by him to the ~~director~~ department. A person failing to comply with this requirement shall be guilty of a traffic infraction and, upon conviction, shall be punished as provided in Section 56-9-340~~340~~, et seq.

Section 56-10-550. Except as provided in Sections 56-10-552 and 56-10-554, funds collected by ~~the director~~ of the Department of Motor Vehicles under the provisions of this chapter must be placed on deposit with the State Treasurer and held in a special fund to be known as the "Uninsured Motorists Fund" to be disbursed as provided by law. ~~The director of the~~ Department of Insurance as provided in Sections 38-77-151 and 38-77-154 may expend monies from such funds for the administration of Title 38.

Section 56-10-551. When any insurance policy certified under this chapter is canceled or terminated, the insurer shall report the fact to the

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~~director—~~ Department of Motor Vehicles within fifteen days after the cancellation electronically or on a form prescribed by the director.

Section 56-10-552. (A) For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38-73-470, one dollar and twenty cents must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remaining eighty cents must be placed in a special fund, to be known as the “Uninsured Enforcement Fund”, to be used by the Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56-10-~~510(1)~~520 must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56-10-~~510~~ 520 must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56-10-550, 38-77-151, and 38-77-154.

Section 56-10-553. ~~The Department of Motor Vehicles must collect data and maintain statistics on the total number of vehicles registered in the State as of June thirtieth of each year, the number of motorists who voluntarily paid the five hundred fifty dollar fee at the time of registration during the fiscal year, the number of motorists who paid the penalty fee after being detected by the Department of Motor Vehicles as being uninsured during the fiscal year, the number of certificates of insurance filed during the fiscal year, the net revenue collections for these fees by the fiscal year, the net funds available in the Uninsured Motorist Fund, and the net funds received from the Department of Insurance from the uninsured motorist fee during the fiscal year.~~

~~—The Department of Motor Vehicles must provide an annual report to the General Assembly and the Department of Insurance containing the information required in this section.~~ Reserved

Section 56-10-554. ~~As provided in Section 56-10-510, fifty dollars of the uninsured motor vehicle fee paid per vehicle is nonrefundable and must be used to recoup assessments or losses of the South Carolina Reinsurance Facility. Upon collection by the director of the Department of Motor Vehicles from any person registering an uninsured vehicle, this money must be placed by the director of the Department of Motor Vehicles on deposit with the State Treasurer to be held in a special account called the “Recoupment Fund”, payable on a quarterly basis, to~~

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~~provide for the recoupment of facility assessments or losses. Upon final recoupment of facility losses as the South Carolina Reinsurance Facility ceases to exist, the director of the Department of Insurance shall by order (1) set the uninsured motor vehicle fee which does not include the fifty dollars dedicated for the recoupment of facility assessments or losses; (2) inform the director of the Department of Motor Vehicles that the facility assessments or losses have been recouped and when the Department of Motor Vehicles must cease collection from every person registering an uninsured motor vehicle, as well as transmittal to the State Treasurer, of this fifty dollar portion; and (3) direct the State Treasurer to transfer any used portion of the "Recoupment Fund" to the "Uninsured Motorist Fund". The director of the Department of Motor Vehicles must cease collection of this fifty dollars as part of the uninsured motor vehicle fee which has been dedicated for the recoupment of facility assessments or losses as provided in the order issued by the director of the Department of Insurance. Reserved~~

SECTION 6. Section 56-9-20(1) of the S.C. Code is amended to read:

(1) "Insured motor vehicle": A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item ~~(7)~~(5) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

SECTION 7. Section 56-9-20(14) of the S.C. Code is amended to read:

(14) "Uninsured motor vehicle": Any motor vehicle which is not an insured motor vehicle as defined in item ~~(3)~~(1) of this section.

SECTION 8. Section 56-3-210 of the S.C. Code is amended to read:

Section 56-3-210. (A)(1) The department is authorized to administer a program for and regulate the issuance of temporary license plates for ~~newly acquired vehicles~~ items required to be registered in this State and items that are purchased in this State that may be registered in a foreign jurisdiction.

(2) The department, pursuant to this section and with input from temporary license plate distributors, shall establish the design and layout of all temporary license plates to be issued within the State. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

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(3) Temporary license plates must be six inches wide and at least eleven inches in length. Temporary motorcycle and moped license plates must be four inches wide and seven inches in length.

(4) Each temporary license plate must contain a vehicle's identifying information as determined by the department, including, but not limited to, the date of expiration, the name of the issuing entity or standard identifier as determined by the department, and a unique identifying license plate text assigned by the department. The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. In order to operate on the highways of this State, an item must display either a valid temporary license plate issued pursuant to this title or a valid metal license plate, and, when applicable, a decal that the owner intends to transfer pursuant to Section 56-3-1290.

(4)(5) Licensed motor vehicle dealers, leasing companies, the department, and other entities shall not:

—— (a) obtain or procure a temporary license plate from any entity other than ~~the department or one of the department's~~ a registered temporary license plate ~~distributors~~distributor; or

—— (b) charge a fee that exceeds the actual cost of issuing a temporary license plate plus standard shipping and handling costs.

(B)(1) Only statewide motor vehicle dealer associations in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers may be temporary license plate distributors. Except as otherwise provided in this section, only temporary license plate distributors may sell or distribute temporary license plates.

(2) If a temporary license plate distributor is unable to provide temporary license plates for the department in a timely manner, the department may solicit for and select a different temporary license plate distributor. The department's solicitation and selection of a different temporary license plate distributor is subject to the provisions of the State Consolidated Procurement Code.

(3) If the only temporary license plate distributors in this State do not respond to a solicitation as provided for in item (2) then this subsection is of no force or effect.

(5)(C)(1) The department is authorized to administer an electronic system for county auditors' offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. The department may contract with ~~vendors~~ third parties to provide service connection between the issuing entities and the department, or may provide the service directly to

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participating entities. Licensed dealers, leasing companies, and other entities participating in the electronic registration and titling program that fail to comply with the program's requirements may be removed from the program by the department.

(2) Third parties contracted pursuant to this section are authorized to produce temporary license plates and temporary vehicle registration transactions on behalf of the department. The department shall develop program terms, conditions, standards, and specifications required for certification. Third parties requesting certification must agree to the terms, conditions, standards, and specifications in order to participate.

~~— (6) Each temporary license plate must contain a vehicle's identifying information as determined by the department, to include the date of issue, the date of expiration, the name of the issuing entity, and a unique identifying license plate text that will be assigned by the department.~~

~~— (7) The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. The issuing entity must produce a temporary license plate with the prescribed plate text immediately upon sale of a vehicle and assignment of a temporary license plate, so that law enforcement and authorized entities can identify the owner of the vehicle.~~

(8)(D) The department, with input from temporary license plate distributors, shall develop program specifications that define the requirements of the temporary license plate program governing the issuance of temporary license plates by all authorized entities. The design, specifications, and method of distribution of all temporary plates shall be the same.

~~— (9) Registered temporary license plate distributors must be statewide dealer associations.~~

~~— (a) Licensed dealers and leasing companies must receive temporary license plates from registered temporary license plate distributors.~~

~~— (b) Counties and other nondealer entities may receive temporary license plates from a registered distributor or the department.~~

~~— (B) A person who newly acquires a vehicle or an owner of a foreign vehicle that is being moved into this State, that is required to be registered under this chapter, and that is not properly registered and licensed, before operating the vehicle on the state's highways during the forty five day period contained in this section, must:~~

~~— (1) transfer a license plate from another vehicle pursuant to subsection (G) of this section and Section 56-3-1290;~~

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- ~~— (2) purchase a new license plate and registration;~~
- ~~— (3) purchase a temporary license plate from the department pursuant to subsection (D) of this section;~~
- ~~— (4) purchase a temporary license plate from the county auditor's office in the county in which the person resides pursuant to subsection (D) of this section; or~~
- ~~— (5) obtain a temporary license plate from a dealer of new or used vehicles pursuant to subsection (E) of this section.~~
- ~~— (C) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered need not purchase a temporary license plate. The owner has forty five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must properly license and register the vehicle immediately.~~
- ~~— (D) The department or the county auditor's office must, upon proper application, issue a temporary license plate to a casual buyer of a vehicle pursuant to subsection (B) of this section. The expiration date may not extend beyond forty five days from the vehicle's date of purchase or lease. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease. The department may charge a five dollar fee for the temporary license plate. The county auditor's office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor's office associated with the production and issuance of the temporary license plates.~~
- ~~(E) A licensed vehicle dealer or a leasing company of new or used vehicles may issue to the buyer or lessee of a vehicle at the time of its sale or lease a temporary license plate in accordance with subsection (A). The expiration date may not extend beyond forty five days from the date of purchase or lease. Issuing entities may utilize no more than the top upper fifty percent free space on their temporary license plates for dealer or company identification. Traceable temporary license plates from issuing entities that do not utilize the plate for dealer or company identification must include an identifier selected by the department. Third party providers that produce temporary license plates must not charge an additional fee to issuing entities that chose to issue traceable~~

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temporary license plates that include the identifier selected by the department. The ~~bottom~~ lower fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department pursuant to Section 56-3-210(A)(4). ~~The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease.~~

(F) Except as provided for in this ~~section~~ chapter, a dealer or leasing company may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. A dealer or leasing company may not place a temporary license plate on a vehicle until the vehicle is sold to a purchaser and until the temporary license plate number and other identifying information has been recorded in the electronic database and printed on the ~~bottom~~ lower fifty percent of the temporary license plate. A dealer that issues or allows a temporary license plate to be issued in violation of this section also may have the dealer violation points, as determined by the department, assessed. A nondealer issuing entity that violates this section may have its issuing privileges suspended by the department. The department shall develop a process for tracking fraudulently issued or sold temporary plates.

~~(F)~~(G) Any person or entity authorized by this ~~section~~ chapter to issue a temporary license plate shall maintain records as required by the department. Records maintained pursuant to this subsection shall be open to inspection by the department or its agents during reasonable business hours. Records must include the inventory control number of each temporary license plate, the vehicle identification number, issuance date, and expiration date.

~~(G)~~ If a person intends to transfer a license plate from one vehicle to another vehicle, he may place the license plate to be transferred on the newly acquired vehicle on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained in the newly acquired vehicle at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the vehicle with the department within forty five days from its purchase date. A person who transfers a license plate or allows a license plate to

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~~be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.~~

~~(H) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as required by Section 56-3-110 within forty five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. Licensed motor vehicle dealers, leasing companies, and other entities may provide temporary license plates only for items that are purchased from that dealer, company, or entity.~~

~~(I) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle. The total fee for the temporary license plates the department or counties issue pursuant to this chapter shall be calculated based on:~~

~~(1) the five-dollar cost of the plate, which must be placed in a special restricted account to be used solely by the department for the costs associated with the production and issuance of new license plates; and~~

~~(2) an additional five dollars which must be placed credited to the State Highway Fund as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.~~

~~(J)(1) Only one temporary license plate shall be issued to a purchaser of a vehicle for the vehicle he has purchased before it is registered permanently. The department may issue special permits to consumers who have not received their registration within the prescribed forty five days. The total fee for the temporary license plates issued pursuant to this chapter by licensed dealers, leasing companies, and other entities must be calculated based on:~~

~~(a) the actual cost of the license plate plus issuing and printing, as well as standard shipping and handling costs; and~~

~~(b) an additional five dollars which must be remitted to the department to be credited to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.~~

~~(2) Dealers, leasing companies, and other entities shall not charge any fees for traceable temporary license plates in excess of the fees provided for in this subsection.~~

~~(K) The department may restrict or revoke the ability to issue temporary license plates for an issuing entity found to be in violation of this section. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate or copy of one~~

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of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease. The bill of sale, title, lease contract, or copy of one these documents must contain a description of the vehicle, the name and address of both the seller and the purchaser of the vehicle, and its date of sale or lease.

(L) All temporary license plates must be valid for no more than forty-five days and must be affixed at all times to the rear of the item in an unobscured and secure manner.

(M) Only one temporary license plate may be issued to a purchaser of an item. The temporary license plate must be used only on the item for which it was issued and must not be transferred, loaned, or assigned to any other person or item.

SECTION 9. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-211. The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that is purchased in this State that may be registered in a foreign jurisdiction and farm trucks registered in another jurisdiction that are harvesting and transporting seasonal crops. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

SECTION 10. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-212. (A) The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that will be registered in this State or vehicles used solely for corporate research and development. In the case of the need to move trailers and semi trailers before they have been purchased, temporary license plates may be issued to those items for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

(B) A person who newly acquires a vehicle or an owner of a vehicle registered in a foreign jurisdiction that is being moved into this State, that is required to be registered under this title, and that is not properly registered and licensed, before operating the vehicle on the State's highways during the forty-five-day period contained in this section, must:

(1) transfer a license plate from another vehicle pursuant to Section 56-3-1290;

(2) purchase a new license plate and registration;

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(3) purchase a temporary license plate from the department; or

(4) purchase a temporary license plate from the county auditor's office in the county in which the person resides.

(C) The department, upon proper application, must issue a temporary license plate to a casual buyer of any item that will be registered in this State.

(D) If a person intends to transfer a license plate from one item to another item that is the same type and classification, then he may place the license plate to be transferred on the newly acquired item on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained with the newly acquired item at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the item with the department within forty-five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

(E) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as soon as he receives them, or by the end of the expiration period of the temporary license plate, whichever occurs first, unless the provisions of Section 56-3-213 apply. A person who operates an item in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. This subsection does not apply to vehicles used solely for corporate research and development or trailers and semi trailers that have temporary license plates for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business.

(F) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered has forty-five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must license and register the vehicle immediately.

(G) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

SECTION 11. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-213. (A) The department may issue solely to South Carolina residents, as proven by showing their driver's license or identification card issued by the department, special permits to operate any item otherwise required to be registered under this title when the

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item does not display the required license plate or registration card. In the case of a newly acquired vehicle, the department may issue a special permit pursuant to this section only when it has reason to believe that a person has made all attempts to appropriately register the item within the forty-five days of acquiring the vehicle. The department retains the authority to issue special permits at other times when extenuating circumstances exist. Special permits issued pursuant to this section must be valid for no more than forty-five days and must be affixed to the rear of the item in an unobscured and secure manner to operate. The department is the only entity authorized to provide a special permit pursuant to this section. There is no fee for special permits issued pursuant to this section.

(B) The provisions of this section do not apply to items registered in a foreign jurisdiction or used for corporate research and development.

SECTION 12. Section 56-3-2340(A) of the S.C. Code is amended to read:

Section 56-3-2340. (A) The Department of Motor Vehicles, or its designated agent, ~~may allow~~ shall require licensed motor vehicle dealers to issue ~~first time~~ temporary motor vehicle registrations and temporary license plates directly from the dealership. ~~A dealership shall apply to the department upon forms approved and provided by the department. The department may request information necessary to ensure the integrity of the current licensing system. The department may allow or refuse a dealership the right to issue motor vehicle registrations or license plates based upon criteria established by the department. If a dealership previously is denied the privilege to issue registrations and license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates. If in the opinion of the department a bond is necessary to ensure the payment of fees associated with the registering and licensing of a vehicle, the department may require a bond not to exceed the estimated value of new license plates and validation stickers held by the dealership or the department's designated agent. Unless disallowed by the department, any dealership that begins a transaction through a third-party vendor pursuant to Section 56-3-210(C)(2) that provides a service connection between issuing entities and the department must complete the entire transaction, including titling and registering the vehicle in the same manner. Unless extenuating circumstances apply, at the department's discretion, dealers may not obtain certificates of title, temporary motor vehicle registrations, or temporary license plates from the department's branch offices. A dealership must make attempts to apply to the department electronically.~~

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including utilizing digital scans of forms approved and provided by the department.

SECTION 13. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-214. (A) The department shall implement a quality assurance program to ensure the integrity of the electronic registration and titling program. Pursuant to this section, the quality assurance entity shall perform quality assurance reviews of data and submitted forms through the electronic vehicle registration system. The department shall develop program standards and specifications for quality assurance. Quality assurance entities must agree to the program terms, conditions, standards, specifications, and bond requirement in order to participate.

(B)(1) A quality assurance entity must be a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers.

(2) If the quality assurance entity does not meet reasonable accuracy standards, the department may solicit for and select a different quality assurance provider without regard to this subsection and in accordance with the State Consolidated Procurement Code.

(3) If a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers does not respond to a solicitation to be a quality assurance entity, then this subsection does not apply.

(C) The quality assurance entity shall review all required documents for all transactions for all applications of title and registration submitted by dealers in accordance with department standards.

(D) The quality assurance entity shall charge a fee of ten dollars per vehicle sold by the dealer. The ten-dollar fee is an official fee and may be charged to the consumer by the dealership. The fee shall be a standalone line item on a dealer invoice or bill of sale and is not calculated as part of the purchase price of the vehicle.

(E) The department may allow or refuse a dealership the right to issue temporary motor vehicle registrations or temporary license plates through the electronic registration and titling program should the accuracy rate of its documentation fall below ninety-five percent as determined through the quality assurance entity and reported to the Department of Motor Vehicles on a monthly basis or upon request by the department.

(F) If a dealership previously is denied the privilege to issue registrations and temporary license plates, upon meeting the established

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criteria, the dealership may be allowed to issue registrations or license plates again.

(G) The quality assurance entity shall carry a bond to ensure departmental standards and the protection of personally identifiable information remains intact. The bond amount shall be determined by the department.

(H) The department is authorized to collect a transaction fee from the quality assurance entity that transmits or retrieves data from the department pursuant to this section. The fee must not exceed five dollars for each transaction. These fees must be credited to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The other two-dollars and fifty-cents of each fee collected pursuant to this subsection shall be retained by the Department of Motor Vehicles and earmarked in an account for the sole purpose of technology modernization. Fees in the account may be carried forward from fiscal year to fiscal year.

SECTION 14. Section 8-21-15(B) of the S.C. Code is amended to read:

(B) This section does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) charges for vendor fees, convenience fees, transaction fees, or other similar fees that allow a person to pay a state agency or contracted vendor on behalf of a state agency for goods, services, fees, or other items through any payment method other than cash;
- ~~(8)~~(9) court fees or fines levied in a judicial or adjudicatory proceeding.

SECTION 15. Section 56-14-30 of the S.C. Code is amended to read:

Section 56-14-30. (A) Before engaging in business as a recreational vehicle dealer in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month ~~twelve~~ thirty-six months from the

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date of issue, the “licensing period”, and must be displayed prominently at the established place of business. The fee for the license is one hundred and fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer’s records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)(C)~~ A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first ~~make application~~ apply to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses ~~in any one licensing period every twelve months~~. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

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~~(C)~~(D) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

~~(D)~~(E) A person who fails to secure either a temporary or a permanent license as required in this chapter and sells a recreational vehicle is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two-five~~ hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two-five~~ hundred dollars or more than ~~one thousand~~ dollars or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~(E)~~(F) For purposes of this section, the each unauthorized sale of each a recreational vehicle where the dealer has not applied for and received a license from the department appropriate for that sale constitutes a separate offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The Department of Motor Vehicles shall enforce the provisions contained in this section. The ticketing agency shall retain fifty percent of all fines collected pursuant to this section.

~~(F)~~(G) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

SECTION 16. Section 56-14-40 of the S.C. Code is amended to read:

Section 56-14-40. (A) Before a license as a recreational vehicle dealer is issued, an applicant shall file an application with the department and provide information the department may require including, but not limited to, the name and addresses of individuals who own or control ten percent or more of the interest in the business.

(B)(1) Each applicant shall furnish a surety bond in the penal amount of ~~thirty-five~~ thirty thousand dollars on a form prescribed by the department.

(2) A new bond or a proper continuation certificate must be delivered-provided to the department annually every twelve months during the license period before a dealer's license may be renewed. The dealer or surety, or the dealer's or surety's designee, must notify the department of any bond name or address changes during the licensing period. Notice must be provided within thirty days of a change. Proof of

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the bond and the proper continuation of the bond may be provided to the Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.

(3) A dealer's license expires immediately upon expiration or termination of a dealer's bond, or a decrease of a dealer's bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a recreational vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a recreational vehicle by a licensed recreational vehicle dealer or the dealer's agent acting for the dealer, or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or his agent of any provisions of this chapter.

(6)(a) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering vehicles by a recreational vehicle dealer, the department may maintain a cause of action against the dealer's surety bond and may recover damages if the owed taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the collected taxes and fees to the appropriate entity as prescribed by law.

(b) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(c) This subsection does not apply to monies a recreational vehicle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made a bona fide, good faith effort by registered or certified mail, return receipt requested, or by private delivery service acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For purpose of this subsection, the dealer should make a bona fide, good faith effort to refund the monies due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~

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fifty thousand dollars on each bond and to the amount of the actual loss incurred.

(8) The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license ~~year~~ period, there is a change in the information a dealer gave the department in obtaining or retaining a license, the licensee must report the change to the department within thirty days on a form prescribed by the department.

(D) If a licensee ceases to be a recreational vehicle dealer, he shall notify the department within ten days and return any license and all dealer license plates.

(E) In the event of a licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the license period or eighteen months after the licensee's death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 17. Section 56-14-50 of the S.C. Code is amended to read:

Section 56-14-50. No recreational vehicle dealer may be issued or allowed to maintain a recreational vehicle dealer's license unless:

(1) The dealer maintains a bona fide place of business for selling or exchanging recreational vehicles, which must be the principal business conducted from the location. A bona fide place of business includes a permanent, enclosed building, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, occupied by the owner or operator and easily accessible by the public, at which a permanent business of bartering, trading, or selling recreational vehicles or displaying vehicles for bartering, trading, or selling is conducted, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter.

(2) The business must display a permanent sign identifying the business with letters at least six inches in height, clearly readable from the nearest major avenue of traffic.

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(3) The business must have a reasonable area or lot to properly display recreational vehicles.

(4) A recreational vehicle dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of his bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The property adjacent to or within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or within sight of his bona fide established place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this item must provide on the dealer license application the street address of the property adjacent to or the property within sight of his bona fide place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 18. Section 56-14-70 of the S.C. Code is amended to read:

~~Section 56-14-70. A license may be denied, suspended, or revoked if the applicant or licensee or an agent of the applicant or licensee is determined by the department to have:~~

- ~~—(a) made a material misstatement in the application for the license;~~
- ~~—(b) violated any provision of this chapter;~~
- ~~—(c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a vehicle;~~
- ~~—(d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers by the laws of this State;~~
- ~~—(e) been convicted of any violation of law involving the acquisition or transfer of a title to a vehicle or of any violation of law involving tampering with, altering, or removing vehicle identification numbers or markings;~~
- ~~—(f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~

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~~—(g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or failed to maintain records of each vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~

~~—(h) given, loaned, or sold a vehicle dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer to whom the license plate was originally issued.~~

~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~

~~—Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an application or license for any reason prescribed in Section 56-15-350.~~

SECTION 19. Section 56-15-310 of the S.C. Code is amended to read:

Section 56-15-310. (A)(1) Before engaging in business as a dealer or wholesaler in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires ~~twelve~~ thirty-six months from the month of issue, ~~the~~ (licensing period), and must be displayed prominently at the established place of business. The fee for the license is one hundred and fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business ~~except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Before exhibiting and selling motor homes at temporary locations as permitted above, the~~

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~~dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.~~

(2) During the dealer license application process, the department shall provide any information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 59-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(3) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action without regard to the time periods provided in this subsection.

~~—Any person failing to secure a temporary license as required by this section is guilty of a misdemeanor and, upon conviction, must be punished in the same manner as he would be punished for failure to secure his regular dealer's license.~~

~~—The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than motor homes at authorized temporary locations.~~

(B) A person who fails to secure either a temporary or a permanent license as required in this chapter and facilitates an unauthorized sale a motor vehicle in violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

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(2) ~~not less than two~~five hundred dollars or ~~more than one thousand dollars or~~ imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~For purposes of this section, the sale of each motor vehicle constitutes a separate offense.~~ For purposes of this section, each instance of an unauthorized sale of a motor vehicle where the dealer has not applied for and received a license from the department appropriate to that sale is conclusively deemed to be a separate and distinct offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 20. Section 56-15-320 of the S.C. Code is amended to read:

Section 56-15-320. (A) Before a license as a "wholesaler" or "dealer" is issued to an applicant, he shall file an application with the Department of Motor Vehicles and furnish the information the department may require including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B)(1) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of ~~thirty- fifty~~ thirty- fifty thousand dollars on a form prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as

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indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter.

(6) In instances of taxes or fees owed to the State that pertain to the process of buying, selling, titling, or registering vehicles by the dealer, the department has a right of action against the dealer's surety bond and may recover damages if those taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. The dealer must make a bona fide good faith attempt to refund money due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~ fifty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license ~~year~~ period, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the

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department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the explicit consent of the probate court and upon an application to the Department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a vehicle dealer license under his or her own name and meet all requirements for a licensed vehicle dealer in order to continue operating the business.

SECTION 21. Section 56-15-330 of the S.C. Code is amended to read:

Section 56-15-330. No dealer or wholesaler may be issued or allowed to maintain a motor vehicle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motor vehicles which must be the principal business conducted from the fixed location. ~~The sale of motorcycle or motor driven cycles need not be the principal business conducted from the fixed location.~~ A bona fide established place of business for any motor vehicle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motor vehicles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters. Wholesaler dealers are not required to have space to display vehicles.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business. This subsection does not apply to wholesale dealers.

(3) The dealer's place of business must have a reasonable area or lot to properly display motor vehicles. This subsection does not apply to wholesale dealers.

(4) A dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of the bona fide established place

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of business is deemed to be contiguous even if there exists a single intervening landmark such a road or a railroad track. The property adjacent to or the property within sight of the bona fide place of business must display the same permanent dealership sign as the bona fide established place of business pursuant to item (2). The property adjacent to or property within sight of the bona fide place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or property within sight of the bona fide place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this subsection must provide on the dealer license application the street address of the adjacent property or the property within sight and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 22. Section 56-15-350 of the S.C. Code is amended to read:

Section 56-15-350. (A) Any license—licenses in the name of the same applicant issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have refused to comply with, been convicted of, or pleaded nolo contendere to any of the following offenses in this State or another jurisdiction in the United States:

— (a)(1) made a material misstatement in the application for the license;

— (b)(2) violated any provision of this chapter or the requirements contained in Article 3, Chapter 19, Title 56;

— (c)(3) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a motor vehicle;

— (d)(4) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;

— (e)(5) been convicted of any violation of violated any law involving the acquisition or transfer of a title to a motor vehicle;

— (6) or of any violation of law involving tamperingtampered with, alteringaltered, or removing—removed motor vehicle identification numbers or markings;

— (f)(7) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting,

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altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);

— ~~(g)(8)~~ refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; ~~or~~

— ~~(h)(9)~~ Given given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

— (10) accepted or delivered a certificate of title to any other dealer, wholesaler, or any other person in which the title or assignment of title is signed in blank;

— (11) committed any of the following crimes for which there is a conviction or plea of guilty or plea of nolo contendere and for which the conviction or plea date was ten or less years from the date of the application or renewal application of:

— (a) a violent crime as defined in Section 16-1-60;

— (b) a crime involving illegal drugs, other than simple possession of marijuana;

— (c) a crime involving tax evasion or failure to pay taxes or fees as required by law;

— (d) a crime involving the illegal use, carrying, or possession of a dangerous weapon;

— (e) any crime having an element of identity theft, misuse of another person's identity information, larceny, embezzlement, false statements, falsification of documents, false swearing or dishonest or deceitful dealing; or

— (f) a crime having an element of criminal sexual battery or conduct of any type or degree with a minor or an adult;

— (12) failed to pay on demand any civil penalty imposed by the department authorized by this chapter which the person or licensee has failed to appeal or for which the person or licensee has exhausted appeals;

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(13) failed to surrender a dealer license as required by this chapter or allowing any third party to sell any vehicles or operate a dealership; or

(14) had a previous dealer license revoked for that applicant under this section.

(B) Items (A)(1)-(11) do not apply to any pardoned or expunged crime within the ten-year time period;

(C) The department may deny future dealer licenses for the same applicant if a previous dealer license was revoked for that applicant under this section. When assessing the license application, with respect to acts identified in item (A)(14) in a foreign jurisdiction, the department shall determine if the facts of the act would constitute a violation in this State. If the acts leading to a revocation in a foreign jurisdiction would not constitute a violation in this State, then the department may not use the act as sole justification to deny, suspend, or revoke a license.

(D) The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

(E) Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

SECTION 24. Title 56 of the S.C. Code is amended by adding:

CHAPTER 37

Motor Vehicle Dealer Performance Evaluation System

Section 56-37-10. This article applies to any dealer licensed under Title 56 regardless of the dealer license type.

Section 56-37-20. As used in this title:

(1) "Immediate family" means spouse, parent, stepparent, child, stepchild, sister, brother, grandparent, and grandchild.

(2) "Suspend" means temporarily prevent from continuing.

(3) "Revoke" means prevent from continuing for at least ten years.

(4) "Violation" means a single found incident leading to the issuance of points. For purposes of this Article, a violation could be a single sale, a single vehicle, a single document, or other similar items.

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(5) “Open title” means a dealer selling a vehicle without paying the complete financial obligation needed to obtain the title for the sold vehicle.

(6) “Out-of-trust” means, upon the purchase of a vehicle by a dealer and the seller has completed his portion of the certificate of title, the dealer or purchaser intentionally leaves the buyer or purchaser assignment blank on the title.

(7) “Dealer” means any entity licensed as a dealer under this Title without regard to the type of dealer license issued by the department.

Section 56-37-30. (A) There is established a points system for evaluating the performance record of any dealer licensed under this Title and its continuing ability to operate as a dealer in this State. The Department may only impose the sanctions described below if they are found to have occurred in the course of dealer-related business, to include a private citizen acting on behalf of a licensed dealer in their role as a dealer. If any dealer or employee of a dealership makes these errors in their role as a private citizen, those violations are not counted against the dealer license but may be penalized in accordance with State law.

(B) For multiple record errors over a six-month period of time, the department may impose a two-point violation against a dealer license for the following:

- (1) errors or omissions on transactions regarding incoming or outgoing documents;
- (2) incorrect acquisition or sale dates;
- (3) incorrect vehicle identification numbers;
- (4) incorrect make, model, or type of body;
- (5) incorrect incoming or outgoing odometer reading;
- (6) incorrect name and address of the person a vehicle was acquired from or transferred to;
- (7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or
- (8) issuance of a second temporary plate to a purchaser;

(C) The following are four-point violations:

- (1) dealer selling at address different than indicated on dealer application and license;
- (2) failure to deliver a title to a buyer or the department within forty-five days of the date of sale;
- (3) reasonable records request unavailable upon the demand of the department;
- (4) issuance of any temporary license plate to a person not authorized to have the plate;

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(5) misuse of dealer, transporter, or wholesale auto auction plate;
(6) operating or allowing the operation of a vehicle with a suspended dealer plate;

(D) The following are six-point violations:

- (1) selling out-of-trust or breach-of-trust;
- (2) possession of an open title;
- (3) altering or changing documents to avoid or delay registration;
- (4) maintaining or producing fraudulent records;
- (5) licensure as a wholesaler dealer only, but selling vehicles retail;
- (6) having a volume of sales that do not warrant the number of license plates issued;
- (7) dealer or auction facilitating a wholesaler selling retail;
- (8) failure to remit any state-owed fees within the time period prescribed by law to the Department;
- (9) conviction by the licensee involving acquisition or transfer of a title to a vehicle;
- (10) conviction by the licensee of a criminal offense or judgment in a civil case in which there is fraud connected to the sale or transfer of a vehicle;
- (11) use of fraudulent methods or practices.

(E) The Department's Inspector General or the Inspector General's designee has the authority to issue sanctions based on findings during inspections and audits. The Department may turn any records of sanctions over to the law enforcement entity with jurisdiction over the licensed location of the dealership for criminal prosecution.

Section 56-37-40. (A) There is created a Dealer Sanction Review Board that consists of the Executive Director of the department or his designee, a department employee with expertise in dealer licensing regardless of dealer license type, two non-franchise automobile dealers, and three franchise automobile dealers. All dealers serving on the board must have been in business no less than ten years and be in good standing with the department. The department is responsible for ensuring the board is seated at the beginning of each fiscal year. Unless the board decides otherwise or a board member no longer qualifies to remain on the board, individuals on the board serve for three fiscal years and may serve a maximum of nine consecutive years. The department in conjunction with the board should take efforts to ensure that dealers represent all regions of the state and the sizes of dealerships owned. The two statewide dealer associations shall choose their members. The chairperson shall be elected and rotated between dealer members serving on the board.

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(B) Dealers licensed pursuant to this title may contest sanctions provided for in this article by written request to the department no later than thirty days after receiving formal notice of the sanctions being levied.

(1) All notices of sanctions are deemed received no later than thirty days after mailing by the department.

(2) No later than sixty days after receiving the written request from the dealer, the board must determine if the sanctions and corresponding points must be posted to the dealer's record as maintained by the department.

(3) No contested sanctions and corresponding points may be posted until the board has made a determination.

(4) The board's decision is considered final unless a dealer files protest in administrative law court within twenty days of being provided written notice.

(5) The board may decide to decrease the number of points levied for a sanction, but the board may not increase the number of points levied for a sanction beyond those specified in this article.

(C) If a dealer licensed under this title does not contest sanctions within the time period prescribed in subsection (B), the assessed points are effective and will be posted to the dealer's record maintained by the department.

Section 56-37-50. In computing the total number of points levied against any dealer after a particular violation, those accrued as a result of violations during the twelve-month period including and immediately preceding the last violation must be counted at their full value. Those accrued from twelve to twenty-four months preceding the last violation must be counted at one-half their established value, and those resulting from violations which occurred more than twenty-four months prior to the last violation must not be counted.

Section 56-37-60. (A) Any dealer who has accumulated points under the provisions of this article must have the number of points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that the dealer has completed a voluntary course related to the proper licensing of dealers in this State. Before an entity may administer the course, and every three years thereafter, the department must approve the course. Entities offering this course must provide documentation, to the satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

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(B) No dealer's points may be reduced more than one-time in a three-year period by completing a course related to the proper licensing of a dealer in this state.

Section 56-37-70. (A) The department must suspend the license of any dealer for seven days upon the accumulation of twelve points or if the dealer has misused any department computer system or third-party computer system that contains department data, including allowing another dealer location other than the one licensed by the department access to the system.

(B) The department must suspend the license of any dealer for thirty days upon the second accumulation of twelve points within a three-year period from the end-date of the prior suspension.

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three-year period. Dealers may not re-apply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certified mail at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer's or wholesaler's license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Section 56-37-80. (A) The Department of Motor Vehicles must immediately revoke the license of any dealer issued pursuant to this title upon:

(1) a conviction involving theft or possessions of a stolen vehicle, involvement with a chop shop, or a violation of law involving tampering

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with, altering, or removing vehicle identification numbers or markings;
or

(2) a conviction in administrative, civil, or criminal court of a dealer violation of State or federal law regarding the disconnecting, resetting, altering, or otherwise unlawful tampering with a motor vehicle's odometer.

(B) Upon the revocation of a license, the licensee, or his designee, shall immediately return to the department the license and all dealer license plates. The department must revoke the dealer license plates if the plates are not returned to the department.

(C) The department may deny any application for dealer licenses for ten years after notification of the conviction if the applicant is a member of the immediate family as a dealer whose license has been revoked. At the conclusion of the ten-year period, a dealer whose license has been revoked may apply to the Dealer Sanctions Review Board to be relicensed. However, upon review of the board, a dealer whose license has been revoked may continue to be denied a dealer license of any type.

SECTION 25. Section 56-16-140 of the S.C. Code is amended to read:

Section 56-16-140. (A)(1) Before engaging in business as a motorcycle dealer or motorcycle wholesaler in this State, every person must first ~~make application~~ apply to the Department of Motor Vehicles for a license. Every license issued expires ~~twelve~~ thirty-six months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is ~~fifty-one hundred and fifty~~ fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

(2)(a) A licensed dealer may exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a dealer's exhibition license. Before exhibiting motorcycles and their related products as provided in this item, the dealer shall first apply to the department for an exhibition license. The applicant shall provide the department with the name, location, and dates of the particular exhibition for which he is seeking an exhibition license.

(b) A dealer must hold a valid dealer's license pursuant to this section to be issued an exhibition license. Exhibition licenses are valid for a period not to exceed ten consecutive days, must be prominently displayed at the exhibition site, apply to only the licensee, and may not be transferred to another dealer or exhibition location. A dealer may not

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purchase more than six exhibition licenses in any licensing period every twelve months.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

(B)(C) A person who fails to secure a license as required in this chapter has facilitated an unauthorized sale of a motorcycle and is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~forty~~ one hundred dollars nor more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars nor more than one thousand dollars or imprisoned for not more than ~~six months~~ thirty, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(D) ~~For purposes of this subsection, the sale of each motorcycle constitutes a separate offense. For purposes of this section, each instance of an unauthorized sale of a motorcycle where the dealer has not applied for and received a license from the department appropriate to the sale is conclusively deemed to be a separate and distinct offense. This provision does not apply to instances where a rightfully licensed retail dealer, pursuant to Chapter 15 of this title, accepts a motorcycle on trade to then sell at his retail location. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions~~

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relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 26. Section 56-16-150 of the S.C. Code is amended to read:

Section 56-16-150. ~~(4)~~(A) Before any license as a motorcycle "wholesaler" or "dealer" is issued to an applicant, he must file an application with the Department of Motor Vehicles and furnish the information the Department may require, including, but not limited to, information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

~~(2)~~(B)(1) Each applicant for licensure as a motorcycle dealer or wholesaler must furnish a surety bond in the penal amount of ~~fifteen~~ twenty-five thousand dollars on a form to be prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below twenty-five thousand dollars.

(4) The bond must be given to the Department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by an owner of a motorcycle, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a motorcycle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent, of any of the provisions of this chapter.

(5) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering motorcycles by a motorcycle dealer, the department has a right of action against the

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dealer's surety bond and may recover damages if those taxes and fees are not paid within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the motorcycle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For the purposes of this subsection, the dealer should make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

(6) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. A new bond or a proper continuation certificate must be delivered to the Department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred.

(7) The surety has the right to terminate its liability under the bond by giving the Department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

(3)(C) If, during any license year, there is any change in the information that a dealer or wholesaler gave the Department in obtaining or retaining a license under this section, the licensee shall report the change to the Department within thirty days after the change occurs on the form the Department requires.

(4)(D) In the event a licensee ceases being a dealer or wholesaler, he shall, within ten days thereafter, notify the Department of this fact and return to the Department any license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the Department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the

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conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his or her own name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 27. Section 56-16-160 of the S.C. Code is amended to read:

Section 56-16-160. No dealer may be issued or allowed to maintain a motorcycle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motorcycles which must be the principal business conducted from the fixed location. The sale of motorcycles or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motorcycle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motorcycles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motorcycles.

(4) A motorcycle dealer may use his license to conduct business on property adjacent to or within site of his bona fide established place of business. The property adjacent to or property within sight of his bona fide established place of business is deemed to be contiguous to his bona fide established place of even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The adjacent property or the property within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business

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conducted on the adjacent property must be maintained at the bona fide established place of business pursuant to this section. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license under this item must declare to the department on the dealer license application the street address of the adjacent property or property within sight of his bona fide established place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 28. Section 56-16-180 of the S.C. Code is amended to read:

~~Section 56-16-180. Any license issued under this chapter may be denied, suspended, or revoked if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:~~

- ~~—(a) Made a material misstatement in the application for the license;~~
- ~~—(b) Violated any provision of this chapter;~~
- ~~—(c) Been found by a court or competent jurisdiction to have committed any fraud connected with the sale or transfer of a motorcycle;~~
- ~~—(d) Employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;~~
- ~~—(e) Been convicted of any violation of law involving the acquisition or transfer of a title to a motorcycle or of any violation of law involving tampering with, altering, or removing motorcycle identification numbers or markings;~~
- ~~—(f) Been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motorcycle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~
- ~~—(g) Refused or failed to comply with the Department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motorcycle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~
- ~~—(h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any motorcycle or in the possession of any unauthorized person is prima facie~~

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evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~

~~—Upon the denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an applicant or licensee for a motorcycle dealer license, to include existing licenses in the name of the same applicant, for any reason prescribed in Section 56-15-350.~~

SECTION 29. Section 56-19-370 of the S.C. Code is amended to read:

Section 56-19-370. (A) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the Department has reason to believe that the dealer did not properly title, or, if applicable, register the vehicle within forty-five days after the sale due to criminal intent, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not

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more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

(3) If a title is in suspended status, the department must make the information regarding the reason for the suspension available in a timely manner through the third-party provider pursuant to Section 56-3-210.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed the title in suspended status or if a financial institution has not released the lien in a timely manner.

SECTION 30. The Department of Motor Vehicles shall ensure that no one is registered as an uninsured motorist on the effective date of this act.

SECTION 31. Section 56-3-180 of the S.C. Code is repealed.

SECTION 32. Section 56-3-215 of the S.C. Code is repealed.

SECTION 33. Article (29), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 34. Article (30), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 35. Dealers subject to the provisions contained in Section 56-14-50, 56-15-330, or 56-16-160 who maintain business operations on adjacent properties or properties within sight as described in the code section applicable to the dealer but who do not meet the requirements of Section 56-14-50, 56-15-330, or 56-16-160, as applicable to the dealer and as amended by this act may be grandfathered by the Department of Motor Vehicles for the remainder of the license under which the dealer is operating as of the effective date of this act.

SECTION 36. (A) SECTION 1 takes effect twelve months after the approval by the Governor.

(B) SECTION 5 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(C)(1) SECTIONS 8, 9, 10, 11, 12, 30, 31, 32, and 33 take effect eight months after the approval by the Governor, provided that necessary solicitations are awarded in a timely manner in accordance with the State Consolidated Procurement Code.

(2) Section 56-3-214(C), 56-3-214 (D), 56-3-214 (E), 56-3-214 (F), and 56-3-214 (H) take effect ten months after the effective date by SECTIONS 8, 9, 10, 11, and 12.

(D) SECTION 12 takes effect ten months after the effective date for subsection (C).

(E) SECTIONS 14 through 28 take effect on January 1, 2024. Any dealership applying for or renewing a licenses, or operating on a

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currently issued license on or after January 1, 2024, is subject to the provisions of SECTIONS 14 through 28.

(F) SECTION 29 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(G) The remaining SECTIONS of this act, and Section 56-3-214(A), 56-3-214 (B)(1), 56-3-214 (B)(2), 56-3-214 (B)(3), and 56-3-214 (G), takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-3518.KM0020S), which was adopted:

Amend the bill, as and if amended, SECTION 8, by striking Section 56-3-210(I)(2) and inserting:

(2) an additional five dollars which must be credited to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Amend the bill further, SECTION 8, by striking Section 56-3-210(J)(1)(b) and inserting:

(b) an additional five dollars which must be remitted to the department. The department shall disburse two dollars and fifty cents of each additional five dollars remitted to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167. The remaining two dollars and fifty cents of each additional five dollars remitted shall be disbursed to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

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Senator LOFTIS proposed the following amendment (SR-3518.JG0022S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 56-10-240(A) and inserting:

(A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ within five days after the effective date of cancellation or expiration of his liability insurance policy surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

Renumber sections to conform.

Amend title to conform.

Senator LOFTIS explained the amendment.

The amendment was adopted.

Senators MALLOY and GROOMS proposed the following amendment (SR-3518.JG0024S):

Amend the bill, as and if amended, SECTION 28, by striking Section 56-19-370(B)(2) and inserting:

(2) If the department has reason to believe that the dealer knowingly did not properly title, or, if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-350.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MATTHEWS objected to further consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT

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A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-252.AA0013S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-500(2) and inserting:

(2) “Eligible requesting party” means an active or former law enforcement officer, family court judge, circuit court judge, appellate court judge, or Supreme Court Justice who has filed a formal request under the provision of this article;

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators M. JOHNSON and MALLOY proposed the following amendment (SJ-252.MB0014S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 30-2-510, by striking (B)(2) and inserting:

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Article 7

Judicial Personal Privacy Protection Act

Section 30-2-700. For the purpose of this article:

(1) “Personal contact information” means the home address and the home or personal cellular telephone number of the eligible requesting party.

(2) “Eligible requesting party” means an active or a former judge who has filed a formal request under the provisions of this article.

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Section 30-2-710. (A) Information that relates to the personal contact information of an eligible requesting party, or that reveals whether the individual has family members, and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

(1) notifies the state or local government agency of the judge's choice to restrict public access to or posting online of personal contact information by submission of a form provided by the South Carolina Court Administration; and

(2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

(B) A choice made under this article remains valid with the following exceptions:

(1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

(3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

(D) Any personal contact information, as defined under this article, must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent disclosure of other public information otherwise allowed by law.

(E) A state or local government agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this article.

(F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited to the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

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SECTION X. The South Carolina Court Administration shall create a form for judges to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen, Bennett, Garrett and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

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There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler

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Shealy
Verdin

Stephens
Williams

Turner
Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator GOLDFINCH explained the Resolution.

The question being second reading of the Resolution.

On motion of Senator GOLDFINCH, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GOLDFINCH, the Resolution was carried over.

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AMENDMENT PROPOSED, OBJECTION

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

The Senate proceeded to the consideration of the Bill.

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Senator TURNER proposed the following amendment (SR-260.JG0006S), which was proposed:

Amend the bill, as and if amended, SECTION 3, by striking Section 61-3-170 and inserting:

Section 61-3-170. (A) The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.

(B) Failure to comply with the mandatory alcohol server training and education program set forth in this chapter is not negligence per se or contributory negligence, and is not admissible as evidence in a civil action.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the Bill.

Senator KIMPSON objected to further consideration of the Bill.

READ THE SECOND TIME

S. 108 -- Senators Davis, Scott, Kimbrell, Climer and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

The Senate proceeded to the consideration of the Bill.

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Senator DAVIS explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

Senator MASSEY spoke on the Bill.

Senator KIMPSON spoke on the Bill.

Senator CLIMER spoke on the Bill.

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The question then being second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-557.DG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3477 and inserting:

Section 12-6-3477. A taxpayer who employs an apprentice pursuant to an apprentice agreement registered with the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor is allowed a credit against an income tax imposed pursuant to this chapter equal to the greater of the cost of the apprenticeship or one thousand dollars for each apprentice employed, but not to exceed four thousand dollars for an apprentice, or six thousand dollars for the youth apprenticeship program. A credit is not allowed unless the apprentice was in the employ of the taxpayer for at least seven full months of the taxable year and a credit is not allowed for an individual apprentice for more than four taxable years; however, if the apprentice completes the apprenticeship and remains an employee of the taxpayer, the taxpayer may claim the one thousand dollar credit for up to three additional taxable years. Notwithstanding any other provision of

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this section, the maximum aggregate credit for all taxpayers may not exceed five million dollars in any one tax year. The General Assembly, in the annual general appropriations act, may increase or decrease the maximum aggregate credit amount. The department shall prescribe a form to claim this credit that provides information to the department sufficient for the proper administration of this credit. Any unused credit may be carried forward for three years.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

Total--42

NAYS

Total--0

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 581 -- Senators Hembree, Campsen, McElveen, Goldfinch, Senn, Grooms and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

The Senate proceeded to the consideration of the Bill.

Senator McELVEEN explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

Recorded Vote

Senator PEELER desired to be recorded as voting against the second reading of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY

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REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-602.JG0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-30-35(B) and inserting:

(B) The Department of Disabilities and Special Needs is headed by a director who is appointed by and serves at the pleasure of the Governor.

Amend the bill further, SECTION 2, by striking Section 43-20-20(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) and inserting:

(2) "Autism spectrum disorder" means the disorder defined as such in the most current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

(3) "Client" is a person who is determined by the Department of Disabilities and Special Needs to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and is receiving services or is an infant at risk of having a developmental disability and is receiving services.

(4) "County disabilities and special needs boards" means the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and recognized by the department.

(5) "Day programs" are programs provided to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries outside of their residences affording development,

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training, employment, or recreational opportunities as prescribed by the Department of Disabilities and Special Needs.

(6) "Department" means the South Carolina Department of Disabilities and Special Needs.

(7) "Director" means the administrative head of Department of Disabilities and Special Needs.

(8) "Disabilities and special needs services" are activities designed to achieve the results specified in an individual client's plan.

(9) "High-risk infant" means a child less than thirty-six months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

(10) "Least restrictive environment" means the surrounding circumstances that provide as little intrusion and disruption from the normal pattern of living as possible.

(11) "Improvements" means the construction, reconstruction of buildings, and other permanent improvements for regional centers and other programs provided by the department directly or through contract with county boards of disabilities and special needs, including equipment and the cost of acquiring and improving lands for equipment.

(12) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(13) "Obligations" means the obligations in the form of notes or bonds or contractual agreements issued or entered into by the department pursuant to the authorization of this chapter and of Act 1377 of 1968 to provide funds with which to repay the proceeds of capital improvement bonds allocated by the State Fiscal Accountability Authority.

(14) "Regional residential center" is a twenty-four-hour residential facility serving a multicounty area and designated by the department.

(15) "Related disability" is a severe, chronic condition found to be closely related to intellectual disability or to require treatment similar to that required for persons with intellectual disability and must meet the following conditions:

(a) It is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons.

(b) It is manifested before twenty-two years of age.

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(c) It is likely to continue indefinitely.

(d) It results in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

(16) "Residential programs" are services providing dwelling places to clients for an extended period of time with assistance for activities of daily living ranging from constant to intermittent supervision as required by the individual client's needs.

(17) "Revenues" or "its revenues" means revenue derived from paying clients at regional residential centers and community residences but does not include Medicaid, Medicare, or other federal funds received with the stipulation that they be used to provide services to clients.

(18) "State capital improvement bonds" means bonds issued pursuant to Act 1377 of 1968.

(19) "Department of Administration" shall mean the State Department of Administration as constituted pursuant to Chapter 11, Title 1.

Amend the bill further, SECTION 2, by striking Section 43-20-30 and inserting:

Section 43-20-30. (A) The department is a member of the Governor's executive cabinet. The department's administrative head is a director who is to be appointed by the Governor with the advice and consent of the Senate. The director is subject to removal from office by the Governor pursuant to Section 1-3-240(B).

(B) To qualify for appointment, the director must have an advanced degree; experience with the disabilities and special needs population, including working with parents, consumers, and advocacy groups; and experience in senior leadership or leading a large agency.

Amend the bill further, SECTION 2, by striking Section 43-20-40(B) and inserting:

(B) The director, and his designees, shall educate the public and state and local officials as to the need for the funding, development, and coordination of services for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and shall promote the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries.

Amend the bill further, SECTION 2, by striking Sections 43-20-50 and 43-20-60 and inserting:

Section 43-20-50. The department is authorized to promulgate regulations to carry out the provisions of this chapter and other laws

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related to intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries. In promulgating these regulations, the department must consult with the advisory committee of the division for which the regulations shall apply, if the director has established an advisory committee for the division in question.

Section 43-20-60. The department shall coordinate services and programs with other state and local agencies for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. The department may negotiate and contract with local agencies, county boards of disabilities and special needs, private organizations, and foundations in order to implement the planning and development of a full range of services and programs for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries subject to law and the availability of fiscal resources. The department has the same right to be reimbursed for expenses in providing disabilities and special needs services through a contractual arrangement as it has to be reimbursed for expenses provided through direct departmental services. The department shall develop service standards for programs of the department and for programs for which the department may contract and shall review and evaluate these programs on a periodic basis.

Amend the bill further, SECTION 2, by striking Sections 43-20-80, 43-20-90, and 43-20-100 and inserting:

Section 43-20-80. The department, with funds available for these purposes, may conduct research to determine the causes, proper treatment, and diagnosis of intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and may use facilities and personnel under its control and management for carrying out the research so long as the rights of the client are preserved and prior consent is obtained pursuant to Section 44-26-180.

Section 43-20-90. The department is designated as the state's intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of Health and Environmental Control or to the South Carolina Department of Vocational Rehabilitation or the administration of the "State Hospital Construction and Franchising Act".

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Section 43-20-100. The department may negotiate and contract with an agency of the United States or a state or private agency to obtain grants to assist in the expansion and improvement of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and may expend the grants under the terms and conditions of the award.

Amend the bill further, SECTION 2, by striking Section 43-20-140 and inserting:

Section 43-20-140. The department or any of its programs may accept gifts, bequests, devises, grants, and donations of money, real property, and personal property for use in expanding and improving services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries available to the people of this State. However, nothing may be accepted by the department with the understanding that it diminishes an obligation for paying care and maintenance charges or other monies due the department for services rendered. The director may formulate policies and promulgate regulations governing the disposition of gifts, bequests, devises, grants, and donations. If they are given to a specific service program of the department, then they must remain and be used for that program only or to its successor program.

Amend the bill further, SECTION 2, by striking Section 43-20-170(A) and inserting:

(A) Reasonable reimbursement to the State for its fiscal outlay on behalf of services rendered by the department or any other agency authorized by the department to offer services to clients is a just obligation of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, his estate, or his parent or guardian under the conditions and terms provided in this section.

Amend the bill further, SECTION 2, by striking Section 43-20-210(A)(6) and inserting:

(6) take other action not inconsistent with the law to promote a high quality of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

Amend the bill further, SECTION 2, by striking Section 43-20-220 and inserting:

Section 43-20-220. (A) County boards of disabilities and special needs operating within a county or within a combination of counties by ordinance of the governing bodies of the counties concerned shall

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continue to operate as provided in the ordinances establishing the county boards.

(B) The department shall recognize only county boards of disabilities and special needs that plan, administer, or provide services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries within a county or combination of counties which are created or established pursuant to this section, including those whose members are appointed by the Governor. A county board of disabilities and special needs created by ordinance before January 1, 1991, is considered created pursuant to this section, provided the ordinance includes and complies with the provisions of subsection (A).

(C) A county board of disabilities and special needs is a public entity.

(D) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

(E) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

Amend the bill further, SECTION 2, by striking Sections 43-20-230 and 43-20-240 and inserting:

Section 43-20-230. A county board of disabilities and special needs must consist of not less than five members. If the board is created within a combination of counties, the number of members representing each county must be proportional to the county's population in relation to the total population of the counties served by the board. However, a county participating in a multicounty board must not have less than two members. The term of the members is four years and until their successors are appointed and qualify. Vacancies for unexpired terms must be filled in the same manner as the original appointments. A member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard.

Section 43-20-240. (A) County disabilities and special needs boards are encouraged to utilize lawful sources of funding to further the development of appropriate community services to meet the needs of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

(B) County boards may apply to the department for funds for community services development under the terms and conditions as may be prescribed by the department. The department shall review the applications and, subject to state appropriations to the department or to other funds under the department's control, may fund the programs it

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considers in the best interest of service delivery to the citizens of the State with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries.

(C) Subject to the approval of the department, county boards may seek state or federal funds administered by state agencies other than the department, funds from local governments or from private sources, or funds available from agencies of the federal government. The county boards may not apply directly to the General Assembly for funding or receive funds directly from the General Assembly.

Amend the bill further, SECTION 2, by striking Section 43-20-250(A) and (B) and inserting:

(A) Subject to the provisions of this chapter and the regulations of the department each county disabilities and special needs board:

(1) is the administrative, planning, coordinating, and service delivery body for county disabilities and special needs services funded in whole or in part by state appropriations to the department or funded from other sources under the department's control. It is a body corporate in deed and in law with all the powers incident to corporation including the power to incur debt insofar as that debt is payable from contract, grant, or other revenues and is not the debt of the State or its other political subdivisions. A county board may purchase and hold real and mortgage property and erect and maintain buildings. The department shall approve all debt of a county board to be paid in whole or in part from contract, grant, or other revenues provided by the State. However, the department has no responsibility for the debt so approved;

(2) shall submit an annual plan and projected budget to the department for approval and consideration of funding;

(3) shall review and evaluate on at least an annual basis the county disabilities and special needs services provided pursuant to this chapter and report its findings and recommendations to the department;

(4) shall promote and accept local financial support for the county program from private and other lawful sources and promote public support from municipal and county sources;

(5) shall employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out the county intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries services program who meet specifications prescribed by the department;

(6) shall plan, arrange, implement, and monitor working agreements with other human service agencies, public and private, and with other educational and judicial agencies;

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(7) shall provide the department records, reports, and access to its sponsored services and facilities the department may require and submit its sponsored services and facilities to licensing requirements of the department or to the licensing requirements of other state or local agencies having this legal authority;

(8) shall represent the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries to the public, public officials, and other public or private organizations.

Amend the bill further, SECTION 2, by striking Sections 43-20-260, 43-20-270, 43-20-280, 43-20-290, 43-20-300, 43-20-310, 43-20-320, 43-20-330, 43-20-340, 43-20-350, 43-20-360, 43-20-370, 43-20-380, and 43-20-390 and inserting:

Section 43-20-260. (A) In order to provide assistance to families and individuals the department shall provide an initial intake and assessment service to a person believed to be in need of services and who makes application for them. An assessment must be provided through diagnostic centers approved by the department. If upon completion of the assessment, the applicant is determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and be in need of services, he may become a client of the department and eligible for services. A service plan must be designated for each person assessed. A person determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and who chooses to become a client of the department, must be provided with the delivery or coordination of services by the department. A person determined not to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be provided by the department with referral and assistance in obtaining appropriate services or further evaluation.

(B) Service plans must recommend the services to assist the individual in developing to the fullest potential in the least restrictive environment available. The department shall determine the "least restrictive environment" and may contract with individuals or organizations for a reasonable sum as determined by the department to provide the services. The department shall review service plans of its clients at least periodically according to standards prescribing the frequency to ensure that appropriate services are being provided in the least restrictive environment available. The parents, the legal guardian, the client, and other appropriate parties must be included in the review. The department shall develop standards prescribing the service plan review.

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(C) No individual believed to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department until he has been examined at a diagnostic center of the department or a diagnostic center approved by the department and certified by the department on the basis of acceptable data to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury or unless he is an infant at risk of a developmental disability and in need of the department's services.

(D) The applicant shall meet residency requirements in at least one of the following categories:

(1) The applicant or his spouse, parent, with or without legal custody, or legal guardian is domiciled in South Carolina.

(2) The applicant or his spouse, parent, with or without legal custody, or legal guardian lives outside South Carolina but retains legal residency in this State and demonstrates to the department's satisfaction his intent to return to South Carolina.

(3) The applicant or his spouse or parent, with or without legal custody, or legal guardian is a legal resident of a state which is an active member of the Interstate Compact on Mental Health and qualifies for services under it.

Section 43-20-270. Upon the written request of the person, the person's parents, parent with legal custody, or lawful custodian or legal guardian and subject to the availability of suitable accommodations and services, a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department for evaluation and diagnosis and shall remain in the residential services of the department for that period required to complete the diagnostic study. However, this period may not exceed thirty days except upon approval of the director or his designee. Individuals admitted under the provisions of this section are subject to the same regulations and departmental policies as regular admissions. The department may prescribe the form of the written application for diagnostic services.

Section 43-20-280. A person who is determined to be eligible for services is subject to the following considerations regarding his order of admission to services and programs:

(1) relative need of the person for special training, supervision, treatment, or care; and

(2) availability of services suitable to the needs of the applicant.

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Section 43-20-290. The director or his designee may designate the service or program in which a client is placed. The appropriate services and programs must be determined by the evaluation and assessment of the needs, interests, and goals of the client.

Section 43-20-300. The director or his designee has the final authority over applicant eligibility, determination, or services and admission order, subject to policies adopted by the director.

Section 43-20-310. Subject to the availability of suitable services and programs and subject to the provisions of "Requirement for Admission to Services", "Order in which Person May be Admitted", and "Final Authority over Eligibility", the director or his designee may admit a client to the services of the department upon the written request of the parents of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, a parent with legal custody, spouse, lawful custodian or legal guardian, or the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury seeking to be admitted to the department's services if the person is twenty one years of age or over and competent to make the decision. The department shall prescribe the form of the application for services.

Amend the bill further, SECTION 2, by striking Section 43-20-400(B), (C), (D), (E), (F), (G), and (H) and inserting:

(B) Upon filing of the petition, the judge shall set a date for a hearing on it and ensure that the client has an attorney who represents him. The parents, parent with legal custody, spouse, guardian, or nearest known relative of the person alleged to have intellectual disability or a related disability and in whose behalf the petition has been made and in the discretion of the court, the individual alleged to have intellectual disability or a related disability and the department must be served by the court with a written notice of the time and place of the hearing, together with a written statement of the matters stated in the petition. If no parent, spouse, legal guardian, or known relative of the person alleged to have intellectual disability, a related disability, or autism spectrum disorder is found, the court shall appoint a guardian ad litem to represent the person alleged to have intellectual disability, a related disability, or autism spectrum disorder and the notice must be served upon the guardian. If the parent, spouse, guardian, or known relative of the person alleged to have intellectual disability or a related disability is found, he must be notified of the right to an attorney at the hearing.

(C) The hearing on the petition may be in the courthouse or at the place of residence of the person alleged to have intellectual disability or a

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related disability or at another place considered appropriate by the court. The person alleged to have intellectual disability, a related disability, or autism spectrum disorder does not need to be present if the court determines that the hearing would be injurious or detrimental to the person alleged to have intellectual disability or a related disability or if the person's mental or physical condition prevents his participation in the hearing. However, his attorney must be present.

(D) A report of the person in charge of the examination of the person alleged to have intellectual disability, a related disability, or autism spectrum disorder at the diagnostic center referred to in "Requirement for Admission" must be submitted to the court at the hearing. The court may not render judgment in the hearing unless this report is available and introduced.

(E) If the court determines that the evidence presented by the examiners at the diagnostic center, along with other evidence presented to the court, is to the effect that the person does not in fact have intellectual disability, a related disability, or autism spectrum disorder to an extent which would require commitment, it shall terminate the proceeding and dismiss the petition.

(F) If the person is found by the court to have intellectual disability, a related disability, or autism spectrum disorder and be in need of placement in a facility or service program of the department, the court shall order that he be admitted to the jurisdiction of the department as soon as necessary services are available and include in the order a summary of the evidence presented and order of the court.

(G) The department shall inform the court as soon after the date of the order as practical that suitable accommodations and services are available to meet the needs of the person with intellectual disability, a related disability, or autism spectrum disorder. Upon notification, the court shall direct the petitioner in these proceedings to transport the person with intellectual disability, a related disability, or autism spectrum disorder to a program the department designates.

(H) A party to these proceedings may appeal from the order of the court to the court of common pleas, and a trial de novo with a jury must be held in the same manner as in civil actions unless the petitioner through his attorney waives his right to a jury trial. Pending a final determination of the appeal, the person with intellectual disability, a related disability, or autism spectrum disorder must be placed in protective custody in either a facility of the department or in some other suitable place designated by the court. No person with intellectual

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disability, a related disability, or autism spectrum disorder must be confined in jail unless there is a criminal charge pending against him.

Amend the bill further, SECTION 2, by striking Section 43-20-410(A) and (B) and inserting:

(A) A person admitted or committed to the services of the department remains a client and is eligible for services until discharged. When the department determines that a client admitted to services is no longer in need of them, the director or his designee may discharge him. When the only basis of the department's provision of services to a client is that he is a person with intellectual disability, a related disability, or autism spectrum disorder and it is determined that he is no longer in that condition, the director or his designee shall discharge him as soon as practical. A client of the department who is receiving residential services may be released to his spouse, parent, guardian, or relative or another suitable person for a time and under conditions the director or his designee may prescribe.

(B) When a client voluntarily admitted requests discharge or the person upon whose application the client was admitted to the department's services requests discharge in writing, the client may be detained by the department for no more than ninety-six hours. However, if the condition of the person is considered by the director or his designee to be such that he cannot be discharged with safety to himself or with safety to the general public, the director or his designee may postpone the requested discharge for not more than fifteen days and cause to be filed an application for judicial admission. For the purpose of this section, the probate court or family court of the county in which the facility where the person with intellectual disability, a related disability, or autism spectrum disorder resides is located is the venue for judicial admission. Pending a final determination on the application, the court shall order the person with intellectual disability, a related disability, or autism spectrum disorder placed in protective custody in either a facility of the department or in some other suitable place designated by the court.

Amend the bill further, SECTION 2, by striking Section 43-20-420(A), (B), (C), and (D) and inserting:

(A) The department may return a nonresident person with intellectual disability, a related disability, or autism spectrum disorder admitted to a service or program in this State to the proper agency of the state of his residence.

(B) The department is authorized to enter into reciprocal agreements with the proper agencies of other states to facilitate the return to the state of their residence persons admitted or committed to services for persons

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with intellectual disability, a related disability, or autism spectrum disorder in this State or other states.

(C) The department may detain a person with intellectual disability, a related disability, or autism spectrum disorder returned to this State from the state of his commitment for not more than ninety-six hours pending order of the court in commitment proceedings in this State.

(D) The expense of returning persons with intellectual disability or a related disability to other states must be paid by this State, and the expense of returning residents of this State with intellectual disability, a related disability, or autism spectrum disorder must be paid by the state making the return when interstate agreements to that effect have been negotiated.

Amend the bill further, SECTION 2, by striking Section 43-20-440(A) and inserting:

(A) When the department determines that a client may benefit from being placed in an employment situation, the department shall regulate the terms and conditions of employment, shall supervise persons with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury so employed, and may assist the client in the management of monies earned through employment to the end that the best interests of the client are served.

Amend the bill further, SECTION 2, by striking Section 43-20-460 and inserting:

Section 43-20-460. Placement of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury in a program of the department does not preclude his attendance in community-based public school classes when the individual qualifies for the classes.

Amend the bill further, SECTION 3, by striking Section 43-20-470 and inserting:

Section 43-20-470. No day program in part or in full for the care, training, or treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may deliver services unless a license first is obtained from the department. For the purpose of this article, "in part" means a program operating for ten hours a week or more. Educational and training services offered under the sponsorship and direction of school districts and other state agencies are not required to be licensed under this article.

Amend the bill further, SECTION 3, by striking Section 43-20-500 and inserting:

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Section 43-20-500. No day program may accept a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury for services other than those for which it is licensed. No program may serve more than the number of clients as provided on the license. An applicant for a license shall file an application with the department in a form and under conditions the department may prescribe. The license must be issued for up to three years unless sooner suspended, revoked, or surrendered. The license is not transferable and must not be assigned.

Amend the bill further, SECTION 3, by striking Section 43-20-540(B) and inserting:

(B) If an existing program has conditions or practices which, in the department's judgment, provide an immediate threat to the safety and welfare of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury served, the department may immediately suspend or revoke the license of the program. Notification of the program board or operator by certified mail of the license suspension or revocation also must include the reasons or conditions. A person operating a program which has had its license suspended or revoked must be punished as provided in "Injunctions; Penalties".

Amend the bill further, SECTION 3, by striking Section 43-20-570(A) and inserting:

(A) The department, in accordance with the laws of the State governing injunctions and other processes, may maintain an action in the name of the State against a person for establishing, conducting, managing, or operating a day program for the care, training, and treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury without obtaining a license as provided in this article. In charging a defendant in a complaint in the action, it is sufficient to charge that the defendant, upon a certain day and in a certain county, provided day program services without a license, without averring more particular facts concerning the charge.

Amend the bill further, by striking SECTION 6 and inserting:
SECTION 6. This act takes effect upon approval by the Governor
Renumber sections to conform.
Amend title to conform.

Senator McELVEEN explained the amendment.

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The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 612 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR

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**INVESTIGATION AND REPORTING IN THE CASE OF A REPORT
OF SUSPECTED CHILD ABUSE OR NEGLECT.**

The Senate proceeded to the consideration of the Bill.

Senator McELVEEN explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator CLIMER asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

ADOPTED

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSSEN, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

Recorded Vote

Senator CAMPSSEN desired to be recorded as abstaining from voting on S. 648.

ADOPTED

S. 659 -- Senators Matthews, Senn, Cromer, Hutto, Campsen, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17

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OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Senate proceeded to the consideration of the Resolution.

Senator MATTHEWS spoke on the Resolution.

The Resolution was adopted, ordered sent to the House.

ADOPTED

H. 3816 -- Rep. Leber: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES RUSSELL CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY "DAVID L. LYBRAND MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 298 -- Senators Bennett, Turner, Kimbrell and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 3:41 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Glenn Carter Clayton of Lexington, S.C. Glenn retired after thirty-six years of service with Delta Airlines. He was an avid Gamecock fan and served on the Lexington County Gamecock Club Board. He was a member of Lexington Baptist Church. Glenn was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Commander Sergeant Major Carlos Evans, Aayden Holiday Slacks, Aason Holiday Slacks and Ava Holiday of Sumter, S.C. These four will be missed by their entire community and forever loved and remembered.

ADJOURNMENT

At 3:48 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, March 29, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Deuteronomy 34:10

The Book of Deuteronomy concludes with these words about Moses: "Never since has there arisen a prophet in Israel like Moses, whom the Lord knew face to face."

Let us pray: How marvelous indeed has been Your own faithfulness to those who have served You, O Lord. A clear example has to be the very manner by which You led and guided and blessed Moses during all of the many challenges he faced as he tried valiantly to serve You. And You have made it so very clear that Your promises to us are just as bold and unfailing, if we will also do our very best to trust in and to serve You. To that end, most merciful God, we ask that You will continue to be with each and every Senator and staff member as they labor diligently here in this place. May each one of them -- as was Moses -- be ever remembered for the good that they do. In Your loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Harpootlian	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Martin
Massey	Matthews	McElveen
Peeler	Reichenbach	Rice

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Scott	Setzler	Shealy
Stephens	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator CAMPSEN introduced Dr. Savannah Hurt of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator VERDIN was granted a leave of absence until 2:45 P.M.

Leave of Absence

On motion of Senator HEMBREE, at 2:18 P.M., Senator GUSTAFSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator McLEOD, at 2:18 P.M., Senator SENN was granted a leave of absence for Wednesday, March 29, 2023, and Thursday, March 30, 2023.

Leave of Absence

On motion of Senator TURNER, at 2:18 P.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator McELVEEN, at 3:00 P.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 108 Sens. Young, Fanning, Reichenbach, Peeler, Alexander, Cash,
Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin,
Campsen and Adams
S. 239 Sen. Reichenbach
S. 252 Sen. Malloy
S. 284 Sen. Campsen
S. 298 Sen. Adams
S. 521 Sen. Jackson
S. 527 Sens. Peeler and Corbin
S. 557 Sen. Campsen
S. 588 Sens. Gambrell and Shealy
S. 602 Sen. McElveen
S. 612 Sen. McElveen

RECALLED AND ADOPTED

H. 3902 -- Reps. Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2023, AS "WORKERS' MEMORIAL DAY" IN SOUTH CAROLINA IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

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The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 690 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE ROBERT J. "DUKE" SHORT, FORMER CHIEF OF STAFF TO THE HONORABLE J. STROM THURMOND, ON THE OCCASION OF HIS EIGHTY-NINTH BIRTHDAY AND TO WISH HIM MUCH HAPPINESS IN THE YEARS AHEAD.

sr-0354km-hw23.docx : 88fa2e67-59df-4957-879b-e6f95a1a604d

The Senate Resolution was adopted.

S. 691 -- Senators Scott and Stephens: A BILL TO PROHIBIT PASSENGER MOTOR VEHICLES MANUFACTURED AFTER JANUARY 1, 2035, FROM BEING SOLD IN THIS STATE UNLESS THE VEHICLE PRODUCES ZERO EMISSIONS.

lc-0203dg23.docx : 008f565e-6dcc-4f98-a24a-29d6d9cb11ca

Senator SCOTT spoke on the Bill.

Read the first time and referred to the Committee on Transportation.

S. 692 -- Senators Jackson, Shealy and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-1172 SO AS TO EXEMPT THE RETIREMENT INCOME OF QUALIFYING RETIRED STATE EMPLOYEES; AND BY AMENDING SECTION 12-6-1170, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO MAKE CONFORMING CHANGES.

lc-0148dg23.docx : 8ac8c8df-191d-4fa9-a624-f0978a11a179

Read the first time and referred to the Committee on Finance.

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S. 693 -- Senators Campsen, Climer, Corbin, Kimbrell, Rice, Bennett, Grooms and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10(A), RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO REQUIRE THE COMMISSION TO ONLY CONSIDER THE QUALIFICATIONS OF A PERSON RECOMMENDED BY THE GOVERNOR FOR JUDICIAL OFFICE; BY AMENDING SECTION 2-19-20, RELATING TO APPLICATIONS TO FILL JUDICIAL VACANCIES, SO AS TO REQUIRE APPLICATIONS BE FORWARDED TO THE GOVERNOR; BY AMENDING SECTION 2-19-40, RELATING TO THE EXEMPTION FROM HOLDING A PUBLIC HEARING FOR CERTAIN JUDICIAL CANDIDATES, SO AS TO REPEAL THE PROVISIONS OF THE SECTION; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO REVISE THE NUMBER OF CANDIDATES THAT MAY BE SUBMITTED TO THE GENERAL ASSEMBLY.

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Senator CAMPSSEN spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

Remarks by Senator CAMPSSEN

Thank you, Mr. PRESIDENT. This is a Bill that addresses judicial merit selection reform. We have already introduced several Bills regarding this issue. I want to explain and distinguish this one very briefly. First, I will address constitutional requirements for the Judicial Merit Selection Commission (JMSC) found in Article 5, Section 27 of the South Carolina Constitution. The constitutional requirements are that the JMSC must consider the qualifications and fitness of all judicial candidates -- this Bill checks that box. The General Assembly must elect judges from among the nominees from the JMSC -- this Bill checks that box. And no person can be elected to a judgeship unless they are found qualified by the JMSC -- this Bill checks that box.

The reason I'm making this point is to emphasize there will be no need to amend the Constitution to implement the reforms in this Bill. So, what does the Bill do differently than the current process? It requires the JMSC to only consider the qualifications of candidates that are recommended by the Governor. It is a way for the Governor to nominate, and for the JMSC to evaluate their qualifications as part of the advice

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and consent process. The JMSC process would remain in place, but the Governor would nominate the judges.

This is important for several reasons. I am aware of many lawyers who have had a very successful career that would be willing to be a judge and would undoubtedly serve admirably because they have been outstanding lawyers. They would be willing to serve as a matter of public service to cap off their career -- to give something back to the profession they love. But they don't even apply. Why? Because they are not going to post up at the ramp from the parking garage to the State House for a month in an effort to explain to a twenty-five year old freshman House member in twenty seconds or less why they would be a good judge, and subsequently request their vote. We lose a lot of good candidates because of that dynamic.

We also lose good candidates because their law practice prohibits them from spending that month at the ramp. They can't afford to camp out at the State House if they are, for example, a business transaction lawyer, real estate lawyer, probate lawyer or defense attorney. They can't afford the time away from their practice because they bill by the hour, as opposed to earning contingency fees like plaintiff's attorneys do. So, we largely eliminate an entire category of lawyers from judgeships on the basis of their fee structure. I suggest this aspect of my proposed reform may be the most significant.

The proposal also gives the Executive Branch a role to play. In almost every other state where judges aren't elected by popular vote, which is the worst way to elect judges, they are nominated by the Governor and confirmed through the advice and consent process by the Legislative Branch -- typically the Senate.

In conclusion, the reform I am proposing will produce the following outcome. The Governor would nominate judicial candidates, and the JMSC becomes a robust part of the advice and consent process, and they are approved or disapproved by vote of the General Assembly. However, because there is only one candidate offered, they're not competing against other candidates and they are not campaigning. We can focus on evaluating their credentials and their qualifications, and the JMSC would in turn become the best advice and consent process in the Nation. We would also be honoring the separation of powers doctrine by including both the Legislative and Executive Branches of government in the selection of the Judicial Branch. James Madison would be proud!

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator CAMPSSEN were ordered printed in the Journal.

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S. 694 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3460, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO PROVIDE THAT THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY MUST BE AT LEAST ONE HUNDRED MILLION DOLLARS AND TO PROVIDE THAT BATTERIES, SOLAR PANELS, TURBINES, AND RELATED STRUCTURES MAY BE DEFINED AS POSTCONSUMER WASTE MATERIAL; AND BY AMENDING SECTION 12-6-3360, RELATING TO JOB TAX CREDITS SO AS TO INCENTIVIZE ELIGIBLE BUSINESSES TO CONDUCT BUSINESS IN OR EXPAND TO THIS STATE FOR THE PURPOSE OF PRODUCTION OF VARIOUS TECHNOLOGIES.

sr-0086jg23.docx : 65f61fb2-503f-468d-b64c-370d3d8efa24

Read the first time and referred to the Committee on Finance.

S. 695 -- Senator McElveen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEW BRIDGE OVER PINE TREE CREEK JUST SOUTH OF CAMDEN IN KERSHAW COUNTY "PINE TREE HILL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0290km-hw23.docx : 3f932164-17f5-4cb2-a97b-883c5ef2a107

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4060 -- Reps. G. M. Smith, West, Ballentine, M. M. Smith, B. Newton, Davis, Hewitt, Sandifer, Kirby, Ott, Hager, Stavrinakis, Tedder, Murphy, Brewer, Mitchell, Erickson, Bradley, Bauer and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-485 SO AS TO ESTABLISH A STATEWIDE WORKFORCE READINESS GOAL; BY ADDING SECTION 59-29-245 SO AS TO PROVIDE REMEDIATION IN COURSES IN LITERACY AND MATHEMATICS TO HIGH SCHOOL SENIORS SEEKING POST-SECONDARY STUDIES BUT LACKING REQUISITE ACADEMIC PREPARATION, TO PROVIDE THIS COURSEWORK MAY BE USED TO MEET HIGH SCHOOL GRADUATION REQUIREMENTS, AND TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, STATE BOARD OF EDUCATION, AND THE STATE TECHNICAL COLLEGE

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SYSTEM; BY ADDING SECTION 59-39-105 SO AS TO PROVIDE HIGH SCHOOL SENIORS SHALL COMPLETE AND SUBMIT A FREE APPLICATION FOR FEDERAL STUDENT AID BEFORE GRADUATING FROM HIGH SCHOOL, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED REQUIREMENTS FOR THE IMPLEMENTATION OF THESE PROVISIONS, AND TO MAKE THESE PROVISIONS APPLICABLE BEGINNING WITH THE 2023-2024 SCHOOL YEAR; BY AMENDING SECTION 59-26-35, RELATING TO EDUCATOR PREPARATION PROGRAM EVALUATIONS AND THE SOUTH CAROLINA EDUCATOR PREPARATION REPORT CARD, SO AS TO TRANSFER PRIMARY RESPONSIBILITY FOR CONDUCTING THESE EVALUATIONS AND PRODUCING THIS REPORT CARD TO THE STATE DEPARTMENT OF EDUCATION; BY AMENDING SECTION 59-59-210, RELATING TO DUAL ENROLLMENT ARTICULATION AGREEMENTS, SO AS TO PROVIDE A UNIFORM SYSTEM OF DUAL ENROLLMENT COLLEGE COURSES OFFERED TO HIGH SCHOOL STUDENTS BY INSTITUTIONS OF HIGHER LEARNING IN THIS STATE, AND TO PROVIDE FOR THE DEVELOPMENT OF POLICIES FOR THE GUARANTEED TRANSFER OF COURSEWORK EARNED AT TECHNICAL COLLEGES IN THIS STATE TO PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE; BY ADDING SECTION 41-1-140 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN AND PROVIDE FREE ONLINE ACCESS TO INFORMATION REGARDING THE ECONOMIC VALUE OF COLLEGE MAJORS, AMONG OTHER THINGS; AND BY INCREASING THE PERCENTAGE OF WORKING-AGED ADULTS WITH POSTSECONDARY DEGREES OR INDUSTRY CREDENTIALS BY FACILITATING THE TRANSFER OF CERTAIN ADULT EDUCATION PROGRAMS TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND MAXIMIZING USE OF CAREER AND TECHNOLOGY CENTERS TO IMPROVE AND UPDATE CAREER AND TECHNICAL EDUCATION.

lc-0147wab23.docx : 7aff0846-49ce-41db-9e75-880610d2c18a

Read the first time and referred to the Committee on Education.

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H. 4205 -- Reps. J. Moore, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO THE STATE'S HOSPITALITY INDUSTRY, THE SOUTH CAROLINA RESTAURANT AND LODGING ASSOCIATION AND TO PARTICIPATING RESTAURANTS AND SPONSORS WHO GENEROUSLY OFFER UP THEIR TIME AND THE TASTIEST OF SOUTHERN CUISINE ON THE GROUNDS OF THE STATE HOUSE AT THE SOUTH CAROLINA RESTAURANT AND LODGING ASSOCIATION'S ANNUAL HOSPITALITY DAY.
lc-0273cm-rm23.docx : 2dde67ed-efa7-4747-b2b8-99dc3bdab6e2

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4208 -- Reps. Sessions, Felder, Guffey, King, Ligon, Moss, O'Neal and Pope: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. EDWARD A. SERNA FOR HIS OUTSTANDING CAREER IN ACADEMIA, AND TO WELCOME HIM TO WINTHROP UNIVERSITY, AND TO CONGRATULATE HIM UPON HIS INAUGURATION AS ITS TWELFTH PRESIDENT.
lc-0204dg-gm23.docx : 9d41c64c-66cd-45e3-b49c-e651642c91c1

The Concurrent Resolution was adopted, ordered returned to the House.

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REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young and Grooms: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 146 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE

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FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING

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CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 514 -- Senators Hutto, Jackson, Sabb, Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE

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MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operations and Management polled out S. 689 favorable:

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED

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THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A

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VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

Ordered for consideration tomorrow.

Appointment Reported

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2021, and to expire April 6, 2027

7th Congressional District:

Todd Christopher Brown, 5010 Big Bear Court, Myrtle Beach, SC 29579-5183 *VICE* Bethany M. Tapp

Received as information.

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Message from the House

Columbia, S.C., March 28, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON COLLEGE STREET IN THE CITY OF NEWBERRY IN NEWBERRY COUNTY "REPRESENTATIVE WALTON J. MCLEOD BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.5, S. 478 by a vote of 105 to 0:

(R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWAY WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWAY WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

and has ordered the Concurrent Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 675 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO EXPRESS THAT THE GENERAL ASSEMBLY BELIEVES THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE AND THE ECONOMY, TO CONGRATULATE THE DARLINGTON RACEWAY FOR

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ANNOUNCING THE CONTINUATION OF A SECOND RACE TO ITS SCHEDULE, DOUBLING THE ECONOMIC IMPACT TO THE STATE, TO CELEBRATE NASCAR'S SEVENTY-FIFTH ANNIVERSARY, TO IDENTIFY SOUTH CAROLINA'S RICH NASCAR HISTORY, AND TO NAME THE WEEKS AROUND BOTH RACES, MAY 8-MAY 15, 2023, AND AUGUST 28-SEPTEMBER 5, 2023, AS "DARLINGTON RACEWAY WEEK", TWO WEEKS TOO TOUGH TO TAME.

Returned with concurrence.

Received as information.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that when the Senate stands adjourned on Thursday, March 30, that it will adjourn to meet Friday, March 31, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, that when the Senate stands adjourned on Friday, March 31, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 4, Wednesday, April 5, and Thursday, April 6, and Monday, April 10 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. The Senate would meet again in regular statewide session Tuesday, April 11, at 12:00 P.M.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF

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FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

Recorded Vote

Senators PEELER and CORBIN desired to be recorded as voting against the third reading of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson,

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Campsen, Bennett, Garrett and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (LC-483.HA0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 37-2-307(E)(5) and inserting:

(d) for a fourth or subsequent violation in a twelve-month period, the department may charge not more than a five thousand dollar administrative penalty, provided that cumulative administrative penalties shall not exceed one hundred thousand dollars in the twelve-month period.

Amend the bill further, SECTION 1, by striking Section 37-2-307(F) and inserting:

(F)(1) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

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(2) Nothing in this section is intended to prohibit the department from administering and enforcing other laws under the department's jurisdiction.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Turner	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

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Motion Adopted

On motion of Senator MATTHEWS, with unanimous consent, Senator KIMPSON was granted leave to attend a subcommittee meeting and was granted leave to vote from the balcony.

READ THE THIRD TIME

SENT TO THE HOUSE

The following Bill was read the third time and ordered sent to the House:

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

AMENDED, READ THE THIRD TIME

SENT TO THE HOUSE

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS

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KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

The Senate proceeded to the consideration of the Bill.

Senators McELVEEN, GAMBRELL, DAVIS, HARPOOTLIAN, REICHENBACH, M. JOHNSON, ADAMS, K. JOHNSON, RICE, PEELER and GARRETT proposed the following amendment (SF-108.CH0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 9-1-1770(D)(1) and (2) and inserting:

(1) For the purposes of this subsection, the term “first responder” means an emergency medical services provider or volunteer provider, a law enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the Code of Laws and who is certified by the South Carolina Law Enforcement Training Council, a fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s willful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member’s designated beneficiary a one time, lump sum benefit payment of seventy five thousand dollars.

Amend the bill further, SECTION 1, Section 9-1-1770(D), by adding an item to read:

(6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid from the State Accident Fund with a verification and disbursement process identical to the manner in items (2) through (4).

(7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

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Amend the bill further, SECTION 2, by striking Section 9-11-120(E)(1) and (2) and inserting:

(1) For the purposes of this subsection, the term “first responder” means an emergency medical services provider or volunteer provider, a law enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the Code of Laws and who is certified by the South Carolina Law Enforcement Training Council, a fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s willful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member’s designated beneficiary a one time, lump sum benefit payment of seventy five thousand dollars.

Amend the bill further, SECTION 2, Section 9-11-120(E), by adding an item to read:

(6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid from the State Accident Fund with a verification and disbursement process identical to the manner in items (2) through (4).

(7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Stephens	Turner
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

AMENDMENT PROPOSED, CARRIED OVER

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A

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SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (SR-284.JG0005S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

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A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and cultural events, or workforce housing, which must include programs to promote home ownership~~ which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

On motion of Senator BENNETT, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett, Alexander and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

S. 581 -- Senators Hembree, Campsen, McElveen, Goldfinch, Senn, Grooms and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

The Senate proceeded to the consideration of the Bill.

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The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 5

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Massey
Matthews	McElveen	McLeod
Rankin	Reichenbach	Rice
Shealy	Stephens	Turner
Williams	Young	

Total--35

NAYS

Alexander	Malloy	Martin
Peeler	Sabb	

Total--5

The Bill was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn, Hutto and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY

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A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 612 -- Senators Shealy, Gustafson and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SMIN-612.AA0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 63-7-10(C) and inserting:

(C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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The amendment was adopted.

Senator Malloy proposed the following amendment (SMIN-612.AA0003S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 63-7-920(A)(3) and inserting:

(3) The finding must be made no later than forty-five days from the receipt of the report.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

Senator McELVEEN proposed the following amendment (SR-612.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 63-7-10(C) and inserting:

(C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

(D) Beginning September 1, 2023, the department must provide to the General Assembly an annual report that enumerates each case accepted for investigation in which the department failed to comply with the timeframes established in this chapter, the amount of time beyond the timeframes established that the department required to complete the proceeding, and the good cause for the department's inability or failure to comply.

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Turner	Williams
Young		

Total--40

NAYS

Corbin

Total--1

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN

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INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator CLIMER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS

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OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE

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FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES, AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS

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TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO

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PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-549.KM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-1-395(B) and inserting:

(B) During the period of the ~~six-month~~ twelve-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first. The department may provide the person with a fee schedule that shows how much the person may pay every month to satisfy the fees that he owes in a timely manner. The department may allow a person to make payments towards the payment program online. However, the first and final payments must be paid in person at one of the department's branch offices.

Amend the bill further, SECTION 1, by striking Section 56-1-395(E) and (F) and inserting:

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, ~~56-1-120~~, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), ~~56-2-2740~~, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, ~~56-10-270~~, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any ~~three-year~~ two-year period. Once a person has participated in the payment program for a suspension, the person cannot enter into

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another payment program for the same suspension. If the person receives another payment program-qualifying suspension pursuant to subsection (E) while already enrolled in the payment program, the person cannot add the new suspension to the existing payment program. If a person who is currently participating in a payment plan commits a subsequent infraction for which his license is suspended for some period of time, then he may no longer participate in the payment plan for the prior offense.

Amend the bill further, SECTION 5, by striking Section 56-10-520(A)(1) and inserting:

(1) It is unlawful for a A person who owns an uninsured motor vehicle:

Amend the bill further, SECTION 5, by striking Section 56-10-520(1) and (2) and inserting:

~~—(1) licensed in the this State; or~~

~~—(2) subject to registration in the this State;~~

Amend the bill further, SECTION 5, Section 56-10-520, by striking the first undesignated paragraph and inserting:

~~—who operates or permits the operation of that motor vehicle to operate or allow the operation of the uninsured motor vehicle in this State. without first having paid to the director the uninsured motor vehicle fee required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.~~

Amend the bill further, SECTION 5, by striking Section 56-10-520(2) and (3) and inserting:

(2) It is unlawful for a person who is not the owner of an uninsured motor vehicle to operate the uninsured motor vehicle in this State if the person operating the motor vehicle knows that the motor vehicle is uninsured. A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must:

(3) A person who violates subsection (A)(1) or (2) is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined ~~no~~ not less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days, or both;

(b) for a second offense, must be fined two hundred dollars or imprisoned for thirty days, or both; or

(c) for a third or subsequent offense, must be imprisoned for not less than forty-five days nor more than six months.

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(4) Only convictions pursuant to this section which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 56-9-20(1) of the S.C. Code is amended to read:

(1) "Insured motor vehicle": A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item ~~(7)~~(5) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

Amend the bill further, SECTION 7, by striking Section 56-3-210(A)(2) and inserting:

(2) The department, pursuant to this section and with input from temporary license plate distributors, shall establish the design and layout of all temporary license plates to be issued within the State. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

Amend the bill further, SECTION 7, by striking Section 56-3-210(A)~~(4)~~(5)(a) and inserting:

~~—(a) obtain or procure a temporary license plate from any entity other than the department or one of the department's a registered temporary license plate distributors~~distributor; or

Amend the bill further, SECTION 7, by striking Section 56-3-210(B)(1) and inserting:

(B)(1) Only statewide motor vehicle dealer associations in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers may be temporary license plate distributors. Except as otherwise provided in this section, only temporary license plate distributors may sell or distribute temporary license plates.

Amend the bill further, SECTION 7, by striking Section 56-3-210(B)~~(5)~~(C)(1) and (2) and inserting:

~~(5)~~(C)(1) The department is authorized to administer an electronic system for county auditors' offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. The department may contract with ~~vendors~~ third parties to provide service connection between the issuing entities and the department, or may provide the service directly to

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participating entities. Licensed dealers, leasing companies, and other entities participating in the electronic registration and titling program that fail to comply with the program's requirements may be removed from the program by the department.

(2) Third parties contracted pursuant to this section are authorized to produce temporary license plates and temporary vehicle registration transactions on behalf of the department. The department shall develop program terms, conditions, standards, and specifications required for certification. Third parties requesting certification must agree to the terms, conditions, standards, and specifications in order to participate.

Amend the bill further, SECTION 7, by striking Section 56-3-210(E) and inserting:

~~(E) A licensed vehicle dealer or a leasing company of new or used vehicles may issue to the buyer or lessee of a vehicle at the time of its sale or lease a temporary license plate in accordance with subsection (A). The expiration date may not extend beyond forty five days from the date of purchase or lease. Issuing entities may utilize no more than the top upper fifty percent free space on their temporary license plates for dealer or company identification. Traceable temporary license plates from issuing entities that do not utilize the plate for dealer or company identification must include an identifier selected by the department. Third party providers that produce temporary license plates must not charge an additional fee to issuing entities that chose to issue traceable temporary license plates that include the identifier selected by the department. The bottom lower fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department pursuant to Section 56-3-210(A)(4). The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease.~~

Amend the bill further, SECTION 7, by striking Section 56-3-210(H) and inserting:

~~(H) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as required by Section 56-3-110 within forty five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor~~

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~~and, upon conviction, must be fined not more than one hundred dollars. Licensed motor vehicle dealers, leasing companies, and other entities may provide temporary license plates only for items that are purchased from that dealer, company, or entity.~~

Amend the bill further, SECTION 7, by striking Section 56-3-210(J)(1)(a) and inserting:

(a) the actual cost of the license plate plus issuing and printing, as well as standard shipping and handling costs; and

Amend the bill further, SECTION 7, by striking Section 56-3-210(K) and inserting:

~~(K) The department may restrict or revoke the ability to issue temporary license plates for an issuing entity found to be in violation of this section. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease. The bill of sale, title, lease contract, or copy of one these documents must contain a description of the vehicle, the name and address of both the seller and the purchaser of the vehicle, and its date of sale or lease.~~

Amend the bill further, SECTION 11, by striking Section 56-3-2340(A) and inserting:

~~(A) The Department of Motor Vehicles, or its designated agent, may allow—shall require licensed motor vehicle dealers to issue first-time temporary motor vehicle registrations and temporary license plates directly from the dealership. A dealership shall apply to the department upon forms approved and provided by the department. The department may request information necessary to ensure the integrity of the current licensing system. The department may allow or refuse a dealership the right to issue motor vehicle registrations or license plates based upon criteria established by the department. If a dealership previously is denied the privilege to issue registrations and license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates. If in the opinion of the department a bond is necessary to ensure the payment of fees associated with the registering and licensing of a vehicle, the department may require a bond not to exceed the estimated value of new license plates and validation stickers held by the dealership or the department's designated agent. Unless disallowed by the department, any dealership that begins a transaction through a third-party vendor pursuant to Section 56-3-210(C)(2) that provides a service connection between issuing entities and the department must complete the entire transaction, including titling and~~

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registering the vehicle in the same manner. Unless extenuating circumstances apply, at the department's discretion, dealers may not obtain certificates of title, temporary motor vehicle registrations, or temporary license plates from the department's branch offices. A dealership must make attempts to apply to the department electronically, including utilizing digital scans of forms approved and provided by the department.

Amend the bill further, SECTION 12, by striking Section 56-3-214(H) and inserting:

(H) The department is authorized to collect a transaction fee from the quality assurance entity that transmits or retrieves data from the department pursuant to this section. The fee must not exceed five dollars for each transaction. Two dollars and fifty cents of each fee collected pursuant to this subsection These fees must be credited to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The other two dollars and fifty cents of each fee collected pursuant to this subsection shall be retained by the Department of Motor Vehicles and earmarked in an account for the sole purpose of technology modernization. Fees in the account may be carried forward from fiscal year to fiscal year.

Amend the bill further, SECTION 13, by striking Section 8-21-15(B)(8) and inserting:

(8) charges for vendor fees, convenience fees, transaction fees, or other similar fees that allow a person to pay a state agency or contracted vendor on behalf of a state agency for goods, services, fees, or other items through any payment method other than cash;

Amend the bill further, SECTION 14, by striking Section 56-14-30(A), (B), (C), (D), (E), and (F) and inserting:

(A) Before engaging in business as a recreational vehicle dealer in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month ~~twelve~~ thirty-six months from the date of issue, the "licensing period", and must be displayed prominently at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint

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to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)~~(C) A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first ~~make application~~ apply to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses ~~in any one licensing period~~ every twelve months. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

~~(C)~~(D) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

~~(D)~~(E) A person who fails to secure either a temporary or a permanent license as required in this chapter and sells a recreational vehicle is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

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(2) ~~not less than two~~ five hundred dollars ~~or more than one thousand dollars~~ or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~(E)~~(F) For purposes of this section, ~~the~~ each unauthorized sale of each a recreational vehicle where the dealer has not applied for and received a license from the department appropriate for that sale constitutes a separate offense. The Department of Motor Vehicles shall enforce the provisions contained in this section. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing agency shall retain fifty percent of all fines collected pursuant to this section.

~~(F)~~(G) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

Amend the bill further, SECTION 15, by striking Section 56-14-40(B)(2) and inserting:

(2) A new bond or a proper continuation certificate must be delivered—provided to the department annually— every twelve months during the license period before a dealer's license may be renewed. The dealer or surety, or the dealer's or surety's designee, must notify the department of any bond name or address changes during the licensing period. Notice must be provided within thirty days of a change. Proof of the bond and the proper continuation of the bond may be provided to the Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.

Amend the bill further, SECTION 15, by striking Section 56-14-40(B)(6)(c) and inserting:

(c) This subsection does not apply to monies a recreational vehicle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made a bona fide, good faith effort by registered or certified mail, return receipt requested, or by private delivery service acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For purpose of this subsection, the dealer should make a bona fide, good faith effort to refund the monies due to the customer within sixty days of the date of sale.

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Amend the bill further, SECTION 15, by striking Section 56-14-40(E) and inserting:

(E) In the event of a licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the license period or eighteen months after the licensee's death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

Amend the bill further, SECTION 16, by striking Section 56-14-50(4) and inserting:

(4) A recreational vehicle dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of his bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The property adjacent to or within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or within sight of his bona fide established place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this item must provide on the dealer license application the street address of the property adjacent to or the property within sight of his bona fide place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Amend the bill further, SECTION 18, by striking Section 56-15-310(A)(1) and (2) and inserting:

(1) Before engaging in business as a dealer or wholesaler in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires ~~twelve-thirty-six~~ months from the month of issue, ~~the~~ (licensing period), and must be displayed prominently at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one

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place of business of the applicant and is not transferable to another person or place of business ~~except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Before exhibiting and selling motor homes at temporary locations as permitted above, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.~~

(2) During the dealer license application process, the department shall provide any information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(3) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action without regard to the time periods provided in this subsection.

Amend the bill further, SECTION 18, by striking Section 56-15-310(B) and inserting:

(B) A person who fails to secure ~~either a temporary or a permanent~~ license as required in this chapter and facilitates an unauthorized sale of a motor vehicle in violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

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(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars or ~~more than one thousand dollars or~~ imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

Amend the bill further, SECTION 18, Section 56-15-310, by striking the first and second undesignated paragraphs and inserting:

For purposes of this section, the sale of each motor vehicle constitutes a separate offense. For purposes of this section, each instance of an unauthorized sale of a motor vehicle where the dealer has not applied for and received a license from the department appropriate to that sale is conclusively deemed to be a separate and distinct offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

Amend the bill further, SECTION 19, by striking Section 56-15-320(B)(6)(b) and inserting:

(b) This subsection does not apply to monies the dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. The dealer must make a bona fide good faith attempt to refund money due to the customer within sixty days of the date of sale.

Amend the bill further, SECTION 19, by striking Section 56-15-320(E) and inserting:

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the explicit consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a vehicle dealer license under his or her own name and meet all requirements for a licensed vehicle dealer in order to continue operating the business.

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Amend the bill further, SECTION 20, by striking Section 56-15-330(4) and inserting:

(4) A dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of the bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or the property within sight of the bona fide place of business must display the same permanent dealership sign as the bona fide established place of business pursuant to item (2). The property adjacent to or property within sight of the bona fide place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or property within sight of the bona fide place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this subsection must provide on the dealer license application the street address of the adjacent property or the property within sight and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Amend the bill further, SECTION 21, by striking Section 56-15-350(A) and inserting:

(A) Any ~~license~~ licenses in the name of the same applicant issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have refused to comply with, been convicted of, or pleaded nolo contendere to any of the following offenses in this State or another jurisdiction in the United States:

Amend the bill further, SECTION 21, by striking Section 56-15-350~~(e)(3), (d)(4), (e)(5), and (f)(7)~~ and inserting:

— ~~(e)(3) been found by a court of competent jurisdiction to have~~ committed any fraud connected with the sale or transfer of a motor vehicle;

— ~~(d)(4)~~ employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;

— ~~(e)(5) been convicted of any violation of~~violated any law involving the acquisition or transfer of a title to a motor vehicle;

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~~_____ (6) or of any violation of law involving tampering~~tampered with, ~~altering~~altered, or ~~removing~~removed motor vehicle identification numbers or markings;

~~_____ (f)(7) been found by a court of competent jurisdiction to have~~ violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);

Amend the bill further, SECTION 21, by striking Section 56-15-350~~(h)(9)(11)(e)~~ and ~~(f)~~ and inserting:

(e) any crime having an element of identity theft, misuse of another person's identity information, larceny, embezzlement, false statements, falsification of documents, false swearing or dishonest or deceitful dealing; or

(f) a crime having an element of criminal sexual battery or conduct of any type or degree with a minor or an adult;

Amend the bill further, by deleting SECTION 22.

Amend the bill further, SECTION 23, by striking Section 56-37-20(1) and inserting:

(1) "Immediate family" means spouse, parent, stepparent, child, stepchild, sister, brother, grandparent, and grandchild.

Amend the bill further, SECTION 23, by striking Section 56-37-40(A), (B), and (C) and inserting:

(A) There is created a Dealer Sanction Review Board that consists of the Executive Director of the department or his designee, a department employee with expertise in dealer licensing regardless of dealer license type, two non-franchise automobile dealers, and three franchise automobile dealers. All dealers serving on the board must have been in business no less than ten years and be in good standing with the department. The department is responsible for ensuring the board is seated at the beginning of each fiscal year. Unless the board decides otherwise or a board member no longer qualifies to remain on the board, individuals on the board serve for three fiscal years and may serve a maximum of nine consecutive years. The department in conjunction with the board should take efforts to ensure that dealers represent all regions of the State and the sizes of dealerships owned. The two statewide dealer associations shall choose their members. The chairperson shall be elected and rotated between dealer members serving on the board.

(B) Dealers licensed pursuant to this title may contest sanctions provided for in this article by written request to the department no later

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than thirty days after receiving formal notice of the sanctions being levied.

(1) All notices of sanctions are deemed received no later than thirty days after mailing by the department.

(2) No later than sixty days after receiving the written request from the dealer, the board must determine if the sanctions and corresponding points must be posted to the dealer's record as maintained by the department.

(3) No contested sanctions and corresponding points may be posted until the board has made a determination.

(4) The board's decision is considered final unless a dealer files a protest in administrative law court within twenty days of being provided written notice.

(5) The board may decide to decrease the number of points levied for a sanction, but the board may not increase the number of points levied for a sanction beyond those specified in this article.

(C) If a dealer licensed under this title does not contest sanctions within the time period prescribed in subsection (B), the assessed points are effective will be posted to the dealer's record maintained by the department.

Amend the bill further, SECTION 23, by striking Section 56-37-60(A) and inserting:

(A) Any dealer who has accumulated points under the provisions of this article must have the number of points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that the dealer has completed a voluntary course related to the proper licensing of dealers in this State. Before an entity may administer the course, and every three years thereafter, the department must approve the course. Entities offering this course must provide documentation, to the satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

Amend the bill further, SECTION 23, by striking Section 56-37-80(B) and (C) and inserting:

(B) Upon the revocation of a license, the licensee, or his designee, shall immediately return to the department the license and all dealer license plates. The department must revoke the dealer license plates if the plates are not returned to the department.

(C) The department may deny any application for dealer licenses for ten years after notification of the conviction if the applicant is a member of the immediate family as a dealer whose license has been revoked. At the conclusion of the ten-year period, a dealer whose license has been

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revoked may apply to the Dealer Sanctions Review Board to be relicensed. However, upon review of the board, a dealer whose license has been revoked may continue to be denied a dealer license of any type.

Amend the bill further, SECTION 24, by striking Section 56-16-140(A)(1) and inserting:

(1) Before engaging in business as a motorcycle dealer or motorcycle wholesaler in this State, every person must first ~~make application~~ apply to the Department of Motor Vehicles for a license. Every license issued expires ~~twelve~~ thirty-six months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is ~~fifty-one hundred fifty~~ fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

Amend the bill further, SECTION 24, by striking Section 56-16-140(B) and (C) and inserting:

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)~~(C) A person who fails to secure a license as required in this chapter has facilitated an unauthorized sale of a motorcycle and is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars nor more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

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(2) ~~not less than two~~ five hundred dollars nor more than one thousand dollars or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~(D) For purposes of this subsection, the sale of each motorcycle constitutes a separate offense.~~ For purposes of this section, each instance of an unauthorized sale of a motorcycle where the dealer has not applied for and received a license from the department appropriate to the sale is conclusively deemed to be a separate and distinct offense. This provision does not apply to instances where a rightfully licensed retail dealer, pursuant to Chapter 15 of this title, accepts a motorcycle on trade to then sell at his retail location. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

Amend the bill further, SECTION 25, by striking Section 56-16-150(5)(b) and inserting:

(b) This subsection does not apply to monies the motorcycle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For the purposes of this subsection, the dealer should make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

Amend the bill further, SECTION 25, by striking Section 56-16-150(4)(E) and inserting:

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his or her own name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

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Amend the bill further, SECTION 26, by striking Section 56-16-160(4) and inserting:

(4) A motorcycle dealer may use his license to conduct business on property adjacent to or within site of his bona fide established place of business. The property adjacent to or property within sight of his bona fide established place of business is deemed to be contiguous to his bona fide established place of business even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The adjacent property or the property within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the adjacent property must be maintained at the bona fide established place of business pursuant to this section. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license under this item must declare to the department on the dealer license application the street address of the adjacent property or property within sight of his bona fide established place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Amend the bill further, SECTION 28, by striking Section 56-19-370(B) and inserting:

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the department has reason to believe that the dealer did not properly title, or, if applicable, register the vehicle within forty-five days after the sale due to criminal intent, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

(3) If a title is in suspended status, the department must make the information regarding the reason for the suspension available in a timely manner through the third-party provider pursuant to Section 56-3-210.

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(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed the title in suspended status or if a financial institution has not released the lien in a timely manner.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 56-3-180 of the S.C. Code is repealed.

SECTION X. Section 56-3-215 of the S.C. Code is repealed.

SECTION X. Article 29, Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION X. Article 30, Chapter 3, Title 56 of the S.C. Code is repealed.

Amend the bill further, by striking SECTIONS 35 and 36 and inserting:

SECTION 35. Dealers subject to the provisions contained in Section 56-14-50, 56-15-330, or 56-16-160 who maintain business operations on adjacent properties or properties within sight as described in the code section applicable to the dealer but who do not meet the requirements of Section 56-14-50, 56-15-330, or 56-16-160, as applicable to the dealer and as amended by this act may be grandfathered by the Department of Motor Vehicles for the remainder of the license under which the dealer is operating as of the effective date of this act.

SECTION 36. (A) SECTION 1 takes effect twelve months after the approval by the Governor.

(B) SECTION 5 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(C)(1) SECTIONS 8, 9, 10, 11, 12, 30, 31, 32, and 33 take effect eight months after the approval by the Governor, provided that necessary solicitations are awarded in a timely manner in accordance with the State Consolidated Procurement Code.

(2) Section 56-3-214(C), 56-3-214 (D), 56-3-214 (E), 56-3-214 (F), and 56-3-214 (H) take effect ten months after the effective date of SECTIONS 8, 9, 10, 11, and 12.

(D) SECTION 12 takes effect ten months after the effective date for subsection (C).

(E) SECTIONS 14 through 28 take effect on January 1, 2024. Any dealership applying for or renewing a license or operating on a currently issued license on or after January 1, 2024 is subject to the provisions of SECTIONS 14 through 28.

(F) SECTION 29 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

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(G) The remaining SECTIONS of this act, and Section 56-3-214(A), 56-3-214 (B)(1), 56-3-214 (B)(2), 56-3-214 (B)(3), and 56-3-214 (G), take effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-549.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 56-10-240(A) and inserting:

(A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ within five days after the effective date of cancellation or expiration of his liability insurance policy surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

Amend the bill further, SECTION 7, by striking Section 56-3-210(I)(2) and inserting:

(2) an additional five dollars which must be credited to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Amend the bill further, SECTION 7, by striking Section 56-3-210(J)(1)(b) and inserting:

(b) an additional five dollars which must be remitted to the department. The department shall disburse two dollars and fifty cents of each additional five dollars remitted to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167. The remaining two dollars and fifty cents of each additional five dollars remitted shall be disbursed to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Amend the bill further, SECTION 28, by striking Section 56-19-370(B) and inserting:

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling

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agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the department has reason to believe that the dealer knowingly did not properly title, or if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars and imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-350.

(3) If a title is in suspended status, the department must make the information available through the dealer's contracted electronic vehicle registration and titling provider in a timely manner regarding the reason.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed title in suspended status or if a financial institution has not released the lien in a timely manner.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 686 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF ACCOUNTANCY, DESIGNATED AS

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REGULATION DOCUMENT NUMBER 5170, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 687 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, AND R.10-42, DESIGNATED AS REGULATION DOCUMENT NUMBER 5160, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 688 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, AND R.10-41, DESIGNATED AS REGULATION DOCUMENT NUMBER 5157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

ADOPTED

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS

The Resolution was adopted, ordered sent to the House.

ADOPTED

H. 3678 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE CROSSING THE CSX AND NORFOLK SOUTHERN

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RAILROAD TRACKS ALONG BLOSSOM STREET IN THE CITY OF COLUMBIA IN RICHLAND COUNTY “THE HONORABLE L. CASEY MANNING BRIDGE RESPECTED JUDGE AND TRAILBLAZING GAMECOCK” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 3:12 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE SECOND TIME

S. 298 -- Senators Bennett, Turner, Kimbrell, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator DAVIS explained the Bill.

Senator K. JOHNSON spoke on the Bill.

Remarks by Senator KEVIN JOHNSON

Thank you members of the Body. Senator DAVIS, you did a fantastic job of explaining your viewpoint of the Bill. I’m not sure that I agree with everything you said, but I do agree with a lot of what you said. I just wanted to come up here and explain a couple of things. I was on the subcommittee and I listened to the testimony. At the end of the meeting, I really needed more information. Since I have been in this Body, I have never asked to carry a Bill over. Every time anybody has made that same request, I supported it. Somebody said, “Oh, he had his name on the

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Bill,” and yes, I did. I had my name on the Bill because I wanted to carry it over so that I could get more information; however, I didn't get the same respect that others are given when they want to carry a Bill over for additional information. So, yes, I put my name on the Bill, and during that time -- I only had a little bit of time, because they put it on special order so quickly. I met with people and I met with organizations to get more information that I needed on the Bill.

Now let's deal with the elephant in the room. Yes, I work for the Department of Revenue, and I have been working with the Department of Revenue since I was a junior at USC. It is known as the SC Tax Commission. This Bill and my position on this Bill put me against two people who I have the utmost respect for -- which are my former director, twice over, and my current director. They were on different sides and issues, but I made my decision on how I, Kevin Johnson, felt. The Department of Revenue has never tried to influence my vote or tell me how to vote. Any issue that comes up with the Department of Revenue -- I always check with the desk to make sure that I'm not getting myself in a position where I have a conflict -- and on this one I was told that I didn't. I wasn't getting any individual benefit from this Bill.

What I think despite everything that we've heard is that really we're not going to know whether this is a good Bill or not until some of the administrative law court procedures or decisions are made. I want you all to know -- I watch people all the time -- and when there is a perceived conflict, they go and check with the desk to see if they must recuse themselves. I don't like the insinuation, the implication or my integrity being questioned by saying he's doing that because he works for the Department of Revenue. I don't like that, and I don't cast those dispersions on anybody else. I think it is worth repeating one more time. The Department of Revenue has never told me or even implied how I should vote on a Bill. I think it is not a good Bill based on my understanding of the Bill. Nobody in here can say that I went to them and asked them to vote one way or the other on the Bill. I'm more likely going to vote against it, and it will probably pass. I'm glad that everybody will have had the opportunity to vote the way they feel, and I have no problem with that. Again, the only reason I put my name on the Bill was for more time to talk to people about the Bill and there are people who will verify that I contacted them and met with them. I asked them to tell me why this is a good Bill or a bad Bill. I read the Bill several times -- and it said fiscal impact \$80 million to corporate income tax revenue -- which I think right now stands at about 500 million. That was not the only reason why I don't like the Bill. I kind of stated why and I'm

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not going to repeat that, but I do resent the implication that I'm voting the way I vote because of the Department of Revenue. Everyone here knows that I don't take things personally. I just want to have my vote and after that I'm fine. Thank you Mr. PRESIDENT for giving me the opportunity to express my thoughts and to clarify things.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator K. JOHNSON were ordered printed in the Journal.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 6; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Setzler
Shealy	Turner	Williams
Young		

Total--34

NAYS

Kimpson	Matthews	McLeod
Sabb	Scott	Stephens

Total--6

ABSTAIN

Johnson, Kevin

Total--1

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There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eddie Berry, Jr. of Orangeburg, S.C. Eddie was a graduate of Denmark Technical College and became a master brick mason. He was a corrections officer at Lieber Correctional and taught brick masonry at Kirkland Correctional and Thunderbolt Career and Technology Center. Eddie loved his family and traveling. Eddie was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 4:14 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 30, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Daniel 12:3

The Book of Daniel reminds us that: “Those who are wise shall shine like the brightness of the sky, and those who lead many to righteousness like the stars forever and ever.”

Join your heart with mine as we pray, please: Most holy God, South Carolina has long been blessed with women and men who have served in many significant arenas through the ages, carrying out their duties effectively and well. It should go without saying that we are all so very grateful to these individuals for their many, many gifts, for all that they have done which has contributed to making our State a better place for all of us. And today we continue to praise every Senator currently serving in this place, O Lord. May You so bless and inspire and strengthen each one of these modern-day leaders as they now guide us through the various challenges that the world confronts us with today. Help them also, Lord, to “shine like the brightness of the sky.” And as always, to You, dear Lord, be the glory. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:03 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Turner	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Roosevelt Jenkins, 1328 Adnah Church Road, Islandton, SC 29929-5220

Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501-8442

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tony Anthony Foster, 105 Creekside Court, Greenwood, SC 29649-9540 *VICE* Belinda Strong

Reappointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H2, Greenwood, SC 29649-8977

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley Stewart Melton, 139 East Main Street, Suite B, Lexington, SC 29072-4128

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Doctor of the Day

Senator VERDIN introduced Dr. Amanda Davis and Dr. Taylor Haines of Anderson, S.C., Doctors of the Day.

Leave of Absence

On motion of Senator SABB, at 12:13 P.M., Senator STEPHENS was granted a leave of absence for today.

Leave of Absence

On motion of Senator McELVEEN, at 12:14 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HEMBREE, at 12:16 P.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator MASSEY, at 12:48 P.M., Senator CORBIN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks by Senator SABB

Members, I won't be long, but did I want to have a quick conversation this morning about a Bill that was heard in subcommittee, full committee, and was read across the desk yesterday. It's a Bill that we're all familiar with. One that I think we've all given some thought and perhaps some conversation to. It's a Bill that's commonly referred to as the Hate Crime Bill.

I would like to share a thought or two this morning. I had the privilege of being the chairperson of the subcommittee, and I will tell you all that the testimony that came before us was compelling for several reasons. What became clear to me after listening to the testimony in subcommittee, witnessing the votes, then going to full committee, having a discussion, and witnessing the votes -- what became clear to me is that there is not a unanimous consensus on the Bill and its contents. I've got nothing but respect and appreciation for that because the reality is, all of us don't see everything the same way.

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The other take away I had was that there is the kind of work on the legislation that the Senate has performed marvelously, time after time after time. Therefore, what I'm asking is those of you who may have differing opinions as to what the final production would look like -- let's give the Senate an opportunity to do its work. Let's give the Senate a channel to weigh in -- a chance to weigh in on the legislation and see whether we can't perfect it in such a way that allows us to walk away from the discussion and the vote feeling like we've accomplished something. Someone said, years ago, don't allow the perfect to get in the way of the good. I don't believe that we will end up with a perfect product, but I believe we will end up with a good product. However, it can only happen if we all decide that we will allow the process to work.

I've had what I consider to be candid conversations with many of you in the Body, and I note where you stand, based on what you've said to me. Again, I embrace what you say with a deep appreciation because I know that you would not be here if you didn't represent something special in the State. I'll never forget in my early years of being in the Senate and I can't remember who it was, but somebody said, "You know, we are forty-six and we represent five million." You know I love this series called the Matrix, and the star is referred to as what? The one. I think in a lot of ways, the forty-six of us represent, guess what? The one. Together we make up the South Carolina Senate, an institution that I believe every single one of us have an incredible amount of appreciation for. Although, I will tell you all and I'm going to mention one thing in specifics that came up in the full judiciary discussion.

The question was raised, what about our elderly? Should we add additional protection for our elderly in the Hate Crime Bill? Those I believe are discussions that we need to have while the legislation is being debated. As I slept on our discussion -- and I take what is said in committee meetings and subcommittee meetings, I mean I take it to heart. I said to myself I don't know the answer to that, but what I do know is that there was no testimony in the subcommittee that hate is being spewed towards our elderly. I mean there was zero testimony along those lines. That doesn't mean it's not an issue that is worthy of debate, it just means that's one that wasn't fleshed out in the subcommittee hearing. What was fleshed out in the subcommittee hearing was that the Jewish Federation does a study every year, and they measure hate as it relates to that -- as it relates to that specific portion of our community. It's telling that in the last year, there's been a 191% increase in what is happening in that community along the lines of hate. What is interesting to me, and I believe Senator GOLDFINCH, although he is not here, he is aware of

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this -- in the Pawley's Island community, there are some subdivisions where hate mail -- just like in the olden days where you throw the newspaper on people's doorsteps. There are members of the Jewish community that have been identified in those communities and they throw hate mail on their doorsteps. The gentleman who testified, and I apologize for not remembering his name, but he identified the groups that are in South Carolina that are promoting it. My second point, and Ms. Polly Shepherd made this one -- she said, "The United States of America is a great Nation, and that the State of South Carolina is a great State." She gave riveting testimony about her experience that night although I'm not going to go into that. She said something else that struck me. You know Ms. Polly is like my grandma used to say -- she is not a spring chicken. I mean she has lived a number of years and has acquired a lot of wisdom as a result of her walk in life. She said that there are eighty-four militia groups in our State that are promoting that kind of divisive behavior. Her call to us was, as great as we are -- we ought to be able to do this.

Nonetheless, I conclude with this point, I've heard from this well several of our members who represent the leadership of this institution who said that the Senate can do big things, that we have the capacity to do big things. I submit to you all, at this point in our history where we are one of only two states that does not have a Hate Crime Bill -- I submit there are few things bigger that we ought to challenge ourselves to do. I intend to personally have conversations with members of this Body. I'd ask that you would please ma'ams and sirs give me the courtesy of at least a conversation in order that we might talk about bringing the Bill to the floor. I believe that my colleagues who have taken the well before and have talked emphatically about our ability to do big things -- I believe what they said is true. I would just ask that we view this as being one of the big things that we are capable of doing. Will it be perfect? No. I don't know that much that we do is. Nevertheless, I would implore us to not allow the perfect to get in the way of the good. Thank you, members, and thank you, Mr. PRESIDENT.

On motion of Senator ALLEN, with unanimous consent, the remarks of Senator SABB were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 269 Sen. Gambrell

S. 284 Sen. Sabb

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- S. 423 Sens. Verdin, Fanning, Gustafson, Goldfinch and Shealy
S. 303 Sens. Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb
Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and
McLeod
S. 566 Sen. Malloy
S. 588 Sen. Fanning

RECALLED AND ADOPTED

S. 629 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO HONOR THE IMPORTANT WORK BEING DONE TO COMBAT CHILD ABUSE, AND TO DECLARE APRIL 4, 2023, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services.

Senator SHEALY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator SHEALY, the Resolution was adopted and ordered sent to the House.

RECALLED

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE

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ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 696 -- Senator Kimpson: A SENATE RESOLUTION TO RECOGNIZE GEORGE SINK FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0294km-vc23.docx : 0d03c92a-3093-4b08-adc2-d0b271f3ba71

The Senate Resolution was adopted.

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S. 697 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO DEVELOP A MARINE RECREATIONAL OFFSHORE HARVEST DATA COLLECTION PROGRAM TO CONSERVE MARINE FISHERIES WHILE ENSURING SOUTH CAROLINIANS AND THOSE WHO VISIT OUR COAST EACH YEAR HAVE ACCESS TO OUR PUBLIC TRUST RESOURCES.

lc-0252ph-ph23.docx : 0a7ae97d-9cd0-4d5f-a3e9-74df9f1b19d3

The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

S. 698 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0287wab-rt23.docx : 100919ad-ea75-49b3-b28d-5597889911f7

Read the first time and ordered placed on the Calendar without reference.

S. 699 -- Senator Loftis: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF MARTIN O'CONNOR, MEMBER OF THE BOARD OF THE CHARTER INSTITUTE OF ERSKINE, AND TO WISH HIM A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

lc-0293sa-jn23.docx : deefca2b-5c55-4f59-9a3d-543af37ff39b

The Concurrent Resolution was adopted, ordered sent to the House.

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

lc-0114ha23.docx : 61979fde-1e22-46ff-aac9-840acc35ff19

Read the first time and referred to the Committee on Labor, Commerce and Industry.

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S. 701 -- Senator Kimpson: A SENATE RESOLUTION TO RECOGNIZE APRIL 2023 AS "ALCOHOL RESPONSIBILITY MONTH" IN SOUTH CAROLINA.

sr-0356km-hw23.docx : a9d99b4d-deb1-42ee-875b-78b5ac5f0018

The Senate Resolution was introduced and referred to the Committee on Judiciary.

H. 3295 -- Reps. Collins, Erickson, Bradley and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-210 SO AS TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59-39-290 SO AS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT, ESTABLISH, AND PROMULGATE NECESSARY RULES AND REGULATIONS; BY ADDING SECTION 59-19-360 SO AS TO PROVIDE A PROCESS FOR THE EXEMPTION OF COMPETENCY-BASED SCHOOLS FROM CERTAIN APPLICABLE LAWS AND REGULATIONS, TO PROVIDE REQUIREMENTS FOR IMPLEMENTING COMPETENCY-BASED EDUCATION IN SCHOOLS, AND TO PROVIDE RELATED REQUIREMENTS FOR THE STATE DEPARTMENT OF EDUCATION AND THE COMMISSION ON HIGHER EDUCATION; BY AMENDING SECTION 59-1-425, RELATING TO THE STATUTORY ANNUAL SCHOOL CALENDAR, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59-39-100, RELATING TO REQUIRED UNITS FOR A HIGH SCHOOL DIPLOMA, SO AS TO MAKE CONFORMING CHANGES.

lc-0106wab23.docx : 692bfla7-8db4-44b4-960b-b7d005158d82

Read the first time and referred to the Committee on Education.

H. 3682 -- Reps. Murphy, Wetmore, Bailey, Rose, Crawford, Brewer, Taylor, Hardee, Wooten, Pope, McDaniel, Hewitt, Bauer, Yow, J. E. Johnson, Willis, Ligon, Lawson, Robbins, Schuessler, Guest, Henegan, Williams, M. M. Smith and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING

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SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

lc-0114ph23.docx : 147819d0-5195-4933-8471-bd6488f37329

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

lc-0042ha23.docx : 03da36c2-b7fa-4818-ac4e-68b864f405c9

Read the first time and referred to the Committee on Judiciary.

H. 3843 -- Reps. Erickson, Bradley, W. Newton, Hager, Ballentine, Elliott, Caskey, Wooten, Bannister, Herbkersman, Willis, M. M. Smith and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-25 SO AS TO PROVIDE AN OPEN ENROLLMENT OPTION IN PUBLIC SCHOOLS; BY AMENDING SECTIONS 59-63-30 AND 59-63-32, RELATING TO REQUIREMENTS FOR PUBLIC SCHOOL ENROLLMENT AND PENALTIES FOR PROVIDING FALSE INFORMATION, AND SECTION 59-63-480, RELATING TO ATTENDANCE AT SCHOOLS IN ADJACENT COUNTIES, ALL SO AS TO MAKE CONFORMING CHANGES; AND BY REPEALING SECTION 59-63-500 RELATING TO TRANSFER WITHOUT CONSENT OF SCHOOL DISTRICT OF RESIDENCE.

lc-0180wab23.docx : 5b56747a-b9f4-47db-9d75-d13715af16d3

Read the first time and referred to the Committee on Education.

H. 3951 -- Reps. Haddon, G. M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

lc-0178ph23.docx : f3e6e182-4e18-4943-abb7-10558d694238

Read the first time and referred to the Committee on Agriculture and Natural Resources.

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H. 3952 -- Reps. G. M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M. M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

lc-0150dg23.docx : b2d78263-2166-44dc-a559-7bcd4e7f6f80

Read the first time and referred to the Committee on Banking and Insurance.

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

lc-0190ph23.docx : fe7af73d-e751-4fed-814c-f96f4d8cfca3

Read the first time and referred to the Committee on Banking and Insurance.

H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN

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DORCHESTER COUNTY "LAVEL 'TYLER' NORMAN DAVIS, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0237cm-gt23.docx : 1ffe013d-1087-4ee4-9068-95619166042b

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4066 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 7-9-80 AND 7-9-100, RELATING TO THE COUNTY AND STATE CONVENTIONS OF A POLITICAL PARTY, RESPECTIVELY, SO AS TO CHANGE THE FORMULA FOR DETERMINING HOW MANY DELEGATES EACH COUNTY MAY ELECT TO THE STATE CONVENTION; BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A BOND WITH SURETY, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; AND BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES.

lc-0160hdb23.docx : 3ccb09b3-d915-4223-bbed-bd55bcb25b13

Read the first time and referred to the Committee on Judiciary.

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H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT UNIT" WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

lc-0257cm23.docx : 0312c03f-fc8d-4f95-b80c-eb97502f2403

Read the first time and referred to the Committee on Judiciary.

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 27, 2023, AS "BOULINEAU'S IGA HERITAGE DAY" IN SOUTH CAROLINA

lc-0189hdb-gm23.docx : 21309fd6-275f-43bd-94e5-d1102e739eba

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

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H. 4235 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO HONOR DAVID M. BEASLEY ON THE OCCASION OF THE CONCLUSION OF HIS SERVICE AS EXECUTIVE DIRECTOR OF THE UNITED NATIONS WORLD FOOD PROGRAMME, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MAY 3, 2023.

lc-0150ahb-ahb23.docx : 54274990-e40e-48e1-817d-3e9b0c498e49

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4237 -- Reps. Felder, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

lc-0231vr-rm23.docx : 1d4a690b-16a8-41d6-9be1-220bfe4c084c

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

Appointment Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

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Statewide Appointment

Initial Appointment, South Carolina Department of Employment and Workforce, with term coterminous with the Governor

Director:

William H. Floyd III, 129 Forbidden Lane, Lexington, SC 29072-9331
VICE G. Daniel Ellzey

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn, Campsen and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (SR-284.JG0005S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

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(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and cultural events, or~~ workforce housing, which must include programs to promote home ownership which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

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Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator BENNETT proposed the following amendment (SR-284.JG0006S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include fifty percent of the programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and~~ cultural events, or workforce housing, which must include fifty percent of the programs to promote home ownership which fulfill the

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purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators DAVIS and BENNETT proposed the following amendment (SR-284.JG0018S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(ix) and inserting:

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established

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pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, by striking Section 6-4-15 and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities, all of which must fulfill the purpose of this chapter, for civic activities, the arts, ~~and~~ cultural events, or workforce housing that includes programs to promote home ownership, which fulfill the purpose of this chapter.—The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 4, Title 6 of the S.C. Code is amended by adding:

Section 6-4-12. (A) If a local government intends to use the funds for the development of workforce housing, then the local government shall prepare a housing impact analysis prior to giving second reading to the ordinance.

(B) The analysis required by subsection (A) must include:

(1) information about the effect of the ordinance on housing, including the effect of the ordinance on each of the following:

(a) the cost of developing, construction, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings;

(b) the purchase price of new homes or the fair market value of existing homes;

(c) the cost and availability of financing to purchase or develop housing;

(d) housing costs; and

(e) the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and

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(2) an analysis of the relative impact of the ordinance on low- and moderate-income households.

(C) The following applies to information on housing costs required to be included in the analysis conducted pursuant to subsection (B)(1)(d):

(1) the analysis must include reasonable estimates of the effect of the ordinance on housing costs, expressed in dollar amounts. The local government shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the local government determines that it is not possible to make an estimate expressed in dollar amounts, then the analysis must include a statement setting forth the reasons for the local government's determination; and

(2) the analysis must include descriptions of both the immediate effect and, to the extent ascertainable, the long-term effect of the ordinance on housing costs.

(D) Except as otherwise provided in this section, a housing impact analysis required pursuant to this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median-priced single-family residence. However, the analysis may include estimates for larger developments as part of an analysis of the long-term effects of the ordinance.

(E) A local government may request information from any state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis pursuant to this section.

(F) The local government shall provide the housing impact analysis for an ordinance to the members of the legislative body of the local government, the Department of Revenue, and the Tourism Expenditure Revenue Committee before the ordinance is considered by the legislative body. The Department of Revenue may not disburse any hospitality or accommodations taxes to the local government for purposes of development of workforce housing unless and until the local government has provided the housing impact analysis to the parties required pursuant to this subsection.

SECTION X. Section 6-4-5 of the S.C. Code is amended to read:

Section 6-4-5. As used in this chapter:

(1) "County area" means a county and municipalities within the geographical boundaries of the county.

(2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the

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cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.

(3) “Hospitality”, as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.

(4) “Travel” and “tourism” mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

(5) “Housing costs” for housing occupied by the owner means:

(a) the principal and interest on a mortgage loan that finances the purchase of the housing;

(b) the closing costs and other costs associated with a mortgage loan;

(c) mortgage insurance;

(d) property insurance;

(e) utility-related costs;

(f) property taxes; and

(g) if the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.

(6) “Housing costs” for rented housing means:

(a) rent; and

(b) utility-related costs, if not included in the rent.

(7) “Ordinance” means an ordinance adopted pursuant to Section 6-29-530.

(8) “Utility-related costs” means costs related to power, heat, gas, light, water, and sewage.

(9) “Workforce housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-1-710 of the S.C. Code is amended by adding:

(4) “Workforce housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the

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median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-1-510 of the S.C. Code is amended by adding:

(4) “Workforce housing” means residential housing for rent or sale that is reasonably and appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-29-510(D)(6) of the S.C. Code is amended to read:

(6) a housing element which considers location, types, age, and condition of housing, owner and renter occupancy, and affordability of housing. This element includes an analysis to ascertain nonessential housing regulatory requirements, as defined in this chapter, that add to the cost of developing affordable housing but are not necessary to protect the public health, safety, or welfare and an analysis of market-based incentives that may be made available to encourage development of affordable housing, which incentives may include density bonuses, design flexibility, and streamlined permitting processes. The planning commission must solicit input for this analysis from homebuilders, developers, contractors, and housing finance experts when developing this element;

SECTION X. (A) There is created the Land Development Study Committee to examine current and prospective methods to plan for and manage land development in South Carolina.

(B) The study committee must be comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House. Staff from the Senate and House of Representatives shall assist the study committee.

(C) The members of the study committee shall seek assistance from governmental agencies including the South Carolina Building Codes Council, the South Carolina Housing Authority, and the South Carolina Department of Agriculture, and from members of the private sector including, but not limited to, the Homebuilders Association of South Carolina, the South Carolina Association of Habitat for Humanity, the Realtors Association of South Carolina, the Municipal Association of South Carolina, the South Carolina Association of Counties, South

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Carolina Land Trust, Conservation Voters of South Carolina, and the South Carolina Chapter of the American Planning Association.

(D) The study committee shall provide a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 6

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Matthews
McElveen	McLeod	Peeler
Rankin	Sabb	Scott
Setzler	Turner	Williams
Young		

Total--34

NAYS

Gustafson	Martin	Massey
Reichenbach	Rice	Verdin

Total--6

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

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READ THE THIRD TIME
SENT TO THE HOUSE

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS IN CHAPTER 1, TITLE 56, TO REVISE THE PROCESS FOR DRIVER'S LICENSE SUSPENSIONS AND REINSTATEMENTS; BY AMENDING VARIOUS SECTIONS IN CHAPTER 10, TITLE 56 TO REVISE THE REQUIREMENTS FOR MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST PENALTIES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING VARIOUS SECTIONS IN CHAPTER 3, TITLE 56, TO RESTRUCTURE THE MANNER IN WHICH TEMPORARY LICENSE PLATES ARE ISSUED TO A MOTOR VEHICLE PURCHASER; TO AMEND VARIOUS CHAPTERS IN TITLE 56 AND TITLE 8 TO REVISE THE REQUIREMENTS FOR LICENSED DEALERS OF RECREATIONAL VEHICLES, MOTOR VEHICLES, AND MOTORCYCLES AND THE PROCEDURES FOR TITLING AND REGISTERING A VEHICLE. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach

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Rice	Sabb	Scott
Setzler	Shealy	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

OBJECTION

S. 303 -- Senators Shealy, McElveen, Gustafson, Talley, Davis, Adams, Kimbrell, Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb, Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Senator CAMPSSEN objected to further consideration of the Bill.

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AMENDED, OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE

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IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

The Senate proceeded to the consideration of the Bill.

Senators MALLOY and GROOMS proposed the following amendment (SR-3518.JG0029S), which was adopted:

Amend the bill, as and if amended, SECTION 28, by striking Section 56-19-370(B)(2) and inserting:

(2) If the department has reason to believe that the dealer knowingly did not properly title, or, if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

Re-number sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator MATTHEWS objected to further consideration of the Bill.

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POINT OF ORDER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young and Grooms: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S):

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

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Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

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Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General

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Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

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(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities, or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road, or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?”

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Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

Point of Order

Senator SETZLER raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 146 -- Senators Shealy, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN

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EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY

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GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-146.BM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-48-30(13)(a) and inserting:

(a) a licensed psychiatrist or psychologist; or

Amend the bill further, SECTION 3, by striking Section 44-48-40(B) and inserting:

(B) If a person has been convicted of a sexually violent offense and the Board of Probation, Parole and Pardon Services or the Board of Juvenile Parole intends to grant the person a parole or the South Carolina Department of Corrections or the Board of Juvenile Parole intends to grant the person a conditional release or supervised reentry, ~~then~~ the parole, ~~or the conditional release, or supervised reentry~~ must be granted to be effective one hundred eighty days after the date of the order of parole, ~~or conditional release, or supervised reentry~~. The Board of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the South Carolina Department of Corrections immediately must send notice of the parole, ~~or conditional release, or supervised reentry~~ of the person to the multidisciplinary team, the victim, and the Attorney General. If the person is determined to be a sexually violent predator pursuant to this chapter, ~~then~~ the person is subject to the provisions of this chapter even though the person has been released on parole, ~~or conditional release, or supervised reentry~~. If at any time the person is determined to not be a sexually violent predator pursuant to this chapter, then the person shall be released pursuant to the order granting parole, or the order for conditional release or supervised reentry.

Amend the bill further, SECTION 5, by striking Section 44-48-80(D) and inserting:

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(D) If the probable cause determination is made, then the court must direct that, upon completion of the criminal sentence, the person must be transferred to a local or regional detention facility pending the conclusion of the proceedings under this chapter. The court must further direct that the person be transported to an appropriate facility of the South Carolina Department of Mental Health for an evaluation as to whether the person is a sexually violent predator and must order the person to comply with all reasonable testing and assessments deemed necessary by a court-appointed qualified evaluator. The evaluation must be conducted by a qualified expert appointed by the court at the probable cause hearing. The ~~expert~~ court-appointed qualified evaluator must complete the evaluation within ~~sixty~~ ninety days after the Department of Mental Health provides written certification to the Attorney General's Office and the person's legal counsel that it has received all medical, psychological, criminal offense, and disciplinary records and reports concerning the person but not greater than one hundred eighty days after the probable cause order is filed ~~completion of the probable cause hearing.~~ The court may grant one extension upon the request of the court-appointed qualified evaluator ~~expert~~ and a showing of good cause. ~~Any further extensions only may be granted for extraordinary circumstances. After the evaluation by the court-appointed qualified evaluator, if the person or the Attorney General seeks an independent evaluation by an independent qualified evaluator, pursuant to Section 44-48-90(C), then that evaluation must be completed within ninety days after receipt of the report by the court-appointed qualified evaluator. The court may grant an extension upon the request of the independent qualified evaluator and a showing of extraordinary circumstances. Any qualified evaluator who will be submitted as an expert at either a hearing or trial must submit a written report available to both parties.~~

Amend the bill further, SECTION 6, by striking Section 44-48-90(C) and inserting:

~~(C) Upon receipt of the evaluation issued by the court appointed expert as to whether the person is a sexually violent predator pursuant to Section 44-48-80(D), the person or the Attorney General may retain a qualified expert to perform a subsequent examination. If the court appointed qualified evaluator determines that the person is not a sexually violent predator, then the Attorney General, with notice to the person, may seek an independent evaluation pursuant to this section. If the court appointed qualified evaluator determines that the person is a sexually violent predator, then the person, with notice to the Attorney General, may seek an opinion by an independent qualified evaluator pursuant to this section.~~

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~~All examiners are permitted to have reasonable access to the person for the purpose of the examination, as well as access to all relevant medical, psychological, criminal offense, and disciplinary records and reports. In the case of an indigent person who requests would like an independent qualified evaluator expert of his own choosing, the indigent person must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs court must determine whether the services are necessary. The Attorney General shall have ten days from the date of service to file a response to the motion. If the court determines that the services are necessary and the expert's requested compensation for the independent qualified evaluator services is reasonable, then the court must assist the person in obtaining the authorize, in a written order prior to any fees or expenses being incurred, the person's attorney to obtain the services of an independent qualified evaluator expert to perform an evaluation examination or participate in the trial on the person's behalf and must authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are permitted to have reasonable access to the person for the purpose of the evaluation, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports. The court shall order must approve payment for the services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person to comply with any reasonable testing and assessments deemed necessary by the qualified evaluator for a thorough evaluation, and compensation received in the case or for the same services from any other source.~~

Amend the bill further, SECTION 8, by striking Section 44-48-110(A)(2) and inserting:

(2) The designated qualified evaluator's report must be provided to the clerk of the court in the jurisdiction that committed the resident pursuant to this chapter, the Attorney General, the solicitor who prosecuted the resident, and the resident. The resident is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel designated by the Office of Indigent Defense to handle sexual predator cases to assist the person.

Amend the bill further, SECTION 8, by striking Section 44-48-110(B) and (C) and inserting:

(B) The resident person may retain or, if the resident person is indigent and so requests, the court may appoint a qualified evaluator expert to evaluate examine the resident person, and the resident's qualified

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evaluator expert must have reasonable access to all medical, psychological, criminal offense, and disciplinary, and treatment records and reports concerning the resident person. In the case of an indigent resident who seeks to retain a qualified evaluator, the indigent resident must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs. The Attorney General shall have ten days from the date of service to file a response to the motion. If, after considering the number and dates of the resident's prior requests for funding, the court determines the resident's request is reasonable, then the court must approve all reasonable expenses associated with the evaluation.

(C) The annual report must be provided to the court which committed the person pursuant to this chapter, the Attorney General, the solicitor who prosecuted the person, and the multidisciplinary team. The court must conduct an annual hearing to review the status of the committed person. The committed person is not prohibited from petitioning the court for release at this hearing. The Attorney General must serve upon the resident a copy of the annual report along with a notice of the right to request a hearing within sixty days of service. The resident must request a hearing in writing for the court to review the resident's status. If no request is made within sixty days of service, the resident's right to a hearing pursuant to this chapter is deemed waived.

Amend the bill further, SECTION 8, by striking Section 44-48-110(F) and inserting:

(F) If the court determines that probable cause exists to believe that the resident's person's mental abnormality or personality disorder has so changed that the resident person is safe to be at large and, if released, is not likely to commit acts of sexual violence, the court must schedule a trial on the issue. At the trial, the resident committed person is entitled to be present and is entitled to the benefit of all constitutional protections that were afforded the resident person at the initial commitment proceeding. The Attorney General must notify the victim of all proceedings. The Attorney General must represent the State and has the right to have the resident committed person evaluated by a qualified evaluator experts chosen by the State. The trial must be before a jury if requested in writing by either the resident person, the Attorney General, or the solicitor. If no request is made, the trial must be before a judge in the county where the offense was committed. The resident committed person also has the right to have a qualified evaluator experts evaluate the resident person on the resident's person's behalf, and the court must appoint an a qualified evaluator expert if the resident person is indigent

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and requests the appointment. The burden of proof at the trial is upon the State to prove beyond a reasonable doubt that the resident's ~~committed person's~~ mental abnormality or personality disorder remains such that the resident ~~person~~ is not safe to be at large and, if released, is likely to engage in acts of sexual violence.

Amend the bill further, SECTION 9, by striking Section 44-48-115(B) and inserting:

(B) Petitions shall be filed in the original jurisdiction of the South Carolina Supreme Court under the South Carolina Appellate Court Rules within one hundred eighty days of the date that any appeals from the commitment or periodic review proceedings are final. Upon the receipt of the petition, the Clerk of Court of the Supreme Court shall issue an order designating a circuit court or appellate court judge as a referee to make appropriate findings of fact and conclusions of law and shall report the findings and conclusions to the Supreme Court. The designated judge shall have the statewide authority to issue orders as necessary.

Amend the bill further, SECTION 9, by striking Section 44-48-115(E) and inserting:

(E) Upon the filing of a petition alleging that the resident is indigent and desires appointed counsel, the designated judge shall appoint an attorney to represent the resident. Counsel shall be appointed from the contract attorney list of post-conviction counsel maintained by the South Carolina Commission on Indigent Defense, or such other list of attorneys as the Executive Director of the South Carolina Commission on Indigent Defense shall designate. If no attorney is available from this list, then the designated circuit court judge shall appoint an attorney from the Appointment of Lawyers for Indigents. The designated judge shall not appoint an attorney who previously represented the resident in any prior criminal proceedings underlying the commitment or state post-conviction relief proceedings or appeals from those proceedings, in the original sexually violent predator civil commitment proceeding or appeal from that proceeding, or in any previous or present periodic reviews or appeals therefrom.

Amend the bill further, SECTION 9, by striking Section 44-48-115(I) and inserting:

(I) Within thirty days of an assignment, the designated judge shall issue a scheduling order, including a discovery schedule, and shall set a hearing within not more than one hundred eighty days from the filing of the petition. A final report to the Supreme Court shall be submitted within thirty days from the conclusion of the hearing, including findings of fact and conclusions of law supporting the designated judge's

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recommendation. This does not preclude the designated judge from recommending to the Supreme Court that the petition be denied on the basis of the pleadings without a hearing. The recommendation shall set forth the basis for dismissal.

Amend the bill further, SECTION 10, by striking Section 44-48-120(B) and inserting:

(B) The court, upon receipt of the petition for release filed pursuant to subsection (A), must order a hearing within thirty days unless the Attorney General, with notice to the resident, requests an examination evaluation by a qualified expert evaluator as to whether the petitioner's resident's mental abnormality or personality disorder has so changed that the resident petitioner is safe to be at large and, if released, is not likely to commit acts of sexual violence, or the resident petitioner or the Attorney General requests a trial before a jury. The Attorney General must represent the State and has the right to have the petitioner resident examined by a qualified expert evaluator chosen by the State. If the Attorney General retains a qualified expert who concludes that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and, if released, is likely to commit acts of sexual violence, the petitioner may retain a qualified expert of his own choosing to perform a subsequent examination. In the case of an indigent petitioner who would like an expert of his own choosing, the court must determine whether the services are necessary. If the court determines that the services are necessary and the expert's requested compensation for the services is reasonable, the court must assist the petitioner in obtaining the expert to perform an examination or participate in the hearing or trial on the petitioner's behalf. The court must approve payment for the services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the petitioner, and compensation received in the case or for the same services from any other source. request an independent qualified evaluator, the indigent petitioner must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs for the evaluator. If the court determines that the services are necessary and the requested compensation is reasonable, then the court must authorize, in written order prior to any fees or expenses being incurred, the petitioner's attorney to obtain the services of an independent qualified evaluator to perform an evaluation or participate in the trial on the petitioner's behalf and authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are

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permitted to have reasonable access to the resident for the purpose of the examination, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports, and the court shall order the resident to comply with any reasonable testing and assessments deemed necessary by a qualified evaluator. The burden of proof is upon the Attorney General to show beyond a reasonable doubt that the resident's~~petitioner's~~ mental abnormality or personality disorder remains such that the resident~~petitioner~~ is not safe to be at large and, that if released, is likely to commit acts of sexual violence.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

S. 146--Ordered to a Third Reading

On motion of Senator HUTTO, S. 146 was ordered to receive a third reading on Friday, March 31, 2023.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley, Davis, Grooms and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT”; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY’S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY’S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-566.MF0004S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 61-4-1515(A) and (B) and inserting:

(A) A brewery permitted in this State is authorized to sell beer to consumers on its permitted premises, provided that the beer is brewed on the permitted premises with an alcoholic content of twelve percent by weight, or less, subject to the following conditions:

(1) sales to consumers must be held in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises; beer sold for on-premises consumption must be produced by the brewery on its permitted premises or transferred to the brewery, subject to the following conditions: (a) the transferring and receiving breweries operate under one hundred percent identical ownership, and (b) the annual volume of beer received by a brewery does not exceed the annual volume of beer produced by such brewery on its permitted premises;

(2) sales to consumers must be held in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

(3) sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty-one;

(4)(a) no more than a total of forty-eight ounces of beer brewed at or transferred to the permitted premises shall be sold to a consumer for on-premises consumption within a twenty-four hour period; -and

(b) of that forty-eight ounces of beer available to be sold to a consumer within a twenty-four hour period, no more than sixteen ounces of beer with an alcoholic weight of above eight percent, including any samples offered and consumed with or without cost, shall be sold to a consumer for on-premises consumption within a twenty-four hour period;

(5) a brewery must develop and use a system report in a manner required by the department to monitor the amounts, and types, and brewing locations of beer sampled or sold to a consumer for on-premises consumption;

(6) a brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located;

(7) a brewery must remit appropriate taxes to the department Department of Revenue for beer sales in an amount equal to and in a

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manner required for excise taxes assessed by the department. A brewery also must remit appropriate sales and use taxes and local hospitality taxes;

~~(7)~~(8) a brewery must post information that states the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for:

- (a) driving under the influence;
- (b) unlawful transport of an alcoholic container; and
- (c) unlawful transfer of alcohol to minors.

And, the information shall be in signage that must be posted at each entrance, each exit, and in places in a brewery seen during a tour;

~~(8)~~(9) a brewery must provide department or DAODAS approved alcohol enforcement training for the employees who serve beer on the permitted premises to consumers for on-premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of beer by persons who are under the age of twenty-one or who are intoxicated; and

~~(9)~~(10) a brewery must maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is permitted. Within ten days of receiving its biennial permit, a brewery must send proof of this insurance to the State Law Enforcement Division and to the Department of Revenue, where the proof of insurance information shall be retained with the department's alcohol beverage licensing section.

Amend the bill further, SECTION 2, by striking Section 61-4-1515~~(B)~~(C)(1) and (2) and inserting:

(B)(1) In addition to the sales provisions set forth in subsection (A) and subject to this subsection (B), a brewery permitted in this State is authorized to sell beer ~~produced on its permitted premises~~ to consumers on site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Health and Environmental Control governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine ~~not produced on the licensed premises~~ that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.

(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has

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a Department of Health and Environmental Control approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on-premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61-6-1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery's premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

Amend the bill further, SECTION 2, by striking Section 61-4-1515~~(C)~~(D) and inserting:

(C) The department shall terminate and a brewery shall surrender each permit and license issued to the brewery pursuant to subsection (B) immediately following inspection, determination, and report by the division to the department that brewing operations have ceased on the brewery's permitted premises. This includes the food establishment permits and licenses. Following reinstitution of brewing operations on the formerly permitted premises, a brewery may re-apply for the applicable permits and licenses authorized by subsection (B).

Amend the bill further, SECTION 2, by striking Section 61-4-1515~~(D)~~(E) and inserting:

(D) The sale of beer ~~that is brewed on the licensed premises~~ for on-premises consumption pursuant to subsection (B) must comply with the following provisions:

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(1) all provisions of subsection (A) shall apply to sales under subsection (B) and this subsection, except subsection (A)(~~1~~), (2), ~~(3)~~, and (5);

(2) the brewery must comply with all state and local laws concerning hours of operation applicable to eating and drinking establishments and other food service establishments holding permits to sell beer and wine for on-premises consumption;

(3) the brewery must comply with the discount pricing provisions of Section 61-4-160, applicable to persons holding permits to sell beer and wine for on-premises consumption;

(4) the brewery must sell the beer at a price approximating retail prices generally charged for identical beverages by on-premises retailers in the county where the licensed premises are located; and

(5) a wholesaler must not provide and a brewery must not accept services, equipment, fixtures, or free beer prohibited by Section 61-4-940(B), except those items authorized by Section 61-4-940(C). Changes to the brewery laws pursuant to subsection (B) and this subsection do not alter or amend the structure of the three-tier laws of this State, and the wholesalers and the breweries must not discriminate in pricing at the producer or wholesaler levels.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(~~E~~)(F) and inserting:

(E) A brewery located in this State is authorized to sell beer to consumers on its permitted premises for off-premises consumption, provided that the sealed beer was brewed on the brewery's permitted premises or received pursuant to subsection (A) with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off-premises consumption shall be equivalent to ~~two hundred eighty-eight~~ eight hundred sixty-four ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

—(3) the beer sold is for personal use only and must not be resold;

(4) the beer must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located; ~~and~~

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes

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assessed by Section 12-21-1020 and Section 12-21-1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes ;and

(7) beer sold in kegs must comply with the requirements of Article 19, entitled "Keg Registration".

Amend the bill further, SECTION 2, by striking Section 61-4-1515(F)(G) and (H) and inserting:

(F) A brewery must report monthly in a manner required by the department the amounts and brands of beer present on its licensed premises at the month's beginning, brewed on its licensed premises, transferred to and received from a separate licensed brewery under identical ownership, sold to wholesalers for resale, sold to consumers for off-premises consumption, sold to consumers for on-premises consumption, lost to spillage and spoilage, removed for owner consumption, and present on its licensed premises at the month's end.

(G) A brewpub permitted pursuant to Article 17, which is a retailer for purposes of Sections 61-4-735(D) and 61-4-940(D), may make application to the department for a brewery permit and the permits and licenses authorized pursuant to subsection (B) for the brewpub's existing permitted premises. For these applications, the department shall waive newspaper notice and sign posting requirements, except the requirements shall not be waived for an alcoholic liquor by the drink application if the brewpub does not possess this license at the time of application. Excluding operations authorized pursuant to subsection (B), the department must not approve an application if the applicant or any principal or person acting directly or indirectly on behalf of the applicant would have ownership or financial interest in a wholesale or retail beer, wine, or alcoholic liquor operation following the issuance of the brewery permit. Contemporaneous with obtaining the brewery and applicable permits or licenses authorized pursuant to subsection (B), the applicant shall surrender the brewpub permit and the alcoholic liquor by the drink license previously issued for the premises.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(G)(I) and inserting:

(G)(H) In addition to other applicable fines or penalties, a person permitted as a brewery in this State who violates the provisions of this section must be assessed a fine of five hundred dollars for a first violation. For a second violation that occurs within three years of the first violation, a person must be assessed an additional five hundred dollars. For subsequent violations within a three-year period, the department must suspend the brewery permit for a period of not less than thirty days.

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The revenue from the fines established in this section must be directed to the State Law Enforcement Division for supplementing funds required for the regulation and enforcement of this section.

Amend the bill further, by striking SECTIONS 3 and 4 and inserting:
SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Turner	Verdin	Williams
Young		

Total--40

NAYS

Massey

Total--1

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

S. 566--Ordered to a Third Reading

On motion of Senator BENNETT, S. 566 was ordered to receive a third reading on Friday, March 31, 2023.

POINT OF ORDER

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

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MADE SPECIAL ORDER

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 1:21 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE THIRD TIME

SENT TO THE HOUSE

S. 298 -- Senators Bennett, Turner, Kimbrell, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

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Motion Adopted

On motion of Senator DAVIS, under Rule 26B, the Senate agreed to take up a further amendment on third reading.

Amendment No. 1

Senator DAVIS proposed the following amendment (SR-298.JG0001S), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. This act takes effect upon approval by the Governor and applies to all open tax periods excluding assessments then being adjudicated in the Administrative Law Court or under judicial review by the South Carolina Court of Appeals or Supreme Court as of the date of the Governor's approval.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator SETZLER spoke on the amendment.

Senator DAVIS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 11

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Massey	Peeler
Reichenbach	Rice	Shealy
Turner	Verdin	Young

Total--24

NAYS

Allen	Hutto	Kimpson
Malloy	Matthews	McElveen

THURSDAY, MARCH 30, 2023

McLeod	Sabb	Scott
Setzler	Williams	

Total--11

The amendment was laid on the table.

The question then was third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

Recorded Vote

Senators HUTTO, SETZLER, McELVEEN, MATTHEWS, WILLIAMS, SCOTT, MALLOY, ALLEN and McLEOD desired to be recorded as voting against the third reading of the Bill.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Roosevelt Jenkins, 1328 Adnah Church Road, Islandton, SC 29929-5220

Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501-8442

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley Stewart Melton, 139 East Main Street, Suite B, Lexington, SC 29072-4128

Reappointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H2, Greenwood, SC 29649-8977

THURSDAY, MARCH 30, 2023

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tony Anthony Foster, 105 Creekside Court, Greenwood, SC 29649-9540 *VICE* Belinda Strong

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:06 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 31, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON.

READ THE THIRD TIME
SENT TO THE HOUSE

The following Bills were read the third time and ordered sent to the House:

S. 146 -- Senators Shealy, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY

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AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING

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SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

On motion of Senator HUTTO.

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley, Davis, Malloy and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

On motion of Senator BENNETT.

FRIDAY, MARCH 31, 2023

MOTION ADOPTED

On motion of Senator GAMBRELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lester Lowry Brock of Starr, S.C. Lester was a United States Air Force veteran who worked as a contractor. He was an avid gunman. He was a shotgun shooting instructor and served as the head coach of the Crescent High School Elite Shooting Team. He enjoyed hunting and spending time with his friends and family. Lester was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 11:07 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, April 4, 2023, at 11:00 A.M., under the provisions of Rule 1B.

* * *

Tuesday, April 4, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator CROMER. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 5154

Agency: Department of Labor, Licensing and Regulation-Board of Barber Examiners

Chapter: 17

Statutory Authority: 1976 Code Sections 40-7-50 and 40-7-60

SUBJECT: Barber Schools, Managers, Teachers and Instructors

Received by President of the Senate January 10, 2023

Referred to Committee on Banking and Insurance

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 4, 2023

Document No. 5161

Agency: Department of Labor, Licensing and Regulation-Office of State Fire Marshal

Chapter: 71

Statutory Authority: 1976 Code Section 23-9-20

SUBJECT: Office of State Fire Marshal

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 4, 2023

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 250 Sen. Malloy

S. 527 Sens. Gambrell and Garrett

TUESDAY, APRIL 4, 2023

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 702 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE APRIL 11, 2023, AS "DONATE LIFE DAY" IN SOUTH CAROLINA.

sr-0357km-vc23.docx : f4a84721-65d3-4e78-94b5-fa3784666ca5

The Senate Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 703 -- Senator Harpootlian: A SENATE RESOLUTION TO CONGRATULATE THE DUTCH FORK HIGH SCHOOL DAZZLERS DANCE TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THREE STATE CHAMPIONSHIP TITLES AT THE SOUTH CAROLINA STATE DANCE TEAM CHAMPIONSHIP, AMONG OTHER ACCOMPLISHMENTS.

sr-0325km-hw23.docx : 461b2621-a45e-4b7a-a61e-3148e28b98a8

The Senate Resolution was adopted.

S. 704 -- Senator McElveen: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS "CLEVELAND SCHOOL FIRE MEMORIAL DAY" IN SOUTH CAROLINA.

sr-0155km-hw23.docx : e52ce52a-96f9-47e2-9010-5ba430778593

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 3359 -- Reps. Ott, Chumley, Taylor, Atkinson and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-2-140 SO AS TO DEFINE THE TERM "UTILITY TERRAIN VEHICLE" AND PROVIDE FOR THE REGISTRATION AND OPERATION OF THEM ON THE HIGHWAYS AND STREETS OF THE STATE; TO AMEND SECTION 56-1-10, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "OFF-ROAD USE ONLY"; AND TO AMEND SECTION 38-77-30, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE

TUESDAY, APRIL 4, 2023

TERM "INDIVIDUAL PRIVATE PASSENGER AUTOMOBILE" TO INCLUDE CERTAIN UTILITY TERRAIN VEHICLES.

lc-0129cm23.docx : 4c084e45-2ee0-437f-a5c0-2cdd0ffd6c8c

Read the first time and referred to the Committee on Transportation.

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J. L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A. M. Morgan, Leber, T. A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF

TUESDAY, APRIL 4, 2023

THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

lc-0236wab23.docx : 51893656-6dac-403c-94a6-4ee7ebe90c97

Read the first time and referred to the Committee on Education.

MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Raymond Odis Stokes, Jr. of Hartsville, S.C. Raymond was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:06 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Wednesday, April 5, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 705 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE APRIL 2023 AS "ZERO TOLERANCE FOR LITTER MONTH" IN SOUTH CAROLINA.

sr-0359km-vc23.docx : 5e495d4f-d106-4eba-b8dc-f5bfb206daf2

The Senate Resolution was introduced and referred to the Committee on Judiciary.

H. 3267 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 1-7-117 RELATING TO THE DIVISION OF PUBLIC CHARITIES.

lc-0002ph23.docx : 90809972-7e97-4489-9c00-822a8877586c

Read the first time and referred to the Committee on Judiciary.

H. 3414 -- Reps. Wooten, Pope, Yow, M. M. Smith, Burns and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTIONS ON ELEVATING OR LOWERING MOTOR VEHICLES, SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLES' FRONT FENDERS BEING RAISED FOUR OR MORE INCHES ABOVE OR BELOW THE HEIGHT OF THE REAR FENDERS, TO PROVIDE THE FORMULA FOR MEASURING THE HEIGHT OF THE FENDERS, AND TO PROVIDE PENALTIES.

lc-0060cm23.docx : b1982599-ef54-41c0-a2f2-2e9da66d8129

Read the first time and referred to the Committee on Transportation.

WEDNESDAY, APRIL 5, 2023

H. 3500 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-35, RELATING TO DERIVATION CLAUSES ON DEEDS AND MORTGAGES, SO AS TO PROVIDE ALL MORTGAGES AND DEEDS EXECUTED AFTER JUNE 30, 2023, MUST INCLUDE INFORMATION IDENTIFYING THE PARTY WHO PREPARED THE INSTRUMENT OR THE ATTORNEY LICENSED IN THIS STATE WHO ASSISTED IN THE CLOSING OF THE INSTRUMENT.

lc-0002wab23.docx : 74dabed2-211c-4f59-9915-e99c733a0208

Read the first time and referred to the Committee on Judiciary.

H. 3553 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M. M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

lc-0057vr23.docx : 812ce45b-c975-4d3a-8abe-7de701449b8d

Read the first time and referred to the Committee on Judiciary.

H. 3554 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, Yow, Hixon, Hiott, Oremus, M. M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-520, RELATING TO ADOPTION INVESTIGATIONS AND REPORTS, SO AS TO GIVE THE COURT THE DISCRETION TO WAIVE THE REQUIREMENT FOR CERTAIN PREPLACEMENT REPORTS AND ANY POSTPLACEMENT INVESTIGATION AND REPORT; AND BY AMENDING SECTION 63-9-510, RELATING TO TEMPORARY PLACEMENT AND CUSTODY OF ADOPTEES, SO AS TO MAKE CONFORMING CHANGES.

lc-0056vr23.docx : 82ce5c35-1382-464a-b5ab-66448e44bcbe

Read the first time and referred to the Committee on Judiciary.

WEDNESDAY, APRIL 5, 2023

H. 3555 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Mitchell, Yow, Carter, Hixon, Hiott, Oremus, Landing, W. Newton, Robbins, Brewer, Weeks, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, AND 63-7-1660, RELATING TO TERMINATION OF PARENTAL RIGHTS AND REMOVAL ACTIONS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-9-710, RELATING TO PETITIONS FOR ADOPTION, SO AS TO ADDRESS THE FILING OF ADOPTION PETITIONS FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES.

lc-0059vr23.docx : 1d3e24b5-bb0a-493d-9dee-b46c81c6de20

Read the first time and referred to the Committee on Judiciary.

H. 3556 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, Mitchell, Yow, Hixon, Hiott, Oremus, W. Newton, Robbins, Brewer, Weeks, Wheeler, Magnuson, Pace, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS.

lc-0060vr23.docx : b1920c82-691a-4779-bb74-9fe24a6fea82

Read the first time and referred to the Committee on Judiciary.

H. 4245 -- Reps. A. M. Morgan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy,

WEDNESDAY, APRIL 5, 2023

McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF MARTIN O'CONNOR, MEMBER OF THE BOARD OF THE CHARTER INSTITUTE OF ERSKINE, AND TO WISH HIM A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

lc-0299sa-jn23.docx : b610dcec-fd49-4442-8985-fca1ff2c9137

The Concurrent Resolution was adopted, ordered returned to the House.

HOUSE CONCURRENCES

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

Returned with concurrence.

Received as information.

S. 699 -- Senator Loftis: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF MARTIN O'CONNOR, MEMBER OF THE BOARD OF THE CHARTER INSTITUTE OF ERSKINE, AND TO WISH HIM A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

Returned with concurrence.

Received as information.

ADJOURNMENT

At 11:06 A.M., on motion of Senator McLEOD, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Thursday, April 6, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McLEOD. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

H. 3138 -- Rep. Bustos: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 7 TO TITLE 55 SO AS TO PROVIDE FOR THE DISPOSAL OF ABANDONED OR DERELICT AIRCRAFT BY AN AIRPORT MANAGER.

lc-0116cm23.docx : 55557a82-fe8f-4b31-8aac-bd2349c637f6

Read the first time and referred to the Committee on Transportation.

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J. L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M. M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR

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APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

lc-0096ph23.docx : b1544fa8-fa90-4c12-8e2f-456dea1f7e15

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3558 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, B. Newton, Mitchell, Yow, Carter, Hixon, Hiott, Landing, W. Newton, Robbins, Brewer, Weeks, Wheeler, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 63-7-693 AND 63-7-696 SO AS TO REQUIRE PARTIES TO EXECUTE A SAFETY PLAN BEFORE THE DEPARTMENT OF SOCIAL SERVICES MAY PLACE A CHILD OUTSIDE THE HOME WITHOUT TAKING LEGAL CUSTODY, TO ESTABLISH LIMITATIONS ON THE USE OF A SAFETY PLAN FOR CHILD PROTECTION, AND FOR OTHER PURPOSES; BY AMENDING SECTION 63-7-650, RELATING TO THE PLACEMENT OF A CHILD OUTSIDE THE HOME INSTEAD OF ENTERING STATE CUSTODY, SO AS TO CHANGE CERTAIN REQUIREMENTS RELATING TO ASSESSING THE SAFETY AND APPROPRIATENESS OF AN OUT-OF-HOME PLACEMENT; BY AMENDING SECTION 63-7-690, RELATING TO THE ALLOWABLE TIMEFRAME TO MAKE AN INTERIM OUT-OF-HOME PLACEMENT OF A CHILD, SO AS TO CHANGE THE TIMEFRAME; AND BY AMENDING SECTION 63-7-730, RELATING TO EXPEDITED PLACEMENT OF CHILD WITH A RELATIVE AT THE PROBABLE CAUSE HEARING, SO AS TO MAKE CONFORMING CHANGES.

lc-0061vr23.docx : eb514b91-b006-4417-8893-439ccf4197f1

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3563 -- Reps. Cobb-Hunter, Pace, Collins, Bauer, Dillard, W. Jones, Wheeler, Hart, J. L. Johnson, Henegan, Williams, Trantham, Oremus, Cromer, Beach and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING

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SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR FEMININE HYGIENE PRODUCTS.

lc-0124sa23.docx : 710384ac-b738-4a69-a3bc-2cb93f515c0d

Read the first time and referred to the Committee on Finance.

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

lc-0123vr23.docx : 7e1c7c18-3bd7-4b4e-aa13-1783563dc5e8

Read the first time and referred to the Committee on Medical Affairs.

H. 3690 -- Reps. Taylor, G. M. Smith, Thayer, Bradley, Hiott, Bannister, W. Newton, Sandifer, West, Davis, Erickson, J. E. Johnson, Jordan, Whitmire, Hixon, Elliott, Forrest, Wooten, Bustos, Willis, Yow, Carter, Hartnett, Moss, McCravy, B. J. Cox, Haddon, Burns, Chumley, Oremus, Hardee, Ligon, Long, Gilliam, Magnuson, Lawson, Nutt, Brewer, Guffey, Hager, Mitchell, Neese, Sessions, Vaughan, Robbins, Kilmartin, M. M. Smith, B. Newton, Hewitt, Leber, Pope, Blackwell, Caskey and Landing: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ESG PENSION PROTECTION ACT"; BY AMENDING SECTION 9-16-10, RELATING TO RETIREMENT SYSTEM FUNDS DEFINITIONS SO AS TO ADD A DEFINITION OF "PECUNIARY FACTOR"; BY AMENDING SECTION 9-16-30, RELATING TO DELEGATION OF FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE THAT PROXY VOTING DECISIONS MUST BE BASED ON PECUNIARY FACTORS; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY TRUSTEES, SO AS TO PROVIDE THAT THE COMMISSION MAY ONLY CONSIDER PECUNIARY FACTORS IN MAKING CERTAIN

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INVESTMENT DECISIONS; BY AMENDING SECTION 9-16-320, RELATING TO ANNUAL INVESTMENT PLANS SO AS TO REQUIRE CERTAIN MEETINGS; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENT OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO REQUIRE CERTAIN CERTIFICATIONS; AND BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE CERTAIN PROVISIONS.

lc-0146sa23.docx : 9779928b-c3e7-42f4-916c-8b6a87b39865

Read the first time and referred to the Committee on Finance.

H. 3691 -- Reps. G. M. Smith, M. M. Smith, Davis, B. L. Cox, Pace, Guest, Leber, J. E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

lc-0109ahb23.docx : ce0b8b9f-a9dc-48a8-9eb0-b194048ff389

Read the first time and referred to the Committee on Judiciary.

H. 3737 -- Reps. Ligon, Haddon, B. Newton, Neese, O'Neal, Pope, Felder, Guffey, West, Hyde, Henegan, Williams, Atkinson, Herbkersman, Weeks, Wheeler, Gagnon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SHORT LINE RAILROAD MODERNIZATION ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD

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RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

lc-0102dg23.docx : 3bf31e34-75a2-48ea-af31-7c0d7198cf21

Read the first time and referred to the Committee on Finance.

H. 3786 -- Reps. Lowe, G. M. Smith, Bannister, Jordan, Rutherford, Bernstein, Cobb-Hunter, Henegan, Gilliam, Hewitt, Erickson, Ott, M. M. Smith, W. Newton, Murphy, Gatch, Elliott, Herbkersman, Hosey, McDaniel, Mitchell, Stavrinakis, Taylor, Wooten, Carter, Atkinson, Kirby, Hyde, Leber, Alexander, B. Newton, Ballentine, Pope, Hixon, Brittain, Gagnon, Ligon, Wetmore, Davis, Brewer, Robbins, Bauer, Weeks, Dillard and W. Jones: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSERVATION ENHANCEMENT ACT"; BY AMENDING SECTION 12-24-90, RELATING TO THE DEED RECORDING FEE, SO AS TO REQUIRE A PORTION OF THE FEE TO BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND BY AMENDING SECTION 48-59-40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ADD ADDITIONAL MEMBERS TO THE BOARD.

lc-0115dg23.docx : 672376c5-3aae-4c6b-a6fd-6bdcc83858b1

Read the first time and referred to the Committee on Finance.

H. 3810 -- Rep. Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-20-50, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

lc-0191sa23.docx : 2cbcb0dc-3dcf-4587-aecb-ad18968d2bb1

Read the first time and referred to the Committee on Finance.

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE

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AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE.

lc-0133hdb23.docx : fdab0d61-ad3a-4282-bfcf-14e85e0cf09b

Read the first time and referred to the Committee on Judiciary.

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M. M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

lc-0164vr23.docx : 629b0aec-ae46-4e1b-894f-31ccee856c70

Read the first time and referred to the Committee on Medical Affairs.

H. 3877 -- Reps. West, J. Moore, M. M. Smith, Atkinson, B. J. Cox, Gagnon, Hayes, Caskey and Chapman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-1250, RELATING TO SUPERVISION OF ANESTHESIOLOGISTS' ASSISTANTS, SO AS TO INCREASE THE NUMBER OF ANESTHESIOLOGISTS' ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; AND BY AMENDING SECTION 40-47-1240, RELATING TO LICENSURE OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO REMOVE THE REQUIREMENT THAT LICENSURE APPLICANTS MUST APPEAR BEFORE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS AND PRESENT EVIDENCE OF CERTAIN RELEVANT ACADEMIC CREDENTIALS AND KNOWLEDGE.

lc-0158wab23.docx : 964bc96c-97cb-483b-aa06-e408151e8d39

Read the first time and referred to the Committee on Medical Affairs.

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H. 3908 -- Reps. Collins, G. M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M. M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

lc-0171ph23.docx : 93a71b1f-d18d-40f4-bb9b-095898d62092

Read the first time and referred to the Committee on Finance.

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

lc-0164dg23.docx : f1dd0b2e-91cd-445e-8e98-666881053001

Read the first time and referred to the Committee on Finance.

H. 4020 -- Reps. W. Newton, Erickson, Herbkersman, Stavrinakis, Bradley, Elliott, Murphy, Wetmore, B. Newton, Bannister, G. M. Smith, Weeks, Dillard, W. Jones, Taylor and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-62-50, RELATING TO THE TAX REBATE FOR CERTAIN MOTION PICTURE PRODUCTION COMPANIES, SO AS TO INCREASE THE ANNUAL LIMIT, AND BY ALLOWING THE USE OF REBATES FOR CERTAIN EXPENDITURES AND EXPENSES; AND BY REPEALING SECTION 12-62-60 RELATING TO DISTRIBUTION OF

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ADMISSIONS TAXES FOR REBATES TO MOTION PICTURE PRODUCTION COMPANIES AND CERTAIN DEPARTMENTAL EXPENSES.

lc-0140dg23.docx : b0c9fc3a-7d06-454a-9200-f7f0b9a74f3b

Read the first time and referred to the Committee on Finance.

H. 4040 -- Reps. Gilliard and Stavrinakis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARDEN STREET FROM ITS INTERSECTION WITH HOFF AVENUE TO ITS INTERSECTION WITH HUNTLEY DRIVE IN THE CITY OF CHARLESTON IN CHARLESTON COUNTY "BILL SHARPE WAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0245cm-gt23.docx : 767e646b-d0f9-48bf-9a9a-53a5ca33b875

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4087 -- Reps. G. M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M. M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20; 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING

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FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

lc-0140sa23.docx : 0774ef62-a7b7-4d07-a468-4b683e5373fa

Read the first time and referred to the Committee on Finance.

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE "CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0251cm-gt23.docx : 6bda7efa-c795-4bbd-b30c-370a12990cf5

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE

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RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

lc-0248wab23.docx : 45eed403-a658-4120-ab61-8fba4e1234ae

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4116 -- Reps. Sandifer, M. M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION,

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ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO

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INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

lc-0247wab23.docx : 85522d23-4ff8-44ee-93b8-c9caf63493cf

Read the first time and referred to the Committee on Judiciary.

H. 4118 -- Reps. Weeks, Gagnon, Alexander, Dillard, W. Jones, Gatch, Henegan and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3530, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO EXTEND THE CREDIT AND TO PROVIDE FOR AN

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INCREASE IN THE CREDIT AMOUNT; AND TO EXTEND THE PROVISIONS OF ACT 314 OF 2000.

lc-0262sa23.docx : fc9af30a-97fd-4a54-b8c1-360860dea996

Read the first time and referred to the Committee on Finance.

H. 4124 -- Reps. G. M. Smith, Bannister, Herbkersman, Yow, Mitchell, Murphy, Brewer, Robbins, Gatch, M. M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-1-20, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE FOR THE CREATION OF A DEPARTMENT OF PUBLIC HEALTH TO ASSUME THE HEALTH-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FOR OTHER PURPOSES; BY AMENDING SECTIONS 44-1-60, 44-1-140, AND 44-1-150, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTIONS 1-30-45 AND 44-1-65 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PERMITTING OF CERTAIN ANIMAL FACILITIES; BY RENAMING CHAPTER 1 OF TITLE 44, "DEPARTMENT OF PUBLIC HEALTH"; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ASSUME THE ENVIRONMENTAL-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR BY THE GOVERNOR, AND FOR OTHER PURPOSES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES; AND BY ADDING SECTIONS 1-30-135 AND 1-30-140 SO AS TO MAKE CONFORMING CHANGES.

lc-0204vr23.docx : f8e65c6a-cb23-4694-9be5-6aefc9774108

Read the first time and referred to the Committee on Medical Affairs.

H. 4207 -- Rep. Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 187 AND SOUTH CAROLINA HIGHWAY 29 IN ANDERSON COUNTY "PAUL ROBINSON EARLE

THURSDAY, APRIL 6, 2023

MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

lc-0278cm-gt23.docx : e7695afc-8abe-421a-8d14-8cfd44eb5611

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4279 -- Reps. Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING CHARITABLE WORK OF THE BEAUTY GRAND CHAPTER OF THE ORDER OF THE EASTERN STAR, AND TO CONGRATULATE ITS MEMBERS UPON REACHING THE MILESTONE OF THEIR SIXTIETH ANNIVERSARY OF SERVICE IN SOUTH CAROLINA.

lc-0237vr-cc23.docx : 495df2b0-845b-4792-bc3c-ed824b42675b

The Concurrent Resolution was adopted, ordered returned to the House.

Message from the House

Columbia, S.C., April 6, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Resolution to the Senate with amendments:

THURSDAY, APRIL 6, 2023

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

HOUSE CONCURRENCES

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 491 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM THE NEWBERRY/FAIRFIELD COUNTY LINE TO STATE ROAD S-20-99 "JOHNNY PEOPLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 589 -- Senators Stephens and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR

THURSDAY, APRIL 6, 2023

MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 605 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 606 -- Senators Garrett and Gambrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN THE CITY OF GREENWOOD IN GREENWOOD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH VINTAGE COURT "JOHN MCEL RATH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 628 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 FROM ITS JUNCTION WITH TUGALOO AND SMITH ROADS TO THE INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 IN GREENVILLE COUNTY "DEAN STUART CAMPBELL, SQUIRE OF THE DARK CORNER SCENIC MEMORIAL BYWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

THURSDAY, APRIL 6, 2023

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSER, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 659 -- Senators Matthews, Senn, Cromer, Hutto, Campsen, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17 OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

ADJOURNMENT

At 11:09 A.M., on motion of Senator McELVEEN, the Senate adjourned to meet Monday, April 10, 2023, at 11:00 A.M., under the provisions of Rule 1B.

* * *

Monday, April 10, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McELVEEN.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SETZLER, the Senate adjourned to meet tomorrow, April 11, 2023, at 12:00 P.M.

* * *

Tuesday, April 11, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Genesis 4:9

We recall how in Genesis: “. . . the Lord said to Cain, ‘Where is your brother, Abel?’ ‘I don’t know,’ Cain replied, ‘Am I my brother’s keeper?’ ”

Join me as we bow in prayer: O Glorious Lord, we are reminded by the Cain and Abel story that we truly are to be concerned about the well-being of our sisters and brothers here in South Carolina. None of us can live in ignorance of the neediness nor of the apparent lack of hope for many who surround us. Selfish concern for ourselves and our immediate loved ones alone will simply not do. Therefore, Lord, today we pray that You will touch the hearts of every Senator -- indeed, of every single person here in this State House -- and remind us all how interrelated our lives are with those around us. Lead us all by Your grace, O Lord, to reach out boldly with love and compassion to help the lost and the needy. And may that which we do bring all the more glory to You and to Your blessed name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey

TUESDAY, APRIL 11, 2023

Matthews	McElveen	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large:

Kaala Maple, 1007 Blockade Runner Parkway, Summerville, SC 29485-6317 *VICE* Tammy Wilson

Referred to the Committee on Judiciary.

Doctor of the Day

Senator REICHENBACH introduced Dr. Joseph Hoyle of Florence, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator BENNETT, at 12:15 P.M., Senator GARRETT was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:15 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:15 P.M., Senator WILLIAMS was granted a leave of absence for today.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

TUESDAY, APRIL 11, 2023

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Fanning
S. 153 Sen. Davis
S. 164 Sen. Davis
S. 576 Sen. Davis
S. 610 Sen. Shealy

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 533 Sen. Fanning

RECALLED AND ADOPTED

S. 702 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE APRIL 11, 2023, AS "DONATE LIFE DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services.

Senator SHEALY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator SHEALY, the Resolution was adopted.

RECALLED

S. 704 -- Senator McElveen: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS "CLEVELAND SCHOOL FIRE MEMORIAL DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

TUESDAY, APRIL 11, 2023

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN DORCHESTER COUNTY "LAVEL 'TYLER' NORMAN DAVIS, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND ADOPTED

H. 4156 -- Reps. Moss, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROMOTE UNDERSTANDING OF THE GROWING RISK OF BLADDER CANCER IN THE UNITED STATES, TO ENCOURAGE RESEARCH

TUESDAY, APRIL 11, 2023

IN THE MEDICAL COMMUNITY TO IDENTIFY THE CAUSES AND DEVELOP A CURE FOR THE DISEASE, AND TO DECLARE MAY 2023 AS “BLADDER CANCER AWARENESS MONTH” IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted.

RECALLED

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 27, 2023, AS “BOULINEAU’S IGA HERITAGE DAY” IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

TUESDAY, APRIL 11, 2023

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4237 -- Reps. Felder, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 706 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ROBIN ROBERTS FOR HER PROFESSIONAL ACHIEVEMENTS AND HER COMMITMENT TO HEALTH AND WELLNESS PROMOTION.

sr-0362km-hw23.docx : b7047175-c2a3-48c7-98d5-5d52959e744f

The Senate Resolution was adopted.

TUESDAY, APRIL 11, 2023

S. 707 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MR. CHARLES RAY SHEALY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0302km-hw23.docx : 5bd4d182-f001-4b08-ba69-69cd7de0da38

The Senate Resolution was adopted.

S. 708 -- Senators Young and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-11-420, RELATING TO DEFINITIONS PERTAINING TO THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, SO AS TO DEFINE CHILD ABUSE MEDICAL SERVICES; AND BY AMENDING SECTION 63-11-430, RELATING TO PROGRAM REQUIREMENTS, SO AS TO PROVIDE FOR THE INCLUSION OF SOUTH CAROLINA NETWORK OF CHILDREN'S ADVOCACY CENTERS AND CHILDREN'S HOSPITALS IN THE PROGRAM.

sr-0087jg23.docx : 187bf8d5-9306-41d8-99b2-03f5f5508343

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 709 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-56-10, RELATING TO THE STATE BOARD OF PYROTECHNIC SAFETY, SO AS TO ADD TWO MEMBERS TO THE BOARD.

sr-0365km23.docx : be7fd254-783f-4eeb-9db6-328fba9bd680

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0302wab-rt23.docx : 3c1b9eee-d32b-4997-8236-43d5ee101b03

Read the first time and ordered placed on the Calendar without reference.

TUESDAY, APRIL 11, 2023

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0301wab-rt23.docx : d3eb3b7b-9022-4da8-b814-461c5b640425

Read the first time and ordered placed on the Calendar without reference.

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA'S COASTAL CULTURE AND ECONOMY.

lc-0258ph-ph23.docx : a5e392d4-66c0-472e-927e-9510ac28f420

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 713 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME PINCKNEY STREET IN THE CITY OF YORK IN YORK COUNTY "DR. MARTIN LUTHER KING, JR. BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49/SOUTH CONGRESS STREET AND ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 CONTAINING THESE WORDS.

lc-0283cm-cm23.docx : 88930cd2-8eb9-4691-a14d-daf2d09094f3

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 714 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE JULY 22, 2023, AS "FRAGILE X DAY" IN SOUTH CAROLINA IN ORDER TO HELP RAISE AWARENESS OF THE CONDITION AND THE NEED FOR INCREASED RESEARCH

TUESDAY, APRIL 11, 2023

FUNDING AND TO SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH FRAGILE X.

lc-0122ha-jn23.docx : 4b691d03-1355-4e52-b312-d70c3050ea65

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

S. 715 -- Senator Davis: A SENATE RESOLUTION TO PROCLAIM WEDNESDAY, APRIL 26, 2023, AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" THROUGHOUT THE STATE AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS TO THE PALMETTO STATE.

lc-0313wab-ar23.docx : 302d4241-d7d6-40fd-8c6d-f93732ecb93f

The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 716 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLARENCE A. "C.A." SHEALY III, PLS, OWNER OF SHEALY LAND SURVEYING, AND TO CONGRATULATE HIM FOR BEING NAMED THE 2022-2023 SURVEYOR OF THE YEAR.

lc-0267ph-jn23.docx : ad5b4cd2-0fbd-4364-95a0-1e01de5083d5

The Senate Resolution was adopted.

S. 717 -- Senator Williams: A SENATE RESOLUTION TO PROCLAIM SEPTEMBER 2023 AS "CHILDHOOD CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT THIS CAUSE THAT SO DEEPLY IMPACTS FAMILIES IN EVERY COMMUNITY ACROSS THE STATE AND NATION.

lc-0302cm-gm23.docx : bb11565e-86c2-44b1-ac92-dc7875a84dd2

The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY

TUESDAY, APRIL 11, 2023

EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

lc-0025sa23.docx : 8ccfed9e-77a8-45b6-a080-8095ee3a7ec8

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M. M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B. J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

lc-0263wab23.docx : 55647647-cb10-498b-85aa-0f550f877af2

Read the first time and referred to the Committee on Education.

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

lc-0181hdb23.docx : 0f6219cd-699f-490b-b013-61dd9aaa6f13

Read the first time and ordered placed on the Local and Uncontested Calendar.

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H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

lc-0182hdb23.docx : 4d133935-9b13-4c6e-8f60-c05c318b4440

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4288 -- Reps. Erickson, McGinnis, Ballentine, Alexander, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 19, 2023 AS "SOUTH CAROLINA HIGHER EDUCATION DAY."

lc-0312wab-ar23.docx : 3e591fd9-1295-464b-b0c8-fece3b07d15d

The Concurrent Resolution was introduced and referred to the Committee on Education.

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REPORTS OF STANDING COMMITTEES

Senator ALEXANDER from the Committee on Operations and Management polled out S. 633 favorable:

S. 633 -- Senator Verdin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 2 AND FRIDAY, NOVEMBER 3 AND MONDAY, NOVEMBER 13, 2023. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Adopted

S. 633 -- Senator Verdin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 2 AND FRIDAY, NOVEMBER 3 AND MONDAY, NOVEMBER 13, 2023. HOWEVER, THE CHAMBER MAY NOT BE

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USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted.

Senator SHEALY from the Committee on Family and Veterans' Services polled out H. 3514 favorable:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J.L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M.M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO

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REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL
REPORT.

**Poll of the Family and Veterans' Services Committee
Polled 17; Ayes 16; Nays 1**

AYES

Shealy	Young	<i>K. Johnson</i>
McElveen	Climer	Fanning
McLeod	Talley	Gambrell
Harpootlian	Adams	Gustafson
<i>M. Johnson</i>	Kimbrell	Stephens
Reichenbach		

Total--16

NAYS

Cash

Total--1

Ordered for consideration tomorrow.

**THE SENATE PROCEEDED TO A CALL OF THE
UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

OBJECTION

S. 303 -- Senators Shealy, McElveen, Gustafson, Talley, Davis, Adams, Kimbrell, Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb, Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE

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SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Senator CAMPSER objected to consideration of the Bill.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-3605.JG0005S):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This act may be cited as the “Earn and Learn Act of 2023”.

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Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

(1) "Apprenticeship" means a United States Department of Labor-approved and registered apprenticeship or an industry recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

(2) "Board" means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of "board" does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) "License" means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation's or profession's regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations;

(3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete

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requirements that exceed the requirements of other license applicants for initial licensure.

(D) If a board denies a license to an applicant under this section, then the board shall:

(1) provide the applicant with a denial in writing; and

(2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant's apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

(1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;

(2) a license that requires the educational equivalent of a bachelor's degree or higher; or

(3) apprenticeship programs that are established by state law.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

On motion of Senator CLIMER, the Bill was carried over.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GOLDFINCH, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator BENNETT, the Resolution was carried over.

RECOMMITTED

S. 642 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; BEAR HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5165, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CAMPSER, the Resolution was recommitted to the Committee on Fish, Game and Forestry.

RECOMMITTED

S. 646 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-PANEL FOR MASSAGE/BODYWORK, RELATING TO UPDATING

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REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 227, DESIGNATED AS REGULATION DOCUMENT NUMBER 5132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 647 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ACCOUNTANCY, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 812, DESIGNATED AS REGULATION DOCUMENT NUMBER 5149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

CARRIED OVER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms and Fanning: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

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The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S):

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other

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body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State

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Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not

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exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities, or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road, or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on

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the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator MALLOY, the Resolution was carried over.

OBJECTION

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE

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SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “CLEMENTA C. PINCKNEY HATE CRIMES ACT”; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE “PENALTY ENHANCEMENTS FOR CERTAIN CRIMES”, TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Senator CASH objected to consideration of the Bill.

CARRIED OVER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

On motion of Senator HUTTO, the Resolution was carried over.

OBJECTION

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3866.PB0004S):

Amend the bill, as and if amended, by deleting SECTION 3.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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Senator KIMBRELL objected to further consideration of the Bill.

CARRIED OVER

S. 698 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator HEMBREE explained the Resolution.

On motion of Senator HEMBREE, the Resolution was carried over.

ADOPTED

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:23 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

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CARRIED OVER

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

On motion of Senator GAMBRELL, the Resolution was carried over.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE SECOND TIME

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 1

Senator HEMBREE proposed the following amendment (SEDU-3532.DB0043S), which was carried over:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial

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release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and

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(6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

Amend the bill further, SECTION 3, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or any felony offense involving a firearm and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~violent crime~~ offense, then:

(1) the bond hearing for the subsequent violent crime original offense must be revoked and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm.

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(3) If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Sections 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety. If a secondary bond is posted by a bond surety, the surety must certify to the court that all costs and fees required by the contract or agreement with the defendant were paid in full at the time of the bonding and that no future payments, fees, or interest are due from the defendant. A failure by the defendant to make payments or to pay fees or interest to a bond surety after the release from custody for any contract or agreement made in violation of this subsection shall not be enforceable in any court;

(4) If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and-

~~(D)-(5)~~ If a person commits a violent ~~offense~~ ~~crime~~, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or felony offense involving a firearm, and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~offense~~ ~~violent crime~~, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection-(C), to the solicitor of the circuit in which the ~~crime offense~~ was committed and the administrative chief judge of the circuit in which the ~~crime offense~~ was committed. The prosecuting agency must notify any victims of the initial or subsequent ~~crimes~~ offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the

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circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) For the purpose of bond revocation only, a summary-court has concurrent jurisdiction with the circuit court for ~~ten~~ thirty days from the date bond is first set on a charge by the summary court ~~or the date of the grand jury indictment whichever occurs first~~ to determine if bond should be revoked.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

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(D) A court ~~shall~~must consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status;~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency ~~shall~~must provide the court with the following information:

- (1) the person's criminal record;
- (2) any charges pending against the person at the time release is requested;
- (3) all incident reports generated as a result of the offense charged; and
- (4) any other information that will assist the court in determining conditions of release.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION X. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the

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time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; ~~or~~ (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the Bill and amendment.

On motion of Senator HEMBREE, the amendment was carried over.

Amendment No. 2

Senator ADAMS proposed the following amendment (SEDU-3532.DB0046S), which was carried over:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as ~~an~~ a property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-10(15). "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

SECTION X. Section 38-53-50(B) of the S.C. Code is amended to read:

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(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

SECTION X. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant ~~fails to appear at a court proceeding to which he has been summoned~~violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court ~~shall must make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy provide~~written or electronic notice of the issuance of the bench warrant within seven-thirty days of its issuance at the clerk of court's office to every party bound in the recognizance. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time

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during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a bail bond unless that person is qualified and licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service, shall, in and of itself, constitute good cause for the bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

SECTION X. Section 38-53-170(e) and (f) of the S.C. Code are amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of ~~twenty five~~ one hundred dollars or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman's premium, and are not affected by this

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code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.

However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars or five percent, whichever is greater, of the face amount of the bond. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept collateral security or other indemnity from the principal which must be returned ~~upon~~ within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last know address of the depositor. After the conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money with three days after settlement;

Section 38-53-170(f) of the S.C. Code is amended to read:

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers

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shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

SECTION X. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month, showing:

(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has caused to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

(a)(1) each individual bonded;

(b)(2) the date the bond was given;

(c)(3) the principal sum of the bond;

(d)(4) the state or local official with whom the bond was filed;

(e)(5) the fee charged for the bonding service in each instance; ~~and~~

(f)(6) all pending bonds; ~~and~~

(7) any current data on monies to be collected and retained as an express condition of the bond, whether for electronic monitoring or otherwise.

(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system, which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

On motion of Senator ADAMS, the amendment was carried over.

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Amendment No. 3A

Senator HARPOOTLIAN proposed the following amendment (SMIN-3532.MW0049S), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-280. (A) To protect the fundamental rights of the accused and to advance the state's interest in speedy resolution of criminal trials, any person charged with a noncapital offense who is denied bond shall be brought to trial within one year of arrest or be released on his own recognizance.

(B) It shall be the duty of the court to ensure that the defendant is tried within the time specified above. No trial shall commence unless the prosecuting attorney first certifies to the court that discovery was fully produced at least thirty days prior and that all exculpatory information possessed by the prosecution team, including law enforcement, has been disclosed to the defendant and his counsel.

(C) Any extension of time requested and obtained by the defendant, on any delay attributable to the defendant's post-arrest conduct, shall be excluded from any calculation of the trial deadline.

(D) Any court of competent jurisdiction that finds that a defendant has not been brought to trial within the time set forth above, shall release the defendant on his own recognizance pursuant to conditions set forth in Section 17-15-10(A), unless good cause be shown to the court and the court makes a finding of fact, memorialized in written order, and a certain trial date set.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

On motion of Senator HARPOOTLIAN, the amendment was carried over.

Amendment No. 4

Senator MALLOY proposed the following amendment (SJ-3532.BM0047S):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the Court of General Sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

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(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(I) The commission is encouraged to apply for and may expend federal funds, grants, and gifts it receives from other sources to carry out its duties and responsibilities.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senators PEELER, CLIMER, FANNING and M. JOHNSON with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge John Calvin Hayes III of Rock Hill, S.C. Judge Hayes was a graduate of Winthrop Training School and the University of South Carolina. He joined the army as a reservist and began law school at the University of South Carolina in 1967. Judge Hayes served in the South Carolina House of Representatives from 1981-1984 and in the Senate from 1984-1991. He served on many committees including the South Carolina Coastal Council from 1980-1991. In May of 1991, he was elected as a judge to the 16th Judicial Circuit where he served until his retirement in 2017. Judge Hayes was a loving husband, devoted father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Pansy Ridgeway of Manning, S.C. Pansy was a graduate of Furman University and the former co-owner and operator of Polly & Pansy's Shoppe. She served as Mayor of Manning for twenty-six years and was the first female City Council member where she served for eight years. Pansy chaired the Santee-Lynches Council and was the first woman president of the South Carolina Municipal Association. She received the Order of the Palmetto from former Governor Richard W. Riley and was a member of First Baptist Church of Manning. Pansy was a loving sister and devoted aunt who will be dearly missed.

ADJOURNMENT

At 3:27 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, April 12, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 34:2

We're told by the Psalmist: "My soul makes its boast in the Lord; let the humble hear and be glad."

Let us pray: There really is nothing "easy" about it, most blessed Lord. Striving to lead the sort of life You expect, being the kind of follower You desire, wanting to serve You in every way any of us possibly can -- it's all quite a formidable challenge. And that is why today, O God, we turn to You for encouragement and for Your blessing, asking You to enable us to be the faithful and humble servants of the people we know in our hearts that You desire us to be. May each and every Senator and staff member in this place take seriously the challenge to honor You by their words and their actions, while at the same time they bring about great and worthwhile good for the people of our State. In Your blessed name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 1:04 P.M., Senator HEMBREE made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator HEMBREE moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

4th Congressional District:

Charles E. Dalton, 11 Harvest Court, Greenville, SC 29601-4409
VICE Barry D. Wynn

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

Berkeley County:

John Samuel West, 202 McCants Drive, Moncks Corner, SC 29461-1869
VICE Peggy H. Pinnell

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

7th Congressional District:

Hugh L. Wilcox, Jr., 500 East Howe Springs Street, Florence, SC 29505
VICE Merrell W. Floyd

Referred to the Committee on Judiciary.

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Local Appointments

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Frances Cole, 127 Royal Drive, Williamston, SC 29697-2046

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Nancy W. Devine, 121 Wilson Road, Williamston, SC 29697-9723

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Linda C. Dudley-Graham, Post Office Box 863, Iva, SC 29655-0863

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ronald Gambrell, 205 Ashley Downs, Anderson, SC 29621-2408
VICE Denise Malone

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

J. Darrell Green, Jr., 103 Lusk Street, Honea Path, SC 29654-1317

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew Lollis, 111 Cliftons Landing Drive, Anderson, SC 29625-6243

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sherry Mattison, 309 Oakwood Estates Drive, Anderson, SC 29621-2471

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jeremy Pickens, 262 Public Well Rd., Anderson, SC 29626-5859
VICE Ronald W. Whitman

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

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Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Samuel Thompson Tucker III, 230 Grace Lane, Piedmont, SC 29673-7710

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Wesley White, 152 Buckland Drive, Anderson, SC 29621-3686

REGULATION WITHDRAWN

The following was received:

Document No. 5148

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

SUBJECT: Public Employment Office

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn April 11, 2023

Leave of Absence

On motion of Senator STEPHENS, at 3:42 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator STEPHENS, at 3:42 P.M., Senator SABB was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Loftis

S. 704 Sen. Gustafson and roll of the Senate

RECALLED, AMENDED

READ THE SECOND TIME

S. 593 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440, RELATING TO DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP

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NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator HUTTO asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

Senator HUTTO asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (LC-593.HDB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 7-7-440(B) and inserting:

(B) The precinct lines defining the precincts in subsection (A) are as shown on official maps on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the State Election Commission and the Board of Voter Registration and Elections of Orangeburg County by the office and designated as ~~P-75-05~~P-75-23A.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

RECALLED

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON

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WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator M. JOHNSON asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND COMMITTED

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT

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CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL

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ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

On motion of Senator DAVIS, with unanimous consent, the Bill was recalled from the Committee on Judiciary and committed to the Committee on Labor, Commerce and Industry.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 718 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MR. CHARLIE ROUNTREE III FOR BEING INDUCTED INTO THE GOLF HALL OF FAME.

sr-0360km-vc23.docx : 9f2dd90a-549c-4cc1-bc33-5279805bb208

The Senate Resolution was adopted.

S. 719 -- Senator McElveen: A CONCURRENT RESOLUTION TO CONGRATULATE THE FEATHERHORN YOUNG GUNS SHOOTING TEAM OF FEATHERHORN FARMS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2023 GOVERNOR'S CUP.

lc-0204hdb-rm23.docx : 606d66a3-d048-4a2c-9eed-f1ccca9cf330

The Concurrent Resolution was adopted, ordered sent to the House.

S. 720 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE CITY OF SENECA UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

sr-0318km-hw23.docx : d341b3bc-0758-4447-91fd-6d64573fc31a

The Senate Resolution was adopted.

S. 721 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE THE IMPORTANCE OF SMALL BUSINESSES TO THE SOUTH CAROLINA ECONOMY, TO CELEBRATE SMALL BUSINESS OWNERS ACROSS THE PALMETTO STATE, AND TO DECLARE WEDNESDAY, MAY 3, 2023, AS "SMALL BUSINESS DAY" IN SOUTH CAROLINA.

sr-0324km-vc23.docx : d7f2d83f-6d37-416b-8a08-4ecb57cd9d74

The Senate Resolution was adopted.

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S. 722 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DEACON DAVID MYERS, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0368km-vc23.docx : cb14c402-d73e-495b-99e6-a35e38f9f10c

The Senate Resolution was adopted.

S. 723 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-20, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; AND BY AMENDING SECTION 45-2-60, RELATING TO THE EJECTMENT OF A PERSON FROM A LODGING ESTABLISHMENT, SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT.

sj-0033pb23.docx : dd4ace69-72c7-4bb2-a571-b082447447e5

Read the first time and referred to the Committee on Judiciary.

S. 724 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH ATLANTIC CONFERENCE CHAMPIONSHIP.

sr-0369km-hw23.docx : eae985eb-cd5b-4cda-8c8d-04e2a86fe455

The Concurrent Resolution was adopted, ordered sent to the House.

S. 725 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE MEN'S GOLF TEAM FOR EARNING THE TOP TEAM GRADE POINT AVERAGE IN THE COUNTRY.

sr-0370km-hw23.docx : 6869d83e-043e-4161-b306-c2b3a37932bd

The Concurrent Resolution was adopted, ordered sent to the House.

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REPORTS OF STANDING COMMITTEES

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE

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CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILLS

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE

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DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

On motion of Senator TALLEY.

H. 4215--Ordered to a Third Reading

On motion of Senator TALLEY, H. 4215 was ordered to receive a third reading on Thursday, April 13, 2023.

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

On motion of Senator TALLEY.

H. 4216--Ordered to a Third Reading

On motion of Senator TALLEY, H. 4216 was ordered to receive a third reading on Thursday, April 13, 2023.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A

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PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE

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GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his

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office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax

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revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

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(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a

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special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

On motion of Senator SCOTT, the Resolution was carried over.

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CARRIED OVER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

On motion of Senator HUTTO, the Resolution was carried over.

POINT OF ORDER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J.L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M.M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 704 -- Senators McElveen, Gustafson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis,

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Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS “CLEVELAND SCHOOL FIRE MEMORIAL DAY” IN SOUTH CAROLINA.

The Resolution was adopted, ordered sent to the House.

H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN DORCHESTER COUNTY “LAVEL ‘TYLER’ NORMAN DAVIS, JR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 27, 2023, AS “BOULINEAU’S IGA HERITAGE DAY” IN SOUTH CAROLINA

The Resolution was adopted, ordered returned to the House.

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H. 4237 -- Reps. Felder, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:33 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

On motion of Senator PEELER, the Resolution was carried over.

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THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**AMENDED, READ THE THIRD TIME
RETURNED TO THE HOUSE**

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Amendment No. 4

Senator MALLOY proposed the following amendment (SJ-3532.BM0047S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

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(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the Chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the Court of General Sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(I) The commission is encouraged to apply for and may expend federal funds, grants, and gifts it receives from other sources to carry out its duties and responsibilities.

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Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Amendment No. 5

Senators HEMBREE and MALLOY proposed the following amendment (SEDU-3532.DB0061S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on

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the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other

court proceedings.

(B) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency ~~shall~~ must provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

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(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

Amend the bill further, SECTION 4, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or any felony offense involving a firearm and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~violent crime~~ offense, then:

____ (1) the bond ~~hearing~~ for the ~~subsequent violent crime~~ original offense must be revoked by operation of law and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

____ (2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm.

____ (3) If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Sections 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety;

____ (4) ~~If~~ the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and

____ ~~(D)~~ (5) If a person commits a violent offense ~~crime~~, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or felony offense involving a firearm, and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~offense~~ ~~violent crime~~, then the arresting law

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enforcement agency must transmit notice of the second arrest, implicating this subsection-(C), to the solicitor of the circuit in which the ~~crime~~-offense was committed and the administrative chief judge of the circuit in which the ~~crime~~-offense was committed. The prosecuting agency must notify any victims of the initial or subsequent ~~crimes~~ offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) Notwithstanding subsection (C)(2), if the original bond was set in another judicial circuit, that prosecution agency shall be notified of the revocation and any finding the court makes pursuant to this subsection. The prosecution agency having jurisdiction over the subsequent charge must make the notification required in this subsection within forty-eight hours of the conclusion of the preceding. The presiding judge has jurisdiction to make a finding on record to deny a new bond on the original charge or may order a new bond hearing to be scheduled on the original charge in the judicial circuit where the charges are pending. This hearing must be scheduled within thirty days by the prosecution agency having jurisdiction over the original charges.

~~(E)~~(F) For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the-circuit court for ~~ten~~-thirty days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and

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circumstances of the event including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section mean the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(D) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency ~~shall~~ must provide the court with the following information:

- (1) the person's criminal record;
- (2) any charges pending against the person at the time release is requested;

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(3) all incident reports generated as a result of the offense charged;
and

(4) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION X. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; ~~or~~ (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 6 was withdrawn.

Motion Adopted

Senator MALLOY asked unanimous consent to proceed to Amendment No. 12.

Amendment No. 12

Senators MALLOY, HUTTO, ADAMS and HARPOOTLIAN proposed the following amendment (SJ-3532.BM0067S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-35. (A) As used in this section:

(1) “Approved active electronic monitoring device” and “monitoring device” means a body worn or non-body worn device or mobile phone application approved by the South Carolina Law Enforcement Division which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's location and activities, that must verify live biometric, photographic, or videographic identification information, and that timely records and reports the person’s location.

(2) “Approved electronic monitoring agency” means a law enforcement agency, licensed bondsman or bonding company, or electronic monitoring company that is certified by the South Carolina Law Enforcement Division to supply, maintain, and monitor electronic monitoring devices to participants ordered by the court to wear electronic monitoring devices under the provisions of this section.

(3) “SLED” means the South Carolina Law Enforcement Division;

(4) “Monitoring agency” or “agency” means an approved electronic monitoring agency.

(5) “Participant” means a person, ordered by the court or as a condition of bond to wear or possess an approved electronic monitoring device.

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(B)(1) The court, in its discretion, may, for a person charged with a violation of criminal offense under the jurisdiction of the court of General Sessions or any offense where the court finds sufficient evidence of a concern for the victim's safety or the safety of any member of the public, order that the person be placed on surveillance via an approved active electronic monitoring device which must be worn or possessed at all times for the duration specified by the court, either in lieu of setting or requiring the posting of bond or as an additional condition of the release on bond.

(2) For pre-trial bond consideration, the judge is not limited to nonviolent offenses, but must take into consideration all concerns relating to the setting of an appropriate bond under Section 22-5-510, Sections 17-15-10 et seq., and Section 16-25-120. The device must be capable of recording the person's location at all times. If the court orders a device, before the participant is allowed to leave custody, the detention facility where the defendant is located, in coordination with the approved monitoring agency, must ensure the participant is fitted with an approved active electronic monitoring device, and that all appropriate bond paperwork, including the agreement with the bonding and electronic monitoring companies acknowledging the terms and restrictions of the bond, is completed.

(3) (a) The participant who is ordered on supervision must wear an approved device at all times to verify his compliance with the conditions of his detention or if the device is not body worn, must maintain possession of his approved device on or near his person at all times for the duration of the detention and must verify his identity and location at any time required by the order of the court and must maintain the monitoring device on or near his person at all times for the duration of the detention, subject to the order of the court and reasonable orders of an agent or employee of the monitoring agency in order to effectuate the conditions of the monitoring order. For purposes of this subsection, "near" means within hearing distance of the device's notification or call alerts but not farther than thirty feet. In areas of the State where cellular coverage requires the use of an alternate device, the approved electronic monitoring company may use an alternate approved device with approval of the court;

(b) must charge and maintain the monitoring device in working order and must report any damage, destruction, or noticeable malfunction of the active monitoring device, whether the incident was accidental or intentional, and including the device having a dead battery, to at least one of the following parties within two hours of the incident:

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the monitoring agency, the appropriate law enforcement agency with jurisdiction over the underlying offense, or any other party specified in the order;

(c) must abide by other terms and conditions set forth by the approved electronic monitoring agency with regard to the monitoring device and electronic monitoring program;

(d) must turn himself in to custody of the appropriate detention facility upon the order of the monitoring agency, or the appropriate law enforcement agency with jurisdiction over the offense;

(e) must pay for the cost of the approved active electronic monitoring device and the operation of the monitoring device for the duration of the time the person is required to be electronically monitored, subject to an order of indigency by the court. The summary court or circuit court has jurisdiction upon motion of the defendant to consider exempting a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if it is determined that exceptional circumstances exist such that these payments cause a severe hardship to the person who is deemed indigent. If the indigency hearing is held at a time and date separate from the initial bond hearing, the defense must notify the prosecutor, the bondsman, and the monitoring agency of the date, time, and location of the hearing subject to the notice requirements of the court.

The payment of the cost must be a condition of supervision of the person and a delinquency of two weeks or more in making payments may operate as a violation of a term or condition of the electronic monitoring and bond. No person shall be denied the privilege of electronic monitoring under this statute based on inability to pay upon a finding by the court that the defendant meets the qualifications for indigency. The State shall allocate funds to be housed in an indigency fund under the control of the Department of Public Safety to be distributed to the monitoring companies as appropriate to cover the cost of indigent participants.

(C) A participant ordered by the court to be monitored under the provisions of this section, who fails to comply with any of the provisions of this section or who fails to comply with any additional condition of the court order including location restrictions, may have his bond revoked or may be punished for contempt at the discretion of the court.

(D) It is unlawful for any person, knowingly and without authority, to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent an active electronic monitoring device, or to aid or

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assist a person ordered by the court to be electronically monitored under the provisions of this section to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent a monitoring device, and upon conviction, the person must be punished under the provisions of Section 24-13-425. This subsection does not apply to a person or agent of the electronic monitoring agency or bonding company, or a member of law enforcement acting under the authority of and with compliance to the court order.

(E)(1) Upon violation of any of these requirements and a showing by affidavit and supporting records by the electronic monitoring company on a domestic violence bond or general sessions bond or where emergency circumstances exist on any other bond, the approved electronic monitoring company may approach a summary court judge for a bench warrant if one is not already provided for in the bond paperwork or other court order. Law enforcement shall immediately attempt to locate and incarcerate the defendant upon notice of the bench warrant. After incarceration, the prosecutor must be notified and the defendant must be brought before a summary court judge within three calendar days or before a circuit court judge within three business days, whichever has jurisdiction of the underlying charge, to determine whether the bond is to be reconsidered or bond conditions amended. The prosecution must provide the defense with any relevant evidence regarding the alleged violation within a reasonable time before the hearing and the hearing may be continued for cause.

(2) Nothing in this section shall reduce any duty of the bondsman to pick up the offending bailee and immediately incarcerate him for violation of bond conditions. Failure to do so may lead to bond estreatment for failure to enforce bond conditions by the bondsman and possible other administrative or criminal action.

(3) Nothing in this section may be used to hold the electronic monitoring agency civilly liable for any criminal acts of the defendant committed while being monitored.

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-37. (A) The South Carolina Law Enforcement Division may promulgate regulations to effectuate the intent of Section 17-15-35 and this section, develop standards for the use and approval of active electronic monitoring devices, and shall certify electronic monitoring agencies, including law enforcement agencies, electronic monitoring companies, and bondsmen and bonding companies. SLED must keep a public list of those companies that are certified.

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(B) The approved electronic monitoring agency must:

(1) provide active electronic monitoring devices or mobile phone applications approved by SLED that must provide verifiable identity and location information at regular and random intervals throughout the day, and that timely record and report the person's presence near or within a prohibited area or the person's departure from a specified geographic location;

(2) allow any law enforcement agency, including the prosecutor's office, to have access to real-time monitoring, if possible, and any reports requested by law enforcement or the prosecution must be provided within twenty-four hours of the request;

(3) notify the solicitor having jurisdiction over the participant and the bondsman within forty-eight hours when he becomes aware or should have become aware that the participant has violated any provision of the court's order for electronic monitoring, or the participant has been surrendered to the custody of law enforcement; and

(4) immediately notify local law enforcement and make reasonable attempts to immediately notify the victim if the participant violates any exclusion zones related to the victim.

(C) Failure of the electronic monitoring agency to maintain compliance with regulations established by SLED, the order of the court, or any applicable statute shall be reported to SLED by the solicitor for administrative action. SLED may impose a fine, or suspend or revoke the certification for any approved agency who demonstrates a failure to maintain the standards and reporting requirements set forth under the regulations and appropriate statutes.

SECTION X. Section 24-13-425 of the S.C. Code is amended to read:

Section 24-13-425. (A) For the purposes of this section:

—(1) "Electronic monitoring device" includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

—(2) ~~"Person" includes any public or private agency or entity providing electronic monitoring services.~~

(B) It is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is:

(1) complying with the Home Detention Act as set forth in Article 15, Title 24;

(2) wearing an electronic monitoring device as a condition of bond or pretrial release;

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(3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or

(4) wearing an electronic monitoring device as required by any other provision of law.

(C) It shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purposes described in subsection (B).

(D) This section does not apply to an employee or agent of the electronic monitoring company, bonding company, or law enforcement entity who removes or replaces an active electronic monitoring device in order to perform maintenance and repair on the device, who removes and replaces a non-working device, who removes the device once the person is placed into secure custody or if the underlying charges have been dismissed, or who otherwise is acting under the authority of the court order.

(E) Any person who violates the provisions of this section shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to three thousand dollars, or both.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Amendment No. 10A

Senators HARPOOTLIAN, HEMBREE and MALLOY proposed the following amendment (SEDU-3532.DB0068S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 17-15-55(A)(2) and inserting:

(2) After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set

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forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. A defendant shall be advised of his right to a speedy trial. Information regarding the defendant's guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor's consent. Notwithstanding another provision of law, nothing prevents a solicitor or the defendant from filing a motion for a speedy trial or requesting the court to set a date certain for trial based on the facts and circumstances in the case. If either party fails to comply with the terms of an order granting a speedy trial, the court may reconsider the terms of the defendant's bond, may consider sanctions and may grant other just and proper relief as the court determines.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 11

Senators HARPOOTLIAN, HEMBREE and MALLOY proposed the following amendment (SR-3532.JG0065S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-265. (A) When the clerk of court receives an initial bond form in a criminal case or an initial filing in a civil case, the court must enter the case into an accessible case tracking system.

(B) The Judicial Department must establish and maintain an accessible case tracking system ("ACTS") that contains the information required pursuant to this section regarding the status of each case pending before the South Carolina Supreme Court, the South Carolina Court of Appeals, or any South Carolina Circuit Court until the final disposition of the case. ACTS must be prominently posted on the Judicial Department's internet website and made available to the public in a searchable format. ACTS must include for each case:

- (1) the number of days the case has been pending;
- (2) the case number and caption;

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(3) the date of initial filing for a civil case or the date of indictment, or if no indictment, the date of the issuance of the warrant, for a criminal case;

(4) the current status of the case;

(5) a link to lower court decisions; and

(6) the date the sitting court:

(a) received the case;

(b) received the briefs, if briefed;

(c) heard oral arguments, if argued; and

(d) decided the case, if decided.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The amendment was adopted.

Amendment No. 13

Senators HUTTO and MALLOY proposed the following amendment (SJ-3532.BM0069S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 and inserting:

SECTION 4. This act takes effect upon approval by the Governor, however, the provisions of Sections 17-15-35 and 17-15-37 take effect six months after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 14

Senator MATTHEWS proposed the following amendment (SMIN-3532.MW0064S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a

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bail bond unless that person is qualified and licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government. A person engaged in electronic monitoring of a defendant shall only provide monitoring information to a solicitor or the court of competent jurisdiction unless otherwise ordered by the court. Monitoring information can only be provided to law enforcement pursuant to a court order.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was carried over.

Amendment No. 15

Senator MATTHEWS proposed the following amendment (SMIN-3532.AA0072S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-55. When a person engaged in electronic monitoring of a defendant charged with a violent offense as defined by Section 16-1-60 becomes aware that the defendant has had contact with the alleged victim of the violent offense or with the immediate family of the alleged victim of the violent offense, he must, within twenty-four hours, notify the solicitor and the court having jurisdiction over the defendant of the contact.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was carried over.

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Amendment No. 1

Senator HEMBREE proposed the following amendment (SEDU-3532.DB0043S), which was withdrawn:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

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(B) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

Amend the bill further, SECTION 3, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or any felony offense involving a firearm and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~violent crime~~ offense, then:

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(1) the bond hearing for the subsequent violent crime original offense must be revoked and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm.

(3) if the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Sections 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety. If a secondary bond is posted by a bond surety, the surety must certify to the court that all costs and fees required by the contract or agreement with the defendant were paid in full at the time of the bonding and that no future payments, fees, or interest are due from the defendant. A failure by the defendant to make payments or to pay fees or interest to a bond surety after the release from custody for any contract or agreement made in violation of this subsection shall not be enforceable in any court;

(4) if the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and-

(D)-(5) if a person commits a violent offensecrime, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent crimeoffense or felony offense involving a firearm, and the subsequent violent crimeoffense did not arise out of the same series of events as the previous offenseviolent crime, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection-(C), to the solicitor of the circuit in which the crime-offense was committed and the administrative chief judge of the

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circuit in which the ~~crime-offense~~ was committed. The prosecuting agency must notify any victims of the initial or subsequent ~~crimes offenses~~ pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the circuit court for ~~ten-thirty~~ days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section mean the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following

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information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other

court proceedings.

(D) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;

(3) all incident reports generated as a result of an offense charged;

(4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and

(6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency ~~shall~~ must provide the court with the following information:

(1) the person's criminal record;

(2) any charges pending against the person at the time release is requested;

(3) all incident reports generated as a result of the offense charged; and

(4) any other information that will assist the court in determining conditions of release.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

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(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION X. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; ~~or~~ (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, the amendment was withdrawn.

Amendment No. 3A

Senator HARPOOTLIAN proposed the following amendment (SMIN-3532.MW0049S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-280.(A) To protect the fundamental rights of the accused and to advance the state's interest in speedy resolution of criminal trials, any person charged with a noncapital offense who is

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denied bond shall be brought to trial within one year of arrest or be released on his own recognizance.

(B) It shall be the duty of the court to ensure that the defendant is tried within the time specified above. No trial shall commence unless the prosecuting attorney first certifies to the court that discovery was fully produced at least thirty days prior and that all exculpatory information possessed by the prosecution team, including law enforcement, has been disclosed to the defendant and his counsel.

(C) Any extension of time requested and obtained by the defendant, on any delay attributable to the defendant's post-arrest conduct, shall be excluded from any calculation of the trial deadline.

(D) Any court of competent jurisdiction that finds that a defendant has not been brought to trial within the time set forth above, shall release the defendant on his own recognizance pursuant to conditions set forth in Section 17-15-10(A), unless good cause be shown to the court and the court makes a finding of fact, memorialized in written order, and a certain trial date set.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HARPOOTLIAN, with unanimous consent, the amendment was withdrawn.

Amendment No. 16

Senator CLIMER proposed the following amendment (SR-3532.JG0076S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 17-15-40 of the S.C. Code is amended to read:

Section 17-15-40. (A) On releasing the person on any of the foregoing conditions, the court shall issue a brief order containing a statement of the conditions imposed, informing the person of the penalties for violation of the conditions of release and stating that a warrant for the person's arrest will be issued immediately upon any such violation. The person released shall acknowledge his understanding of the terms and conditions of his release and the penalties and forfeitures applicable in the event of violation thereof on a form to be prescribed by the Attorney General.

(B)(1) It is unlawful for a person to commit any crime when that person is already out on bond for a previous crime.

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(2) A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than five years.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator CLIMER, with unanimous consent, the amendment was withdrawn.

Amendment No. 17

Senator MATTHEWS proposed the following amendment (SMIN-3532.AA0075S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-55. When a person engaged in electronic monitoring of a defendant charged with a violent offense as defined by Section 16-1-60 becomes aware that the defendant has had contact with the alleged victim of the violent offense or with the immediate family of the alleged victim of the violent offense, he must immediately or within twenty-four hours, notify law enforcement, the solicitor, and the court having jurisdiction over the defendant of the contact.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

Amendment No. 18

Senator MALLOY proposed the following amendment (SJ-3532.BM0079S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

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(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the Chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the Court of General Sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

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(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Amendment No. 19

Senators ADAMS, HUTTO and MALLOY proposed the following amendment (SJ-3532.MB0078S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as ~~an~~ a property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

SECTION X. Section 38-53-10 of the S.C. Code is amended by adding:

(15) "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

SECTION X. Section 38-53-50(B) of the S.C. Code is amended to read:

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees

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alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

SECTION X. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant ~~fails to appear at a court proceeding to which he has been summoned~~ violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court ~~shall must make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy provide~~ written or electronic notice of the issuance of the bench warrant within seventy days of its issuance at the clerk of court's office to every party bound in the recognizance. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a bail bond unless that person is employed by any electronic monitoring company that is approved by a licensed bail bondsman or qualified and

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licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service, shall, in and of itself, constitute good cause for the bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

SECTION X. Section 38-53-170(e) and (f) of the S.C. Code is amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of ~~twenty five~~ one hundred dollars or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman's premium, and are not affected by this code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.

However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman

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must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept collateral security or other indemnity from the principal which must be returned ~~upon~~ within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last know address of the depositor. After the conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money with three days after settlement;

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

SECTION X. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month ~~showing:~~

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(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has cause to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

- ~~(a)~~(1) each individual bonded;
- ~~(b)~~(2) the date the bond was given;
- ~~(c)~~(3) the principal sum of the bond;
- ~~(d)~~(4) the state or local official with whom the bond was filed;
- ~~(e)~~(5) the fee charged for the bonding service in each instance; ~~and~~
- ~~(f)~~(6) all pending bonds; and
- (7) any current data on monies to be collected and retained as an express condition of the bond, whether for electronic monitoring or otherwise.

(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system, which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator ADAMS, with unanimous consent, Amendment No. 2 and No. 9 were withdrawn.

Motion Adopted

On motion of Senator MATTHEWS, with unanimous consent, Amendment No. 14 and No. 15 were withdrawn.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House of Representatives with amendments.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jeremy Pickens, 262 Public Well Rd., Anderson, SC 29626-5859
VICE Ronald W. Whitman

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ronald Gambrell, 205 Ashley Downs, Anderson, SC 29621-2408
VICE Denise Malone

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Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Frances Cole, 127 Royal Drive, Williamston, SC 29697-2046

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Nancy W. Devine, 121 Wilson Road, Williamston, SC 29697-9723

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Linda C. Dudley-Graham, Post Office Box 863, Iva, SC 29655-0863

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Wesley White, 152 Buckland Drive, Anderson, SC 29621-3686

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew Lollis, 111 Cliftons Landing Drive, Anderson, SC 29625-6243

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sherry Mattison, 309 Oakwood Estates Drive, Anderson, SC 29621-2471

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Samuel Thompson Tucker III, 230 Grace Lane, Piedmont, SC 29673-7710

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

J. Darrell Green, Jr., 103 Lusk Street, Honea Path, SC 29654-1317

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senators GOLDFINCH and RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Elizabeth Louise Floyd Marsh of Conway, S.C. Elizabeth was a graduate of Conway High School and Coastal Carolina University. She worked as a paralegal for many years before staying home to raise her children. Elizabeth was an active member of Kingston Presbyterian Church where she sang in the choir and served as an elder, deacon and Sunday school teacher. She was a lifelong Girl Scout who enjoyed reading and spending time at the beach and outdoors. Elizabeth was a loving wife and devoted mother who will be dearly missed.

ADJOURNMENT

At 3:48 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, April 13, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 12:2

Isaiah the prophet tells us: "Surely God is my salvation; I will trust and will not be afraid, for the Lord God is my strength and my might; he has become my salvation."

Bow with me as we pray, please: It never fails, O Lord, as these Senators know so very well -- from all sides -- often at every hour of the day -- people call, wanting this, seeking that, complaining about goodness only knows. And at times it all surely can be too much. Even tried and true legislators speak to that reality. So we pray that You will embrace these leaders in Your loving care, dear God. Grant them all not just the stamina to get through every new day of public service, but also the wisdom and grace to carry on, assisting the people of our State while each Senator and aide at the same time trusts in Your strength and Your might while they faithfully serve others. In Your loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Reichenbach	Rice

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Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Richard Arlen Brooks, 21 Cedar Point Dr., Beaufort, SC 29907-2065

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 5142

Agency: State Board of Financial Institutions - Consumer Finance Division

Chapter: 15

Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

SUBJECT: Check-Cashing Service: Recordkeeping Requirements

Received by President of the Senate January 10, 2023

Referred to Committee on Banking and Insurance

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 13, 2023

Document No. 5164

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760

SUBJECT: Representation before Appeal Tribunal and the Appellate Panel

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 13, 2023

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Leave of Absence

On motion of Senator CLIMER, at 11:07 A.M., Senator GOLDFINCH was granted a leave of absence until Wednesday, May 10, 2023.

Leave of Absence

On motion of Senator STEPHENS, at 11:07 A.M., Senator SABB was granted a leave of absence for today.

Leave of Absence

On motion of Senator TURNER, at 11:07 A.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 11:41 A.M., Senator KIMPSON was granted a leave of absence for today.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McLEOD rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 305 Sen. Stephens
S. 714 Sen. Gambrell

RECALLED AND ADOPTED

S. 715 -- Senator Davis: A SENATE RESOLUTION TO PROCLAIM WEDNESDAY, APRIL 26, 2023, AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" THROUGHOUT THE STATE AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS TO THE PALMETTO STATE.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

THURSDAY, APRIL 13, 2023

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 726 -- Senator Reichenbach: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CITY OF FLORENCE AND THE FLORENCE DOWNTOWN DEVELOPMENT CORPORATION ON DOWNTOWN FLORENCE MAIN STREET'S RECEIPT OF THE PRESTIGIOUS 2023 GREAT AMERICAN MAIN STREET AWARD AND TO CONGRATULATE THE PROGRAM ON THE ACHIEVEMENT.

lc-0242vr-gm23.docx : bae4810e-35cd-4b4d-8968-73503acaaf80

The Senate Resolution was adopted.

S. 727 -- Senators Davis and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

lc-0272ph23.docx : 5611ca60-3fba-4bf6-bcc9-373713adc9e4

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 728 -- Senator Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-9-197(A)(3), RELATING TO THE FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN, SO AS TO PROVIDE THAT THE DEFINITION OF "FIREFIGHTER" SHALL INCLUDE NON-RESIDENTS OF SOUTH CAROLINA WHO WORK IN THE STATE.

sr-0352km23.docx : f9a3c485-e953-41d2-9781-8048fffcf2ee

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 729 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-29-80(A), RELATING TO COURSES IN PHYSICAL EDUCATION AND ALTERNATIVES, SO AS TO PROVIDE THAT TRAINING IN ROTC DURING THE EIGHTH GRADE SATISFIES THE PHYSICAL EDUCATION REQUIREMENT FOR HIGH SCHOOL GRADUATION.

sr-0340km23.docx : bc3e75b3-7eee-4521-9d2b-03f50cac826d

Read the first time and referred to the Committee on Education.

S. 730 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-262, RELATING TO MINIMUM RESIDENT-STAFF RATIOS FOR NURSING HOMES, SO AS TO ALLOW FOR THE DIVISION OF MEMORY CARE FACILITIES AND ASSISTED LIVING FACILITIES AND TO REQUIRE SUFFICIENT STAFF TO PROVIDE APPROPRIATE CARE FOR THE RESIDENTS.

sr-0072jg23.docx : 23671b7b-0651-434e-8464-632f16fcfd2

Read the first time and referred to the Committee on Medical Affairs.

S. 731 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-7-20, RELATING TO THE ALLOCATION OF INSURANCE PREMIUM TAXES, SO AS TO DIRECT FIFTEEN PERCENT TO THE SOUTH CAROLINA OFFICE OF RESILIENCE.

lc-0271ph23.docx : 7a7d0fdd-662e-4ddb-8e37-a8170521892d

Read the first time and referred to the Committee on Finance.

S. 732 -- Education Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0319wab-dbs23.docx : 77e8a6eb-4cab-4173-9de3-20031e3a65bb

Read the first time and ordered placed on the Calendar without reference.

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S. 733 -- Senators McElveen, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, Kimbrell, Kimpson, Loftis, M. Johnson, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO ACKNOWLEDGE, WITH GREAT PRIDE AND GREATER GRATITUDE, THE ENORMITY OF THE SACRIFICE AND PERSONAL CONVICTION EXPRESSED BY THOUSANDS OF MEN AND WOMEN WHO FOUGHT THE REVOLUTIONARY WAR ON THE PLAINS AND VALLEYS, RIVERS AND COAST, MOUNTAINS AND SWAMPS, FIELDS AND FORESTS, THROUGHOUT THE BACKCOUNTRY AND LOWLANDS IN SOUTH CAROLINA AND TO PROCLAIM APRIL 22, 2023, "CAMDEN BURIALS DAY" THROUGHOUT THE STATE.

lc-0308sa-gm23.docx : d7437cb7-86b2-481a-91a1-55b7eb10cc43

The Concurrent Resolution was adopted, ordered sent to the House.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 335 -- Senator Davis: A BILL TO AMEND ACT 596 OF 1969, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

On motion of Senator DAVIS.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL

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DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

AMENDED, CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH

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ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

Senator CORBIN proposed the following amendment (SR-147.JG0008S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by deleting Section 16-25-130(A)(4).

Amend the bill further, SECTION 1, Section 16-25-130, by adding a subsection to read:

(I) A participant in the address confidentiality program may not be mailed an absentee ballot unless the participant has requested an absentee ballot pursuant to Section 7-15-330. The participant's absentee ballot must be the same ballot used in the precinct assigned to the participant's residential street address. The request for an absentee ballot submitted by the participant is not a public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the county board of voter registration and elections to which the request was made.

Amend the bill further, by striking SECTION 4 and inserting:
SECTION 4. This act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 593 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440,

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RELATING TO DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-3605.JG0005S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This act may be cited as the “Earn and Learn Act of 2023”.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

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(1) “Apprenticeship” means a United States Department of Labor-approved and registered apprenticeship or an industry recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

(2) “Board” means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of “board” does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) “License” means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) “Scope of practice” means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation’s or profession’s regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations;

(3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete requirements that exceed the requirements of other license applicants for initial licensure.

(D) If a board denies a license to an applicant under this section, then the board shall:

(1) provide the applicant with a denial in writing; and

(2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant’s apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

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(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

(1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;

(2) a license that requires the educational equivalent of a bachelor's degree or higher; or

(3) apprenticeship programs that are established by state law.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Senators CASH and CLIMER proposed the following amendment (SR-3605.KM0007S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 40-1-140(A)(1) and inserting:

Section 40-1-140. (A)(1) A professional or occupational board may not deny a license to an applicant solely because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license.

Renumber sections to conform.

Amend title to conform.

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Senator CLIMER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CORBIN, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HUTTO, the Resolution was carried over.

RECOMMITTED

S. 686 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF ACCOUNTANCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 5170, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 687 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, AND R.10-42, DESIGNATED AS REGULATION DOCUMENT NUMBER 5160, PURSUANT TO THE

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PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 688 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, AND R.10-41, DESIGNATED AS REGULATION DOCUMENT NUMBER 5157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

OBJECTION

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

Senator MALLOY objected to the consideration of the Resolution.

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CARRIED OVER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

On motion of Senator HUTTO, the Resolution was carried over.

READ THE SECOND TIME

S. 698 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The question then being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--39

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NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MARTIN, the Resolution was carried over.

CARRIED OVER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MARTIN, the Resolution was carried over.

POINT OF ORDER

S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

AMENDED, READ THE SECOND TIME

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator M. JOHNSON proposed the following amendment (LC-4099.HDB0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 7-7-350(A), by striking the twenty-second precinct and inserting:

~~Lancaster West~~

Amend the bill further, SECTION 1, Section 7-7-350(A), by striking the thirty-first precinct and inserting:

~~Shelley Mullis~~Six Mile Creek

Amend the bill further, SECTION 1, by striking Section 7-7-350(B) and inserting:

(B) The precinct lines defining the above precincts are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office designated as document ~~P-57-22~~P-57-23A.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 11:53 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

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**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator GAMBRELL explained the House amendments.

Senators PEELER and SETZLER proposed the following amendment (SF-604.CH0005S), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTIONS 5, 6, and 7 and inserting:

SECTION 5. Notwithstanding SECTION 14 of Act 244 of 2022, the funds in the ARPA Resilience Account also may be used to mitigate the potential release of contamination associated with the USS Yorktown, an asset of the Patriots Point Development Authority. The Office of Resilience must make an initial funding request for Phase I review and comment by the Joint Bond Review Committee that describes the project scope and provides an estimate of costs for the proposed improvements. Thereafter, the Office of Resilience must make a full funding request for Phase II review and comment by the Joint Bond Review Committee to establish final budget authorization and project scope. No funds may be expended toward the project in either phase until the Joint Bond Review Committee has provided review and comment. The Office of Resilience is authorized to engage and reimburse the services of other state agencies in the development of both phases of the project.

SECTION 6. This joint resolution takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The question then was the adoption of the amendment.

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The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
H. 4300, THE GENERAL APPROPRIATIONS BILL.**

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Senate proceeded to a consideration of the Joint Resolution, the question being the second reading of the Joint Resolution.

Motion Adopted

Report of the Committee on Finance Adopted

Senator PEELER asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

There was no objection.

Motion Adopted

On motion of Senator PEELER, with unanimous consent, staff members from the Revenue and Fiscal Affairs office were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the PRESIDENT were

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admitted to the floor of the Senate Chamber while debate was in progress on H. 4300, the General Appropriations Bill.

There was no objection.

Motion Adopted

On motion of Senator PEELER, with unanimous consent, H. 4300 and H. 4301 were carried over.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Richard Arlen Brooks, 21 Cedar Point Dr., Beaufort, SC 29907-2065

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator McLEOD, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ronald "Ron" Calhoun Fulmer, Sr. of Columbia, S.C. Ron served in the Army as first lieutenant in the Vietnam War. He was a Citadel graduate and loved his home church St. John's Lutheran Church. Ron served in the House of Representatives in the late 1980s representing District 119 in Charleston County. He started Fulmer Public Relations, Inc. and later worked with State Capitol Group, LLC. Ron received many awards and accolades including the Order of the Palmetto. Ron was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 12:10 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, April 14, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SETZLER.

ADJOURNMENT

At 11:05 A.M., on motion of Senator SCOTT, the Senate adjourned to meet next Tuesday, April 18, 2023, at 12:00 P.M.

* * *

Tuesday, April 18, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Joshua 24:15

Joshua challenged his people, saying to them:

“ ‘ . . . choose this day whom you will serve. . . ’ and then he declared, ‘as for me and my household, we will serve the Lord.’ ”

Let us pray: Most Holy Lord, likely few of us consciously think each day about how many times we have to make choices. A great deal of those decisions, naturally, are about lightweight, minor things. Yet others truly are about major issues which demand serious, wise, and caring thought. So, we pray, dear God, that You will unfailingly lead each one of these forty-six Senators as they make those decisions which frequently impact the people and the institutions of South Carolina in truly significant ways. And as they guide and hopefully bring blessings to the people of our State, may these servant leaders also bring great blessings upon You, dear Lord. So we pray in Your loving name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:04 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>

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<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, South Carolina State Accident Fund, with the term to commence June 11, 2022, and to expire June 11, 2028

Director:

Erin Farrell Farthing, 213 Leventis Lane, Lexington, SC 29072-3961
VICE Amy Cofield

Referred to the Committee on Judiciary.

Doctor of the Day

Senator McLEOD introduced Dr. Patricia Witherspoon and Dr. Daniella Hall of Columbia, S.C., Doctor of the Day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95	Sen. Garrett
S. 280	Sen. Young
S. 367	Sen. Gustafson
S. 590	Sen. Hembree
S. 610	Sen. Climer

RECALLED

S. 714 -- Senators Bennett and Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE JULY 22, 2023, AS “FRAGILE X DAY” IN SOUTH CAROLINA IN ORDER TO HELP RAISE AWARENESS OF THE CONDITION AND THE NEED FOR

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INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH FRAGILE X.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 717 -- Senator Williams: A SENATE RESOLUTION TO PROCLAIM SEPTEMBER 2023 AS "CHILDHOOD CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT THIS CAUSE THAT SO DEEPLY IMPACTS FAMILIES IN EVERY COMMUNITY ACROSS THE STATE AND NATION.

Senator VERDIN asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Medical Affairs.

The Senate Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 734 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE MR. DENNIS EDWARDS UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS FORTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0367km-vc23.docx : 90664d19-84d5-41dc-a924-282848cbcd1a

The Senate Resolution was adopted.

S. 735 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DARIUS RUSH FOR HIS EXCELLENCE AS AN ATHLETE AND AS AN INDIVIDUAL.

sr-0366km-hw23.docx : af1da55e-d19c-4499-bc61-1b7e8903e28b

The Senate Resolution was adopted.

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S. 736 -- Senator Talley: A SENATE RESOLUTION TO CONGRATULATE MAX K. METCALF FOR BEING THE RECIPIENT OF THE 2023 ROGER MILLIKEN DEFENDER OF MANUFACTURING AWARD.

sr-0373km-vc23.docx : add6567f-0768-4a94-9409-3d13496d378d

The Senate Resolution was adopted.

S. 737 -- Senator Shealy: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF HANNAH RUTH TIMMONS AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

sr-0372km-vc23.docx : 835d913a-f055-40d1-9745-fafeecce5293

The Senate Resolution was adopted.

S. 738 -- Senator K. Johnson: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE CLARENDON COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS.

lc-0213hdb23.docx : 20c709a8-6e15-4e8f-ac25-e099dd5dd7a5

Read the first time and ordered placed on the Calendar without reference.

S. 739 -- Senator Setzler: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NON-RECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENTS.

sf-0023ch23.docx : db1996b6-a62d-4985-aaad-68b1e6920e1c

Read the first time and referred to the Committee on Finance.

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S. 740 -- Senator Martin: A SENATE RESOLUTION TO RECOGNIZE APRIL 19, 2023, AS "STO PROGRAMS DAY" IN SOUTH CAROLINA.

sr-0358km-vc23.docx : adefc705-3892-4b1c-81fa-1238d5930396

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 704 -- Senators McElveen, Gustafson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS "CLEVELAND SCHOOL FIRE MEMORIAL DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 719 -- Senator McElveen: A CONCURRENT RESOLUTION TO CONGRATULATE THE FEATHERHORN YOUNG GUNS SHOOTING TEAM OF FEATHERHORN FARMS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2023 GOVERNOR'S CUP.

Returned with concurrence.

Received as information.

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S. 724 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH ATLANTIC CONFERENCE CHAMPIONSHIP.

Returned with concurrence.

Received as information.

S. 725 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE MEN'S GOLF TEAM FOR EARNING THE TOP TEAM GRADE POINT AVERAGE IN THE COUNTRY.

Returned with concurrence.

Received as information.

S. 733 -- Senators McElveen, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, Kimbrell, Kimpson, Loftis, M. Johnson, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO ACKNOWLEDGE, WITH GREAT PRIDE AND GREATER GRATITUDE, THE ENORMITY OF THE SACRIFICE AND PERSONAL CONVICTION EXPRESSED BY THOUSANDS OF MEN AND WOMEN WHO FOUGHT THE REVOLUTIONARY WAR ON THE PLAINS AND VALLEYS, RIVERS AND COAST, MOUNTAINS AND SWAMPS, FIELDS AND FORESTS, THROUGHOUT THE BACKCOUNTRY AND LOWLANDS IN SOUTH CAROLINA AND TO PROCLAIM APRIL 22, 2023, "CAMDEN BURIALS DAY" THROUGHOUT THE STATE.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

Senator SHEALY explained the Bill.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION

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REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Resolution was read the third time and ordered sent to the House:

S. 698 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator SETZLER, the Resolution was carried over.

RECOMMITTED

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was recommitted to the Committee on Agriculture and Natural Resources.

OBJECTION

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning, Loftis and Garrett: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

Senator MALLOY objected to consideration of the Resolution.

READ THE SECOND TIME

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

The Senate proceeded to the consideration of the Resolution.

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Senator TALLEY explained the Resolution.

The question then being second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE

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PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MARTIN, the Resolution was carried over.

CARRIED OVER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MARTIN, the Resolution was carried over.

OBJECTION

S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

Senator STEPHENS objected to consideration of the Bill.

CARRIED OVER

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

On motion of Senator YOUNG, the Bill was carried over.

CARRIED OVER

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33

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SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

On motion of Senator HEMBREE, the Bill was carried over.

CARRIED OVER

S. 732 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HEMBREE, the Resolution was carried over.

THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4300, THE GENERAL APPROPRIATIONS BILL.

AMENDED, READ THE SECOND TIME

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

Senator PEELER spoke on the Bill.

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Report of the Subcommittee on K-12 Education

Senator BENNETT, Chairman of the Subcommittee on K-12 Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on
Judicial and Criminal Justice**

Senator MARTIN, Chairman of the Subcommittee on Judicial and Criminal Justice, was recognized to report to the Senate regarding the work of the subcommittee.

Report of the Subcommittee on Higher Education

Senator CROMER, Chairman of the Subcommittee on Higher Education, was recognized to report to the Senate regarding the work of the subcommittee.

ACTING PRESIDENT PRESIDES

Senator CAMPSSEN assumed the Chair.

**Report of the Subcommittee on
Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

PRESIDENT PRESIDES

At 1:29 P.M., the PRESIDENT assumed the Chair.

**Report of the Subcommittee on
Natural Resources and Economic Development**

Senator SETZLER, Chairman of the Subcommittee on Natural Resources and Economic Development, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on
Constitutional Officers and Administrative Laws**

Senator GROOMS, on behalf of the Chairman of the Subcommittee on Constitutional and Administrative Laws, was recognized to report to the Senate regarding the work of the subcommittee.

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**Report of the Subcommittee on
Transportation and Regulatory Laws**

Senator JACKSON, Chairman of the Subcommittee on Transportation and Regulatory Laws, was recognized to report to the Senate regarding the work of the subcommittee.

Senator PEELER spoke on the Bill.

Amendment No. 2

Senator BENNETT proposed the following amendment (SM CASH FOR SCHOOL EVENT ADMISSIONS), which was adopted (#1):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 300, after line 21, by adding an appropriately numbered new proviso to read:

/ (SDE: Cash for Admissions) For the current fiscal year, any school district or school that receives funds appropriated in this act must accept cash as a payment option for admission to extracurricular activities. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator MALLOY proposed the following amendment (AM FLORENCE-DARLINGTON MARION CAMPUS), which was adopted (#2):

Amend the bill, as and if amended, Part IB, Section 25, STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, page 348, proviso 25.5, lines 8 - 10, by striking the proviso in its entirety, and inserting:

/ 25.5. (TEC: Florence-Darlington Marion Campus) Nonrecurring funds appropriated in this act or the Capital Reserve Fund to Florence-Darlington Technical College for Maintenance, Renovation, and Replacement may be used to conduct a feasibility study and engineering related to the construction of a Marion County Campus. These funds may also be used for the completion of construction of the Darlington County Campus. /

Renumber sections to conform.

Amend sections, totals and title to conform.

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Senator MALLOY explained the amendment.

The amendment was adopted.

Amendment No. 10

Senator HEMBREE proposed the following amendment (AGM QUOTA ELIMINATION), which was adopted (#3):

Amend the bill, as and if amended, Part IB, Section 65, DEPARTMENT OF CORRECTIONS, page 424, proviso 65.19, by striking the proviso in its entirety, and inserting:

/ 65.19. (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, ~~and at the Perry and Lieber Correctional Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday~~ Thursday, excluding holidays, and at the Camille Graham Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m. on Thursdays and Fridays, excluding holidays.

By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

~~At the time of~~ least one day prior to the date for transfer of the inmate to the department, the county shall provide the sentencing order, and ~~if available~~ copies of all available medical history and screening records, booking reports, and other documents required to assist the department in its intake processing. Counties that have not completed additional medical screenings at the time of transfer shall not be required to do so. Counties shall not be allowed to have an inmate admitted to the department until after the sentencing order and medical history and screening records in their possession are transferred to the department.

In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a “jail” within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced state inmates who are awaiting R & E processing. The department may operate such “jail,” to the extent feasible, in accordance with standards applicable to the local jails.

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The department shall use the funds appropriated in this act for “Quota Elimination” to accomplish this initiative and to open a 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds may not be transferred to any other program or used for any other purpose. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 5

Senator CORBIN proposed the following amendment (4300R006.JG.TDC.DOCX), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 493, proviso 117.21, by striking line 17, by inserting:

/organizations or purposes which practice discrimination against person by virtue of race, creed, color or national origin. For the purposes of this paragraph, "nonprofit organization" means an organization recognized by the South Carolina Department of Revenue and the United States Internal Revenue Service as exempt from federal and state income taxation pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d). Each nonprofit organization that receives a contribution from an entity that receives an appropriation in this act shall submit to the Executive Budget Office and the Revenue and Fiscal Affairs Office, by the end of this fiscal year, a detailed statement explaining the nature and function of the nonprofit organization, including programming descriptions; staffing information, including full- and part-time positions and the number of positions available versus positions filled; salaries for each position and any supporting documentation; and other information detailing the use of appropriated funds expended by the organization, as well as a detailed statement explaining the use that was made of the contribution. The statements must be available at the Executive Budget Office and the Revenue and Fiscal Affairs Office for public inspection and must be provided to a member of the General Assembly upon request. A contribution must not be made to an organization until it agrees in writing to allow the State Auditor to audit or cause to be audited the contributed funds./

Renumber sections to conform.

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Amend sections, totals and title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator ADAMS, with unanimous consent, Amendment No. 8 was withdrawn.

Amendment No. 3

Senator CROMER proposed the following amendment (AM PHYSICIAN'S OFFICE DEFINITION), which was adopted (#5):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 546, after line 23, by adding an appropriately numbered new proviso to read:

/ (GP: Definition of Physician's Office) For the purposes of meeting the requirements of Section 12-36-2120(80) for insertable medicine used in the prevention, treatment, or cure of ophthalmologic diseases or conditions, the definition of a physician's office includes an independent surgery center and a hospital-based outpatient department. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

Amendment No. 4

Senator YOUNG proposed the following amendment (AM JROTC PROGRAM), which was adopted (#6):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 546, after line 23, by adding an appropriately numbered new proviso to read:

/ (JROTC Program) By February 1, 2024, the Department of Education, in collaboration with the Department of Veterans' Affairs, the Adjutant General, and the Education Oversight Committee, shall submit a report to the General Assembly, the Governor, and the State Board of Education on the status of JROTC program offerings in South Carolina public schools. The report shall include recommendations for expanding JROTC program offerings to more South Carolina students. /

Renumber sections to conform.

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Amend sections, totals and title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator ALEXANDER proposed the following amendment (DG\4300C001.NBD.DG23.DOCX), which was adopted (#7):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 546, after line 23, by adding an appropriately numbered new proviso to read:

/ (GP: Festival craftsmen) In the current fiscal year, a person including, but not limited to, artists, craftsmen, or hobbyists, who makes sales not more than four times in the fiscal year at a fair, festival, carnival, or event that operates for a period of less than twelve consecutive days is not engaged in business or making sales at retail. However, this proviso does not apply to persons who are engaged in the business of making sales at retail for which they are required to obtain a license./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 11

Senator DAVIS proposed the following amendment (AM HEALTHCARE), which was adopted (#8):

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, page 361, after line 23, by adding an appropriately numbered new proviso to read:

/ (DHHS: Healthcare) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall partner with safety net providers to ensure that high quality reproductive health care is incorporated into primary care services and practice and available to all safety net patients. The department shall allocate up to \$7,500,000 to ensure that patients eligible for Medicaid and other safety net patients are served by participating providers. In order to administer the program, the department shall partner with a nonprofit to administer

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the program. The department may leverage any and all available federal funds to implement this program. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Amendment No. 13

Senator YOUNG proposed the following amendment (AM USC MRR), which was adopted (#9):

Amend the bill, as and if amended, Part IB, Section 20, UNIVERSITY OF SOUTH CAROLINA, page 345, proviso 20.4, lines 27 - 29, by striking the proviso in its entirety, and inserting:

/ 20.4. (USC: Maintenance, Renovation, and Replacement) Funds appropriated in this act and the Capital Reserve Fund to University of South Carolina-Aiken for Maintenance, Renovation, and Replacement, and any amounts remaining after the completion of other capital projects, may be used to offset impacts on its campus caused by the construction of any building for the U.S. Department of Energy's Advanced Manufacturing Collaborative. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

Amendment No. 12

Senators HUTTO, MARTIN and McELVEEN proposed the following amendment (SM DEER PROCESSING PILOT PROGRAM), which was carried over:

Amend the bill, as and if amended, Part IB, Section 47, DEPARTMENT OF NATURAL RESOURCES, page 396, after line 34, by adding an appropriately numbered new proviso to read:

/ (DNR: Deer Processing Pilot Program) Funds appropriated to the Department of Natural Resources shall be used for the creation and implementation of a deer processing pilot program. This program shall be designated to incentivize the harvesting of deer in areas that are having impacts on the agriculture sector of the state's economy. The grants to processors will allow hunters to deliver deer to the processors

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without a fee if the deer is donated or at a reduced fee if a portion is to be donated as established by the department in the grant. The department is authorized to create a program and provide grants year-round to deer processors in this State. Grants shall only be provided to deer processors who agree to donate a portion of the processed meats to nonprofit organizations. The department shall establish the amount of processed meat to be donated by the processor before awarding each grant. A report shall be provided by the department to the Chairmen of the Senate Finance and House Ways and Means Committees by June 30, 2023, on the implementation of the pilot program and the grants awarded. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was carried over.

Amendment No. 14

Senator MALLOY proposed the following amendment (SM ECONOMIC DEVELOPMENT REALLOCATION), which was adopted (#10):

Amend the bill, as and if amended, Part IB, Section 50, DEPARTMENT OF COMMERCE, page 403, after line 27, by adding an appropriately numbered new proviso to read:

/ (CMRC: Economic Development Alliance Reallocation) Of the funds appropriated to the Department of Commerce for local economic development alliances, \$745,000 allocated for the Northeastern Strategic Alliance shall be reallocated to be distributed evenly among the municipalities of Darlington County for economic development. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Motion Adopted

Senator PEELER asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

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There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Senate proceeded to a consideration of the Resolution.

The Committee on Finance proposed the following amendment (LC-4301.SA0001S), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION X. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the S. C. Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2022-2023 the following amounts:

- | | |
|--|--------------|
| (1) H090 The Citadel | |
| Engineering Building | \$10,000,000 |
| (2) H120 Clemson University | |
| Maintenance, Renovation, and Replacement | \$10,000,000 |
| (3) H150 University of Charleston | |
| Maintenance, Renovation, and Replacement | \$9,000,000 |
| (4) H170 Coastal Carolina | |
| (a) Maintenance, Renovation, and Replacement | \$3,500,000 |
| (b) Edwards Humanities Building Renovation | \$4,000,000 |
| (5) H180 Francis Marion University | |
| (a) Founders Hall Renovation | \$9,000,000 |
| (b) Maintenance, Renovation, and Replacement | \$1 |
| (6) H210 Lander University | |
| (a) Maintenance, Renovation, and Replacement | \$3,500,000 |
| (b) Nursing Building | \$4,000,000 |
| (7) H240 South Carolina State University | |
| (a) Turner Hall Replacement | \$10,000,000 |

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(b) Maintenance, Renovation, and Replacement	\$1
(8) H270 USC Columbia	
(a) Rural Brain Health Network and Brain Health Institute	\$10,000,000
(b) Law Library Digitization	\$1
(c) Science and Technology Center	\$10,000,000
(9) H290 USC Aiken	
(a) Maintenance, Renovation, and Replacement	\$2,000,000
(b) Etherredge Center HVAC Upgrades	\$5,500,000
(10) H340 USC Upstate	
(a) Health Education Complex Mechanical Repairs	\$5,000,000
(b) Maintenance, Renovation, and Replacement	\$2,500,000
(11) H360 USC Beaufort	
Convocation Center	\$8,500,000
(12) H370 USC Lancaster	
Maintenance, Renovation, and Replacement	\$6,000,000
(13) H380 USC Salkehatchie	
Maintenance, Renovation, and Replacement	\$5,000,000
(14) H390 USC Sumter	
(a) Maintenance, Renovation, and Replacement	\$3,000,000
(b) Administrative Building HVAC	\$1,500,000
(c) Business Administration Building Maintenance and Renovation	\$1,000,000
(15) H400 USC Union	
Maintenance, Renovation, and Replacement	\$5,000,000
(16) H470 Winthrop University	
Maintenance, Renovation, and Replacement	\$2,500,000
(17) H510 Medical University of South Carolina	
Maintenance, Renovation, and Replacement	\$5,000,000
(18) H590 Board for Technical and Comprehensive Education	
Maintenance, Renovation, and Replacement	
(a) Aiken Technical College	\$3,194,426
(b) Central Carolina Technical College	\$4,000,000
(c) Denmark Technical College	\$500,000
(d) Florence-Darlington Technical College	\$3,000,000
(e) Greenville Technical College	\$7,000,000
(f) Horry-Georgetown Technical College	\$3,000,000
(g) Midlands Technical College	\$15,000,000
(h) Northeastern Technical College	\$1,000,000
(i) Orangeburg-Calhoun Technical College	\$2,000,000
(j) Piedmont Technical College	\$6,500,000

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(k)	Spartanburg Community College	\$6,000,000
(l)	Technical College of the Lowcountry	\$1,500,000
(m)	Tri-County Technical College	\$7,000,000
(n)	Trident Technical College	\$7,000,000
(o)	Williamsburg Technical College	\$1,000,000
(p)	York Technical College	\$4,000,000
(q)	Central Carolina Technical College – Sumter County	\$1
(19)	H590 Board for Technical and Comprehensive Education	
(a)	Trident Technical College Electric Vehicle Institute	\$1
(b)	ReadySC	\$2,000,000

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

The question then was second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--45

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:00 A.M.

REPORT RECEIVED

**College and University Trustee Screening Commission
Report to the General Assembly
April 18, 2023**

The College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to which they applied. These individuals will be released to receive commitments on Wednesday, April 19, 2023, at 12:00 p.m. noon. The Joint Assembly to elect the trustees is currently set for Wednesday, May 3, 2023, immediately following the Joint Assembly to honor David M. Beasley scheduled at 12:00 p.m. (noon). A complete transcript of the hearings for these candidates will be printed in today's Senate and House Journals.

COLLEGE OF CHARLESTON

CANDIDATES FOUND QUALIFIED AND NOMINATED

2nd Congressional District - Seat 3 – expires June 30, 2026
Derrick L. Williams – *Columbia*

3rd Congressional District – Seat 5 – expires June 30, 2026
Shawn M. Holland – *Anderson*

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4th Congressional District – Seat 7 – expires June 30, 2026

Matthew C. Klein – Greenville

5th Congressional District – Seat 9 – expires June 30, 2026

Henry A. Futch, Jr. – Rock Hill

6th Congressional District – Seat 11 – expires June 30, 2026

Darryl J. Fyall - Charleston

7th Congressional District – Seat 13 – expires June 30, 2026

Henrietta U. Golding – Myrtle Beach

Ashley B. Nance – Florence

At-Large – Seat 15 – expires June 30, 2026

Renee B. Romberger – Greenville

At-Large – Seat 17 – expires June 30, 2026

Steve D. Swanson – Mount Pleasant

FRANCIS MARION UNIVERSITY

CANDIDATES FOUND QUALIFIED AND NOMINATED

1st Congressional District – Seat 1 – expires June 30, 2026

Mark S. Moore – Mount Pleasant

2nd Congressional District – Seat 2 – expires June 30, 2024

Beth G. Bauknight - Irmo

5th Congressional District – Seat 5 – expires June 30, 2026

H. Paul Dove, Jr. - Winnsboro

6th Congressional District – Seat 6 – expires June 30, 2026

Floyd L. Keels – Lake City

At-Large- Seat 8 - expires 2026

Robert E. Lee – Myrtle Beach

At-Large- Seat 10 - expires 2026

Kenneth W. Jackson. – Mount Pleasant

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At-Large- Seat 12 - expires 2026

W. Edward Gunn - Columbia

At-Large- Seat 13 - expires 2026

Patricia C. Hartung – Greenville

LANDER UNIVERSITY

CANDIDATE FOUND QUALIFIED AND NOMINATED

1st Congressional District – Seat 9 – expires June 30, 2024

Mark W. Taylor – Mount Pleasant

MEDICAL UNIVERSITY OF SOUTH CAROLINA

CANDIDATES FOUND QUALIFIED AND NOMINATED

1st Congressional District – Medical Seat – expires June 30, 2026

Donald R. Johnson, II – Isle of Palms

2nd Congressional District – Medical Seat – expires June 30, 2026

James Lemon – Columbia

3rd Congressional District – Medical Seat- expires June 30, 2026

Richard M. Christian, Jr. – Greenwood

4th Congressional District – Lay Seat – expires June 30, 2026

Thomas L. Stephenson – Greenville

5th Congressional District – Lay Seat – expires June 30, 2026

Terri R. Barnes – Rock Hill

6th Congressional District – Medical Seat – expires June 30, 2026

W. Melvin Brown III – Charleston

7th Congressional District – Lay Seat – expires June 30, 2026

James A. Battle, Jr. - Nichols

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SOUTH CAROLINA STATE UNIVERSITY

CANDIDATES FOUND QUALIFIED AND NOMINATED

5th Congressional District – Seat 5 – expires June 30, 2026

Abigail Busby-Webb - Sumter

Darrell Johnson - Clover

Thomas E. Thompson – Rock Hill

7th Congressional District – Seat 7- expires June 30, 2026

Starlee Alexander – Florence

At-Large – Seat 9 - expires June 30, 2026

Rodney C. Jenkins – Columbia

At-Large – Seat 11 – expires June 30, 2026

Robert S. Reese – Charleston

WINTHROP UNIVERSITY

CANDIDATE FOUND QUALIFIED AND NOMINATED

4th Congressional District – Seat 4 – expires June 30, 2028

Edward R. Driggers – Greer

**COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

SCREENING HEARINGS

TRANSCRIPT OF PUBLIC HEARINGS

Date: Monday, March 27, 2023
Time: 12:44 p.m.
Location: 110 Blatt Building
1105 Pendleton Street
Columbia, South Carolina 29201

APPEARANCES:

Chairman: William R. Whitmire

Senate Members:

Thomas C. Alexander

John L. Scott

Daniel B. “Danny” Verdin, III

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Richard A. "Dick" Harpootlian

House Members:

John King

Seth Rose

Timothy A. "Tim" McGinnis

Committee Staff:

Macey Webb, Esquire

MR. CHAIRMAN: We're convening the Commission and at this time I will recognize President Alexander.

PRESIDENT ALEXANDER: Thank you, Mr. Chairman. I would move that we go into Executive Session pursuant to Code Section dealing with personal information.

MR. CHAIRMAN: All those in favor say aye. (Ayes are heard.) MR. Opposed, no. (No reply is heard.)

MR. CHAIRMAN: All right. We are now going into Executive Session so anybody except these two (indicating) I guess you've got to leave. EXECUTIVE SESSION

MR. CHAIRMAN: We'll go ahead and get started this afternoon. Thanks for putting up with the short meeting we had. There was no action taken during the Executive Session we just had. At this time I'd like introduce the committee members to my right. President Alexander and Senator Scott, Senator Verdin, and Senator Harpootlian. On my left is Representative King, Representative McGinnis, Representative Rose and I am representative Whitmire I am the chairman from Oconee County. Macey Webb is our analyst and she is will be handling all the leg work for us. At this time I'll recognize Macey.

MS. WEBB: Hi, good afternoon. Just to clarify for the record for College of Charleston and SC State pertaining to the 1st Congressional District, which is what we were meeting about during Executive Session, just to clarify, under the law for the 1st Congressional District we are unfortunately not going to be able to screen those seats today. So when those candidates had applied for the 1st Congressional District that have new been drawn out they will continue to serve in their positions until we are able to reopen those seats and screen and put someone else in that position at that time. We will proceed with screening, just for everyone else. Just for the clarification for the record.

MR. CHAIRMAN: Sure. Come on up.

COLLEGE OF CHARLESTON:

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MS. BURKE: Hi, I'm Beth Burke. You can probably hear me. I'm one of the 1st Congressional District candidates so I have you all here I'd like to ask, understand that I'll be able to --

MR. CHAIRMAN: I don't think your mic is on.

MS. BURKE: Okay. Thank you all for giving me just a moment to talk with you. I am Beth Burke. I'm serving in the 1st Congressional District and I understand that I'll continue to run in my seat until you're able to reopen my seat and so others could run for it. Well I have an opportunity to run for a seat that I now qualify for. I was living in the 1st Congressional District until the lines changed and now I'm qualified for the 6th or an at-large seat. So my question is will another seat that I could run for be opened? That's all. If you know, and you may not know.

MR. CHAIRMAN: We don't know at this time, we'll get back with you.

MS. BURKE: All right, thank you so much, good luck today I hope y'all are out of here before 10:00 o'clock.

MR. CHAIRMAN: Hope so too.

MS. BURKE: And I can make carpool line, headed back to Charleston.

MR. CHAIRMAN: All right. First up for the College of Charleston screening will be the 1st Congressional District that was you. So now we'll go 2nd Congressional District, Derrick Williams. If you'll come up and let me -- if you'd raise your right hand and let me swear you in? DERRICK WILLIAMS, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll just state your name and give us a brief statement on why you're running.

MR. WILLIAMS: Thank you, Derrick Williams. I live in Columbia, South Carolina. All right, can you hear me? I live in Columbia South, Carolina. I'm a 1990 grad of the College of Charleston, also graduated from honors college there. Married, have two wonderful daughters, have served on various boards but still serve on the alumni board now as the Past Alumni President for the College of Charleston until last May and happy to be here today.

MR. CHAIRMAN: Questions from the Committee? Okay. Go ahead. I'll recognize Macey, she's got four questions for you.

MR. WILLIAMS: Yes, sir.

MS. WEBB: Yes and just so everyone's aware I'll ask these standard, you know, few questions to each candidate that comes forward today. So, for the record, can you please state your first and last name?

MR. WILLIAMS: Yes, Derrick Williams.

MS. WEBB: All right and then can you please tell me the address that you live at?

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MR. WILLIAMS: Sure. 3800 Trenholm Road, Columbia South Carolina 29206.

MS. WEBB: Thank you and is this where you pay your four percent property tax?

MR. WILLIAMS: That's correct.

MS. WEBB: Thank you. And then since submitting your application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MR. WILLIAMS: No, none that I'm aware of.

MS. WEBB: All right, thank you. And then since submitting your application, are there any changes that you feel the Commission needs to know about?

MR. WILLIAMS: One change and I believe I submitted a letter, I was previously employed at a law firm named Mickle and Bass. I started my own law firm on January 4th, it's now Williams and Roche. So I get to pay even more taxes in all. But still I'm practicing here in the Columbia area.

MS. WEBB: Thank you.

MR. CHAIRMAN: Any questions? Hearing none, what's the desire of the committee. You have a question?

SENATOR SCOTT: Motion for favor.

MR. CHAIRMAN: Motion for favor. All those in favor signify by saying aye? Do we need to raise our hands? (Ayes are heard.)

MS. WEBB: Well you can say aye.

MR. CHAIRMAN: Nos? (No reply is heard.)

MR. CHAIRMAN: Ayes have it. Congratulations.

MR. WILLIAMS: Thank you, sir.

MR. CHAIRMAN: Thank you for your willingness to serve.

MR. CHAIRMAN: All right next up is -- find my place here. That's it. 3rd Congressional District Shawn Holland. You'll raise your right hand let me swear you in. SHAWN HOLLAND, being duly sworn, testifies as follows:

MR. CHAIRMAN: State your name and give a brief statement why you're running.

MR. HOLLAND: All right. Shawn Holland from Anderson, South Carolina. I look back, it's been an honor to serve on this board for the last four years and I look forward to continue working with these folks behind me. I'm very fortunate to have the support of my family to do this, my wife and my family. I'm raising two boys, Beckett and Chapel. I've got home life support, very important. As long as work I have the support of my employees that allowed me to make our business

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down in Charleston, hop on conference calls and hold on and operate City Glass Company in downtown Anderson. It's a commercial glass company we operate about a hundred miles around Anderson, Oconee County, Greenville County, Anderson County. I'm very proud to be on this board. We've accomplished a bunch over the last four years under President Hsu's leadership and just very proud to be a part of it and I look forward to continue to serve and thank you all for allowing me to be here.

MR. CHAIRMAN: Macey.

MS. WEBB: Thank you. And can you please state your name for the record?

MR. HOLLAND: Shawn Holland.

MS. WEBB: All right. And then where is the address that you live?

MR. HOLLAND: 2906 Dobbins Bridge Road, Anderson, South Carolina, 29626.

MS. WEBB: Thank you. And is this where you pay your four percent property tax?

MR. HOLLAND: It is. I do.

MS. WEBB: All right. And since submitting your application are there any new campaign contributions that you have made to any members of the General Assembly that you're aware of?

MR. HOLLAND: No, ma'am.

MS. WEBB: All right and are there any changes to your application that you would like the commission to be aware of? MR. HOLLAND: No.

MS. WEBB: Thank you.

MR. CHAIRMAN: Questions for Mr. Holland? Senator Scott.

SENATOR SCOTT: Thank you. Mr. Holland, you mentioned something that was -- that's very important. You said y'all have accomplished a lot under the president, which I'm very impressed with. Tell me a little bit about that four years and some of the things that make up lot that y'all have accomplished that you seem to be so excited about.

MR. HOLLAND: Well we're excited to, one, bring president Hsu on board. You know, when we first -- some of us just when we first started as our first task in hiring a president and due diligence and committees and listen to the campus. And that was our first task, hiring President Hsu. And that's was probably the number one thing. And then, you know, battling life with covid you know so we -- but we shared the number of calls how to operate, how to keep the students best interests in mind, strategic plans, you know but we've -- we develop our students strategic plan under President Hsu with his vision and leadership. And

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our support, we're moving forward. It's kind of what Dabo says, the best is yet to come that's why I look forward to the next four years, you know. Kind of keep doing the right direction.

SENATOR SCOTT: Thank you.

MR. HOLLAND: Yes, sir.

MR. CHAIRMAN: Mr. President?

PRESIDENT ALEXANDER: One -- and thank you for your service and your willingness to continue to serve and I see that you are a graduate of 2002. Since we -- I was just curious briefly, since being on the board what has been the biggest positive surprise or experience you had compared to when you were there on campus?

MR. HOLLAND: Good question. Just seeing life as an adult versus being a college student. You know, maybe realizing some things that I didn't realize when I was an 18, 20 year old boy running around campus. Campus is -- it's beautiful and as a student you probably don't realize it, how beautiful it was. But definitely know, you know -- we got Patriots Point's baseball field, we got TD arena now. And we didn't have all that I went out of there so you know, we -- it's great to see it grow.

PRESIDENT ALEXANDER: Thank you. Thank you, Mr. Chairman.

MR. CHAIRMAN: Representative King?

REPRESENTATIVE KING: Thank you, Mr. Chair. I have a couple questions for you. What do you think you all have to do as a board to make students feel safe and welcomed on campus regardless of what their backgrounds may be?

MR. HOLLAND: Well, it's a constant communication. And it's a communication with our student affairs folks, it's having people on campus with programs that where we're allotting out and it's making sure these students know they've got someone to go to in a time of need.

REPRESENTATIVE KING: What are you all doing to help students who have gone through the covid pandemic that we've gone through and other things that we have faced in reference to mental health and their mental health well being?

MR. HOLLAND: We have an on-site therapist full time, Alicia Cadell in the student affairs department has constantly got her door open. And the constant communication with faculty and staff and in our incoming freshmen so along with tenured students.

REPRESENTATIVE KING: How do you -- how important is the diversity, equity and inclusion, something that we debated doing the budget, how important is that to exist on your campus and having a DEI officer on campus?

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MR. HOLLAND: I -- it's very important and it's something that President Hsu and us take very seriously. You know, me having the baseball background I knew the importance of having a diverse baseball team from different spectrums of the world and things like that. I know the importance of that, you learn from them. You know, we got to -- Courtney Howard is our new DI, uh --

REPRESENTATIVE: DEI.

MR. HOLLAND: Yeah, sorry. On board with us. She's six months new so I know she's constantly working, relaying information to us. And it's ongoing conversation and it will be.

REPRESENTATIVE KING: Do you all take DEI training as board members and have conversations as board members like do like a retreat on it or what do you all --

MR. HOLLAND: I don't know if we had a retreat on it but we did have some -- I have taken a course. And a lot of us did an on-site course after meeting.

REPRESENTATIVE KING: Thank you.

MR. CHAIRMAN: Other questions? Desire of the committee for approval. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed no. (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MR. HOLLAND: Thank y'all.

MR. CHAIRMAN: Thank you for your willingness to serve.

MR. CHAIRMAN: All right. Next is 4th Congressional District, Matthew Klein. Come on up and raise your right hand, let me swear you in MATTHEW C. KLEIN, being duly sworn, testifies as follows:

MR. CHAIRMAN: Would you state your name and a brief statement of why you'd like to serve -- continue serving on the board.

MR. KLEIN: Thank you, Mr. Chairman. Matthew Klein, and members of the Committee. I graduated from the College of Charleston and have benefitted immensely from the liberal arts education in my personal and professional life. My wife is also a graduate. I'm confident my academic background and business experience will help my fellow board members and provide a unique perspective. In the past, I've served on the advisory board for the center for entrepreneurship. And I've served as a guest lecturer for the classes in the college - - school of business, excuse me. And so the combination of these past experiences has reinforced my commitment to serving on the board of trustees. Thank you.

MR. CHAIRMAN: Questions? Oh, yeah. She's got four questions.

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MS. WEBB: Sorry. And just bear with me, this is just for clarification for the record and since it's been a while since we did these applications. Can you please state your name for the record?

MR. KLEIN: Matthew Klein.

MS. WEBB: All right. And what is your address?

MR. KLEIN: 116 Crescent Avenue in Greenville, South Carolina 29605.

MS. WEBB: Thank you. And is this where you pay your four percent property tax?

MR. KLEIN: Four percent, yes.

MS. WEBB: All right, thank you. And have you made any new campaign contributions to any member since submitting your application that you're aware of? MR. KLEIN: No.

MS. WEBB: All right. And are there any changes with your application that you would like the Commission to know about?

MR. KLEIN: No changes.

MS. WEBB: All right. Thank you.

MR. KLEIN: Thank you.

MR. CHAIRMAN: All right. Now, questions. Senator Harpootlian.

SENATOR HARPOOTLIAN: I notice you are a lecturer at Clemson; is that correct?

MR. KLEIN: That's correct.

SENATOR HARPOOTLIAN: And tell me about that, please.

MR. KLEIN: Sure. So I have a doctorate from Georgia State University and I teach in the MBA program at Clemson University in downtown Greenville and I've been doing that for the past decade.

SENATOR HARPOOTLIAN: And you are have a background in -- you're a managing partner Red Rock Capital; is that correct?

MR. KLEIN: Yes.

SENATOR HARPOOTLIAN: So tell me about what it is you do? I'm sort of fascinated by this.

MR. KLEIN: Sure. After graduation from College of Charleston I was in the software industry and worked for Blackbaud and Benefit Focus, two software companies you're probably aware of. And then Red Rock Capital is another software company I have started with another individual here in South Carolina and we're basically a finance company that works with structured products.

SENATOR HARPOOTLIAN: What's a structured product?

MR. KLEIN: Tax liens and other types of investment vehicles.

SENATOR HARPOOTLIAN: Okay. Not that I understood any of that, but thank you.

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MR. CHAIRMAN: It's nice to know, though.

SENATOR HARPOOTLIAN: It is, I'm just fascinated by these.

MR. CHAIRMAN: Other questions? Senator Scott.

SENATOR SCOTT: Thank you for your willingness to serve. What has been your experience in being on the board that you want to share with us that makes your school so unique? I see that you've served on research authorities, advisory, pretty strong in the business community, a lecturer, a lot of things at the same time you were a professor at another university. Transfer some of one university behavior to the other. Tell me how that -- you made all that gel.

MR. KLEIN: Sure. I've never served on the board of trustees for the College of Charleston, just wanted to -- yeah.

SENATOR SCOTT: So it's --

MR. KLEIN: Yeah so this is new. I think there's a lot of cross-pollinations and best practices that can be shared across different boards. And so hopefully I can bring those perspectives to the College of Charleston. As well as my experience being a faculty member at Clemson.

SENATOR SCOTT: So how do you -- how do you make sure that students at one school don't live in fear because of a broken environment in the other school.

MR. KLEIN: In terms of conflicts?

SENATOR SCOTT: Well not just on the conflicts. Each president has his own plan that he sells to the board and what he's -- some plans are new, have never been tested, and some have been. And as one who's been on the education committee for so long and also on the body itself. Help to make it gel.

MR. KLEIN: Uh-huh. Well I think you have to look at each one individually.

SENATOR SCOTT: Okay.

MR. KLEIN: And everyone has a unique perspective on where they're at and what their strategy is. I mean, I teach strategy to MBA students and so I do finance. And so you have to look at it, at the entity that you're with, and how best to serve that entity.

SENATOR SCOTT: One is -- one is strategy, the other is practicality.

MR. KLEIN: Correct.

SENATOR SCOTT: Just to want to make sure the two come together better and stronger in university.

MR. KLEIN: I agree.

SENATOR SCOTT: Just want to go to put that with you because I'm sure there's going to be some times it's going to be very questionable in

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terms of your methodology and in terms of what you hired the president for and your knowledge base.

MR. KLEIN: Understood. Thank you Senator.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. Just one quick question. What commitment -- I know that you will be a new board member. What commitment do you feel financially a board member should make to the college?

MR. KLEIN: I believe a board member should contribute to the college, yes. A financial commitment as well.

REPRESENTATIVE KING: Thank you.

MR. CHAIRMAN: Any other questions?

PRESIDENT ALEXANDER: Move for favorable.

MR. CHAIRMAN: Move for favorable. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Ayes have it. Congratulations, Mr. Klein. I know you'll serve the College of Charleston well.

MR. KLEIN: Thank you, sir.

MR. CHAIRMAN: Next up is the 5th Congressional District, Henry ---

MR. FUTCH: Futch.

MR. CHAIRMAN: Futch.

MR. FUTCH: Yes, sir. HENRY A. FUTCH, JR., being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll just give your name and a brief statement on why you would like to serve.

MR. FUTCH: Okay, yes. My name is Henry Futch, Jr. I've enjoyed my last four years as a board member. It's been very rewarding. I think the best thing that we did was hire president Hsu he really, really created the road map I think for our future success. Increased the classification on the Carnegie scale. So -- but it's been very rewarding. I'm married to Nolie, Nolie Spencer Futch. She worked at the College of Charleston, we met there years ago. We now have two kids. My daughter Spencer is a freshman at the College of Charleston so it's been very rewarding to see the policies that we vote on, the policies that we've, you know, that we approve to actually see in those doing the practice. And I witnessed it first hand with my daughter. And my son's looking -- he's got another year and he'll be a senior next year in high school but already eyeing the College of Charleston. So you never know, may have two in there within the next couple of years. But we've done some great work just raising the bar, trying to raise the level of higher education at the College of

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Charleston and, you know, it's just been very rewarding to help improve the lives of our students and the staff at the College of Charleston.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. For the record, can you please state your name?

MR. FUTCH: Yes, Henry Futch, Jr.

MS. WEBB: And what is your address?

MR. FUTCH: 335 College Avenue, Rock Hill 29730.

MS. WEBB: Thank you. And is this where you pay your four percent property tax?

MR. FUTCH: Yes.

MS. WEBB: Thank you. And since submitting this application are there any new campaign contributions that you have made to any members of the General Assembly? MR. FUTCH: No.

MS. WEBB: All right. And are there any changes to your application that you would like for the commission to be aware of? MR. FUTCH: No.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Questions? Senator Harpootlian.

SENATOR HARPOOTLIAN: Thank you for your willingness to serve. I'm sort of intrigued by the -- some of your responses. A current in state tuition is \$12,518 undergraduate \$13,770 graduate. Out of state is \$33,978 undergraduate and \$37,376 graduate. That's a pretty big disparity. And the other thing you say is that you have an enrollment of 10,400 you want to increase enrollment by another thousand students. The magic number would be closer to 12,000 students, depending on availability. So what's the magic number -- why is that number magic? Why do you have a specific number of students as a goal?

MR. FUTCH: Well we're doing our best to obviously it's a -- you know, it's a business, you know. So there -- knowing that there are some pretty turbulent waters ahead with enrollment declining we're doing everything that we can to try and increase enrollment, increase applications, so that we can -- and we're also trying to grow. We're trying to become more of a, you know, a you know being that doctorate of professional studies so. There are a lot of powers graded out don't know exactly why that's this number has to be whatever the numbers are what they are. But we are doing everything in our power to make sure that we are inclusive of, you know, of all students and trying to give -- especially in- state students. I know it's -- you know we've had some record enrollment. We had a record enrollment year last year. Or a record

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number of applicants but it's -- you know, can't always hold the hand, can't always make people come to the College of Charleston. Some of them would rather go to a larger university. So we're trying to make it as appealing as we can and then provide services for ...

SENATOR HARPOOTLIAN: But you said you run it like a business and an out-of-state student pays three times the amount of an in-state student.

MR. FUTCH: Yes, sir.

SENATOR HARPOOTLIAN: And of course we're concerned about educating our students, not Pennsylvania's or New York's.

MR. FUTCH: Right.

SENATOR HARPOOTLIAN: So how do you -- is there a quota on how many in-state students you're going to take?

MR. FUTCH: I don't know if there is a quota know that, you know, we certainly -- we've done everything we can to minimize the increase in tuition for in-state students. So we feel like we're --

SENATOR HARPOOTLIAN: But if you limit -- and bravo for doing that, but you've got a business to run and you need more money, correct?

MR. FUTCH: Correct.

SENATOR HARPOOTLIAN: You're not funded adequately, are you?

MR. FUTCH: Excuse me?

SENATOR HARPOOTLIAN: Are you getting enough money?

MR. FUTCH: Well, you know. Probably never get enough money, you know how that --

SENATOR HARPOOTLIAN: The shortfall is made up by this tremendous difference in in-state and out-of- state tuition, right?

MR. FUTCH: Yes.

SENATOR HARPOOTLIAN: I mean you're not -- I'm suggesting College of Charleston the only one that does that. I'm just sort of intrigued as to whether we're here to educate the students from New York, New Jersey, California, wherever.

MR. FUTCH: Right.

SENATOR HARPOOTLIAN: Or whether we're here to educate our kids.

MR. FUTCH: Well we would -- we would want to educate our kids in South Carolina, as many of them that want to come to the College of Charleston. We are committed to. But it is also I think we like to make the -- it's a college, you know, and we try to increase the standards and make the College of Charleston as good of a college as it can be for the state. So it's -- I guess you can look at the numbers and it may look like the college is, you know, has some room, a lot of a room for

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improvement. But I could assure you that all of those -- all those metrics are being met, you know. We meet them head on, you know, throughout the year. And we're doing it -- we're up for any suggestions, too, to -- how to balance that -- how to balance bringing in more students and also maintaining the integrity of the state institution.

SENATOR HARPOOTLIAN: You indicated that you recognize there's going to be a demographic change in the number of kids able -- I mean, let's say able to align to go to college. I mean the number of college age kids is decreasing; is that correct? The so-called waterfall.

MR. FUTCH: Yes, sir. Yes, sir. That's coming.

SENATOR HARPOOTLIAN: And so it's coming, 25', 26' is what they're talking about.

MR. FUTCH: Yes, sir. True.

SENATOR HARPOOTLIAN: And I'm just wondering how you meet that shortfall given fixed -- you have fixed cost, right?

MR. FUTCH: Yes.

SENATOR HARPOOTLIAN: Whether you've got a hundred students or ten thousand students. Right?

MR. FUTCH: Right, yes, sir.

SENATOR HARPOOTLIAN: And do you just take more out- of-state students?

MR. FUTCH: Well, I guess that's one way to do it.

SENATOR HARPOOTLIAN: Okay, well that's -- let me suggest this to you. I'm not sure that the legislature's interested in you educating the kids from New Jersey at the cost of the kids from Greenville.

MR. FUTCH: Okay.

SENATOR HARPOOTLIAN: Laurens, or Columbia.

MR. FUTCH: Fair enough, yes, sir.

SENATOR HARPOOTLIAN: And I'm not scolding you. I'm just saying as y'all make those decisions understand we're concerned about that.

MR. FUTCH: Yes, sir.

SENATOR HARPOOTLIAN: Thank you.

MR. FUTCH: We are too.

MR. CHAIRMAN: Other questions? Senator Scott?

SENATOR SCOTT: Favorable report.

MR. CHAIRMAN: Favorable, okay. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed no. (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MR. FUTCH: Thank you very much.

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MR. CHAIRMAN: Continue your good service on the board.

MR. FUTCH: Yes, sir.

MR. CHAIRMAN: Next up is the 6th Congressional District. We had two candidates originally and the first was Demetria Clemons withdrew on March 24th. The other is Darryl Fyall, I believe that's correct. If you'll come on up. DARRYL J. FYALL, being duly sworn, testifies as follows:

MR. CHAIRMAN: State your name and brief statement why you'd like to serve, please, sir.

MR. FYALL: Yes, sir. Good afternoon my name is Darryl Fyall. I'm a native Charlestonian born and raised right downtown in Charleston. Graduated from the College of Charleston in 2001 with a degree in economics. After graduation, I stayed involved. I served on the alumni board for about five years, two as vice president. Also recently served on the econ board for the school of business. I started school -- I finished up at the College of Charleston at age 36 is when I started so I took a non-traditional path. And really appreciated how they treated me and the care that they took to make sure that I graduated. And so that's why I want to serve.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And for the record again can you please state your first and last name?

MR. FYALL: Darryl Fyall.

MS. WEBB: All right. And what is your address?

MR. FYALL: I have a dual address, 15 Bogard and 3204 Claudia Place in Atlanta, or Peach Tree Corners.

MS. WEBB: Okay and which is the address that you pay your four percent property tax at?

MR. FYALL: In South Carolina I'm technically a renter. I pay property taxes in Georgia.

MS. WEBB: Okay. Okay. So when you filled out your application you put that your home address is 15 Bogard Street Charleston, South Carolina 29403?

MR. FYALL: Correct.

MS. WEBB: Do you recall?

MR. FYALL: That's where I stay most of the year.

MS. WEBB: Okay. And do you own that home?

MR. FYALL: No. It's owned by my sister.

MS. WEBB: Okay. So do you live -- for purposes of residency, do you live in the state of South Carolina?

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MR. FYALL: I do. I do. I'm in South Carolina about three weeks out of the month and then I go to Georgia one week out of the month. My wife and I have a business out there.

MS. WEBB: Do you pay our four percent property tax anywhere in the state of South Carolina?

MR. FYALL: I used to at the time of the application, I had a property in Myrtle Beach, but that has since been sold.

MS. WEBB: So you do not currently pay any property tax in the state of South Carolina?

MR. FYALL: Not on real property, no.

MS. WEBB: Okay. If you'll just please give us one second.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Are you registered to vote in South Carolina?

MR. FYALL: Yes.

PRESIDENT ALEXANDER: Do you have a South Carolina driver's license?

MR. FYALL: I do, yes, sir.

PRESIDENT ALEXANDER: And what is the address on the drivers license?

MR. FYALL: 15 Bogard Street.

MS. WEBB: All right, thank you. And then since submitting the application are there any new campaign contributions that you have made to members of the General Assembly that you're aware of?

MR. FYALL: No. No.

MS. WEBB: All right, thank you. And are there any changes to your application that you would like for the Commission to be aware of since the time of filing this application?

MR. FYALL: Just the sale of the Myrtle Beach property since I submitted. I disclosed that I had property in Myrtle Beach, that's since been sold.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. When you did your application there was a question about ways to improve the College of Charleston and you spoke about the percentage of students graduating from diverse ethnic groups can improve. Can you elaborate on what you meant by that?

MR. FYALL: Yeah, I think we have an opportunity to do a better job on recruitment. And one of the things that I want to do put forth

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suggestions and strategies to improve the enrollment across the board. Black, white -- Asian or black, Asian, Hispanic, etcetera.

REPRESENTATIVE KING: And you've answered the questions for our president as well as myself in reference to being a registered voter in South Carolina and your driver's license. So how long have you been a registered voter in South Carolina?

MR. FYALL: So military 18 up until -- actually when I moved back 1999 is when I registered to vote here in South Carolina.

REPRESENTATIVE KING: Thank you.

MR. FYALL: I have to had then.

REPRESENTATIVE KING: Thank you, thank you.

MR. CHAIRMAN: Other questions? We're going to ask you to pause for a second, we've got we're checking on your residency just to make sure. We don't want to report you out if there's some question if you don't mind.

MR. FYALL: Okay.

MR. CHAIRMAN: Sure. President Alexander.

PRESIDENT ALEXANDER: And good afternoon. And thank you for your willingness to serve and so if I understood you correctly, three weeks out of the month basically you're in South Carolina. One month -- one week out of the month in Georgia.

MR. FYALL: One week out of the month, yes, sir. Typically in Georgia.

PRESIDENT ALEXANDER: And have you looked at board meetings you'd be able to work around your schedule I guessed of ten would that be any impact on your ability to --

MR. FYALL: That won't be a problem. My schedule is flexible. I'm basically self employed so I set my own hours.

PRESIDENT ALEXANDER: Just wanted to have that for the record. Thank you, sir.

MR. CHAIRMAN: Other questions? All right we're going to pause for a minute and we've never had this situation come up before. (Off the Record)

MR. CHAIRMAN: All right come on back up. Well you confused us.

MR. FYALL: Sorry.

MR. CHAIRMAN: I talked to the members of the Commission and I'll recognize Senator Scott first and then we'll take a vote.

SENATOR SCOTT: One quick question. Do you pay South Carolina income tax?

MR. FYALL: Yes, sir.

SENATOR SCOTT: How long have you been paying South Carolina income tax?

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MR. FYALL: Since '99, when I moved back home.

SENATOR SCOTT: Thank you.

MR. CHAIRMAN: Okay. Is there a motion by the committee?

SENATOR SCOTT: Favorable.

MR. CHAIRMAN: There is a motion for favorable. All those in favor signify by saying aye. Those no. Congratulations. Next up is the 7th Congressional District, Henrietta Golding HENRIETTA U. GOLDING, having been duly sworn, testifies as follows:

MR. CHAIRMAN: Just state your name and why you're -- a brief statement why you're running for the college.

MS. GOLDING: Thank you. I'm Henrietta Golding. I live in Horry County. I'm a Myrtle Beach resident. I'm a graduate of the College of Charleston in 1974. I went to law school University of South Carolina in 1977 and at that point in time I was fortunate to find a job in Horry County with the Bellamy Law Firm. Subsequently, 20 years later, I became a partner with McNair law firm. I served on the college board of foundation in 1990s for approximately eight years. Since 2013 I have been a member of the College of Charleston board of trustees. I sincerely believe in the College of Charleston. I know that the College of Charleston, were it not for the education I received and the personal guidance I received, I would not have been as successful a human being as I am. I want to be to continue to be part of an active, fully engaged board of trustees for the college and see the college grow every year. Thank you.

MR. CHAIRMAN: Macey.

MS. WEBB: I thank you. Once again for the record, can you please state your name?

MS. GOLDING: Henrietta Golding.

MS. WEBB: Thank you and what is your address.

MS. GOLDING: 3801 Hasty Point, Myrtle Beach, South Carolina.

MS. WEBB: All right, thank you. And do you pay your four percent -- or do you pay your four percent property tax at that address?

MS. GOLDING: I do.

MS. WEBB: Thank you. And then since submitting this application have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MS. GOLDING: I have not, I have not.

MS. WEBB: Thank you. And then since submitting your application, are there any changes that you would like for the commission to be aware of?

MS. GOLDING: No changes.

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MS. WEBB: All right, thank you.

MR. CHAIRMAN: Questions? Mr. President.

PRESIDENT ALEXANDER: So you've been on the board for since what?

MS. GOLDING: 2013.

PRESIDENT ALEXANDER: So to ask maybe the same questions, in that years of service what has been the most interesting concept of what you've seen compared to when you were there as a student?

MS. GOLDING: Well, I graduated 1974.

PRESIDENT ALEXANDER: Yes, ma'am.

MS. GOLDING: My freshman class was 400, right. This year it's in the thousands. So there's a significant difference when I became a freshman in 1970 the College of Charleston just became state supported. So President Stern was our president, he was the one that guided the college from a private institution to a state-supported institution. And needless to say the campus is completely different, but all to the better.

PRESIDENT ALEXANDER: Thank you, ma'am.

MS. GOLDING: Yes, sir.

MR. CHAIRMAN: Anybody else? Representative King.

REPRESENTATIVE KING: Thank you so very much, Mr. Chair, and thank you for your willingness to serve. Can you tell me your take on diversity inclusion, equity and inclusion and the importance that it has on the campus?

MS. GOLDING: We have a board committee, one of our standing board committees that is called access, equity and inclusion. And I think that probably we were the first in the state of South Carolina to have that board committee. And it's responsibility is to present and go forward with diversity. Now diversity is something that means to me acceptance and opportunity. And we take that step. I think someone earlier asked questions about South Carolina students. Every South Carolina senior who wants to come to the College of Charleston, who is eligible, can come to the College of Charleston. While there are other institutions in this state, you know, that we have to vie for, Clemson, University of South Carolina. But we make it our mission to have diversity, we seek diversity, and we actually have a committee that reports at every one of our committee meetings and every one of our board meetings on our equity and diversity programs.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you so much for your willingness to serve. What is your percentage of minorities, minority students? If you know off the top of your head.

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MS. GOLDING: We have -- I believe the percentage is. with respect to the student body, it's nineteen percent of minority.

SENATOR SCOTT: Thank you.

MR. CHAIRMAN: Any others? Desire of the committee for favorable. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed no. Congratulations. (No reply is heard.)

MS. GOLDING: Thank you very much.

MR. CHAIRMAN: Thank you for your willingness to serve. By the way, my two kids graduated from College of Charleston. There was no room 20 years ago down there, not any now. All right. Next page. Okay. I'm sorry it was on another page, is Ashley Nance here? Then we'll skip over and go to at-large seat 15. Renee Romberger. RENEE B. ROMBERGER, being duly sworn, testifies as follows:

MR. CHAIRMAN: Congratulations, and just tell me who you are and your -- a brief statement.

MS. ROMBERGER: Sure. My name is Renee Buyck Romberger I have been on the board since 2013, I am a proud graduate of the College of Charleston and a lifelong resident of South Carolina. I am serving on the board and wish to continue serving on the board because I love this state. I love my alma mater and I love higher education and I feel like the skills and the professional experience that I have allow me to make an effective contribution to the College of Charleston. And I would love to continue serving because I can think of no better way than to use my skills to make a difference for people in this state. So I appreciate the opportunity that you've given me and I hope to continue having that opportunity, thank you.

MR. CHAIRMAN: Macey.

MS. WEBB: All right. Thank you. For the record once again, can you please state your first and last name?

MS. ROMBERGER: Renee Buyck Romberger.

MS. WEBB: Thank you. And what is the -- what is your address?

MS. WEBB: 225 Dataw Drive, Saint Helena Island, South Carolina.

MS. WEBB: All right, thank you. And have you had any new campaign contributions to members since submitting your application that you are aware of?

MS. ROMBERGER: I believe that I have. I believe at his request I made a contribution to our former basketball star Jermaine Johnson in his election.

MS. WEBB: Okay. I would just ask that you send me an email.

MS. ROMBERGER: Okay.

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MS. WEBB: That states that you contributed to his campaign and what it was that you -- the financial amount that you.

MS. ROMBERGER: Happy to do that, thank you.

MS. WEBB: All right. Thank you. And are there any changes to your application that you would like the Commission to be aware of since your submittal?

MS. ROMBERGER: Yes. I was widowed for some time and recently this past summer got married and so I'm now married to Kevin Hennick and we are living in Beaufort. So I've moved from Greenville to Beaufort.

MR. CHAIRMAN: Boy are you senators in trouble on that softball game. Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. Back to -- I guess it relates back to Senator Harpootlian's questions in reference to out-of-state students. One of the weaknesses that you've said in your application was the lack of scholarships for -- and support and financial aid for students. What percentage of scholarships do you think are going to out-of-state students and if there are many how could we remedy that to increase the number of scholarships that go to in-state students to make sure -- ensure that in state students have those priority scholarships?

MS. ROMBERGER: Well I think that's a great question. Often times our scholarships are driven by the donors. So the donor has a specific direction that he wants -- he or she wants to use as far as allocating those funds and so we can't always contribute to that. But for example, we right now are focusing on how can we increase the number of dollars that are available to minority students and so our foundation and our philanthropic office has a focused approach of reaching out to minorities who have means to say would you be willing to. Or people who have an interest in seeing a more diverse campus help us build our scholarship program. We have something called a 1967 legacy program of which funding is being used to support minorities.

REPRESENTATIVE KING: So, Ms. Romberger, I know you know my questions have always been asked about minorities.

MS. ROMBERGER: Yes.

REPRESENTATIVE KING: But unfortunately my question this time is how do we increase the number of South Carolinians through scholarships?

MS. ROMBERGER: Yeah.

REPRESENTATIVE KING: Granted, I do know that you know we want to increase the number of minorities and African Americans at the

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college but South Carolina is first and foremost my focus in reference to this question.

MS. ROMBERGER: Sure.

REPRESENTATIVE KING: As to how do we foster a -- or how do we get more South Carolinians with scholarships to go to the College of Charleston?

MS. ROMBERGER: Well one of the things we're focusing on is not only trying to attract more dollars to the College of Charleston but more undesignated dollars. And so we know that we are losing -- when you talk about the minorities in South Carolina and why our yield rate is so low but our acceptance rate is so high, we have a higher acceptance rate than we've ever had from minority students yet we're missing out on the yield and I think it is because we don't have enough dollars to supplement that -- the tuition. And so we are trying to increase the number of undesignated dollars and move those into need-based scholarships. The second thing we're doing it's indirectly in response to your question but it's not enough to just get a kid to come to the college. One of my big concerns is that we tend to -- our retention rate is not as high as we'd like to see it. And to me the worst thing is to get a kid excited about coming the College of Charleston and see them leave a year later. I think we own responsibility when a kid leaves the College of Charleston. I think maybe we haven't done our job well enough and so one of the big programs that we're starting to focus on through our strategic plan now is to increase the amount of resources we're putting into the area of advising and counseling. We're developing more affinity groups so that people feel more accepted and included and more connected. If people haven't picked a major then we want to make sure that we have resources there to help them explore opportunities because kids leave when they don't feel accepted or they don't feel like they're part of the group. If they leave because of financial means, I think that's even worse.

REPRESENTATIVE KING: My last question is what percentage of your students are South Carolinians and what percentage is out-of-state students?

MS. ROMBERGER: Right now we're sixty-five/thirty-five overall as a college. For our freshmen coming in this year we're fifty/fifty. So what you typically see is in second and third year you have more in state students transferring to the college and out of state students leaving the college. So that's why it balances out. But I do agree with Senator Harpootlian earlier when he said I think our first responsibility is to the kids in South Carolina. We want to see our South Carolina students

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educated. Out-of-state students do pay a higher tuition. The cost of going to the college is about seventeen five, and so our in-state students are paying twelve five in tuition and the out-of-state students help subsidize that. But we are very sensitive to not wanting to make sure that we become an out-of- state school in an in-state college.

REPRESENTATIVE KING: Thank you.

MR. CHAIRMAN: President Alexander.

PRESIDENT ALEXANDER: No, I'm good.

MR. CHAIRMAN: Oh, you're good? Any other questions. All right. Representative McGinnis.

REPRESENTATIVE MCGINNIS: Thank you and thank you for serving. My question is just real quick one of the priorities of, you know, I think some of the leadership in our house and around the state in education is getting people to work and workforce ready.

MS. ROMBERGER: Yes.

REPRESENTATIVE MCGINNIS: And I know that the College of Charleston offers, you know, a lot of degrees that aren't necessarily going to go into the work force and that's fine. But is there any kind of emphasis that is being put on having students who may be undecided trying to push them into workforce ready degrees and how do you view a college's mission when it comes down to being able to supply the companies who want to come here jobs?

MS. ROMBERGER: I think that's a huge priority for us. We want to make sure that as a South Carolina university that we are serving South Carolina industry. And so we have brought on a gentleman named Knudt Flor who is a former CEO of BMW. And he is serving as our senior vice president. I ruin title all the time. But he's something like senior vice president. But what he's trying to do is help us better connect with the industry leaders in South Carolina. We want to know what they need and then we find it our responsibility to produce those kids. I think one of the coolest things about the College of Charleston as a large public arts/liberal arts school is that we're taking a liberal arts approach to business and industry. So when you take that liberal arts mind set and then you marry that with engineering or management or marketing or any of those kinds of tools we think it helps them be adaptable and adjustable in an ever changing environment. So Knudt is helping lead that effort for us to make sure we're in touch with industry and secondly we are, through our strategic plan, focusing on not only innovation but interdisciplinary studies so these kids are getting a background of science with art, or English with math. Because we know that that critical thinking is important in business, it helps translate in business. And

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lastly we're focusing on increasing the amount of experiential learning that each one of our students has. Our goal is that the majority of our students will have an experiential learning experience and that needs to start in the industries in the Charleston area on the coast of South Carolina.

REPRESENTATIVE MCGINNIS: Thank you.

MR. CHAIRMAN: Anyone else?

PRESIDENT ALEXANDER: Move for favorable.

MR. CHAIRMAN: Favorable is the motion. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed no. (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MS. ROMBERGER: Thank you.

MR. CHAIRMAN: On your willingness to serve. I've just been informed that Ashley Nance was rear-ended right outside, I think, the Senate office building so I don't know who hit him but I think he'll be here in about twenty minutes so we'll go ahead and hear from our at-large seat seventeen Steve Swanson first and then we'll pick up Mr. Nance after that. STEVE D. SWANSON, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll state your name and a brief statement of why you are serving.

MR. SWANSON: My name is Steve Swanson. I'm a graduate of the College of Charleston from 1989, graduated mathematics and in the honors program. Directly after graduation I started a company called Automated Trading Desk. And we built that company throughout the 80s and 90s and into the 2000's and ultimately sold it to Citigroup in 2007. Since then I stayed with Citigroup for several years but have involved with a number of different startups throughout the community and today I'm happy to be retired and focused on philanthropic efforts throughout our community. The College of Charleston changed my life quite frankly. It positioned me to be a leader of my company. And when we were growing as an organization, we hired several people from the College of Charleston and it worked out wonderfully over the years. I have also served on the board of South Carolina State when we were going through the transition there. And today I can report that with President Hsu in place the college is in as good a position as I think it's ever been since I've been involved with it. And I appreciate the time here with you today.

MR. CHAIRMAN: Macey.

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MS. WEBB: Thank you. Once again, for the record, can you please state your first and last name?

MR. CHAIRMAN: Steven Swanson.

MS. WEBB: All right thank you. And what is your address?

MR. SWANSON: It is 615 Pitt Street, Mount Pleasant, South Carolina 29464.

MS. WEBB: Thank you. And do you pay your four percent property tax at that address?

MR. SWANSON: We do.

MS. WEBB: Thank you. And since submitting your application, have you made any new campaign contributions to any members that you are aware of?

MR. SWANSON: I have. I have also made a contribution to Representative Jermaine Johnson.

MS. WEBB: Okay. So I would just ask the same of you, if you can send a statement to me just an email saying that the amount that was given.

MR. SWANSON: I will.

MS. WEBB: All right. Thank you. And then have there been any other changes to your application that you would like for the Commission to be aware of?

MR. SWANSON: None to report.

MR. CHAIRMAN: Questions? Mr. President.

PRESIDENT ALEXANDER: Thank you, Mr. Chairman and you -- and again thank you for your service. And you made the comment that College of Charleston certainly changed your life and I hear that and what you did but also I see that the College of Charleston gave you an honorary degree in 2015; is that correct?

MR. SWANSON: It did.

PRESIDENT ALEXANDER: And was that in a specific process involvement for the college?

MR. SWANSON: Probably I spent thirteen years on the foundation board and my wife and I made significant contributions to scholarships. I was a full scholarship recipient of the college so we love giving back to the college, both through scholarships and other mechanisms at the school.

PRESIDENT ALEXANDER: And I believe from that standpoint I've seen where y'all were involved in a fund foundation effort and you raised a hundred total raised a hundred and thirty five million dollars for the college?

MR. SWANSON: Yes, sir.

PRESIDENT ALEXANDER: Outstanding.

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MR. SWANSON: Thank you.

MR. CHAIRMAN: How many students currently attend the college?

MR. SWANSON: Just shy of eleven thousand when you include both undergrad and graduate.

MR. CHAIRMAN: Has that been pretty steady throughout the years or are you growing?

MR. SWANSON: I mean if you looked if you went back prior to President Hsu coming on board we were actually in decline. So we had -- we were losing I would say several hundred students, a hundred or so students a year. So it wasn't so much that it was dramatically changing but we were steadily losing students. And so as he came onboard he really did focus on admissions and getting our applications back up and getting, you know, in the past two years we've had two of the largest classes, freshman classes, coming in. So I definitely feel like we have changed that tide and are certainly well positioned for the admissions cliff that we're going to see over the course of the next several years.

MR. CHAIRMAN: I mentioned this earlier. Is there any way that you can grow your campus out or are you just stuck?

MR. SWANSON: I mean, you could always do branch campuses but I think the idea really is to first of all we need more housing. I mean, that's right now we're very much harnessed by how many beds we have frankly in the downtown area to accommodate students so I think in coming years we probably will do more to build more housing for our students and possibly then consider increasing the size of the school. But right now we're pretty much harnessed to downtown Charleston.

PRESIDENT ALEXANDER: Your school is -- really has a tougher, you know. Like I'm near Clemson, they can expand out.

MR. SWANSON: Absolutely.

PRESIDENT ALEXANDER: And a lot of others can to, but you guys can't, so.

MR. SWANSON: And land is very, very expensive down town.

PRESIDENT ALEXANDER: Oh yes, oh yes.

MR. CHAIRMAN: Question from Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. I was reading your answer in reference to diversity on campus. You said that racial diversity also continues to be low. Today it's seven percent of the school is African American. Why do you feel that the numbers are low? Are you all trying to recruit, or what are your recruiting efforts like?

MR. SWANSON: Sure. Every year we're trying something different, something new. You know, several years ago we were trying to do the top ten percent so we basically would accept every student that was

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within the top ten percent of every single school and while it improved our minority admissions slightly it did have far less reach than we had hoped. And I think these past couple of years I think we have -- I think we have frankly been outperformed by USC and Clemson. And we're refocusing on making sure that we're having dollars allocated towards minority students coming in. I think -- you know, that I think is the biggest thing that we have to do in coming years.

REPRESENTATIVE KING: Yeah. I know Winthrop is even doing a lot better than what you all are doing. Would think that Charleston would be more enticing.

MR. SWANSON: I -- you know I guess I would also say our -- you know, quite frankly the history of the college is not particularly positive. And I -- you know, memories last long and you know we went private as an organization basically to stop integration. And so I think there's a lot of history there that we have to overcome. And, you know, we're working on it all the time. You've heard other board members, this is something that is discussed at every single board meeting and it is a priority for us.

REPRESENTATIVE KING: Thank you for your service to the college and your giving back to the college.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you so much for your willingness to serve. I became even more excited when I heard what the foundation had raised in terms of dollars and cents and how difficult it is for colleges to raise money. What is to bear to that success, the foundation being able to raise those kinds of dollars?

MR. SWANSON: You know at the end of the day it's building a -- if you go back, you know, several different presidents ago, I mean, our development team was minuscule. And you know today there's a, you know, professional development team in place.

SENATOR SCOTT: Outside corporations coming in and raising money for you?

MR. SWANSON: You know I'm going to say that's probably any area that we have not succeeded in as much yet and so actually that's a huge opportunity. I mean, I guess I always see, you know, deficiencies as opportunities and we had a lot of opportunities to you know -- corporate donations, you know, different family trusts, those kind of things. There's a lot of opportunities that we have actually not really broken into. This past fundraising campaign was really focused on engaging alumni. And so before the campaign if you looked at where our dollars were coming from, our parents were actually our biggest

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source of contributions. Today I'm happy to report that alumni are consistently the biggest source of donations to the College of Charleston.

SENATOR SCOTT: More of a capital side or just over a fund raiser?

MR. SWANSON: Yes.

SENATOR SCOTT: Is it over the capital side or just where?

MR. SWANSON: Kind of across the board.

SENATOR SCOTT: Okay. Thank you, sir.

MR. CHAIRMAN: Anyone else? What's the desire of the Commission? Desire is favorable, all those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MR. SWANSON: Thank you.

MR. CHAIRMAN: We have finished College of Charleston except for Mr. Nance and we will give him some leeway since he was in the wreck and we'll either take him up today or tomorrow if that's okay with the Commission. All right. We were going to take a break but we're slightly ahead if it's okay with the Commission we'll move forward and pick up part of Francis Marion since they're here, if that's all right. And first up 1st Congressional District Mark Moore.

FRANCIS MARION: MARK S. MOORE, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll state your name and a brief statement of why you would like to serve with Francis Marion, please, sir.

MR. MOORE: My name is Mark Moore and I want to first start off by thanking all of you for the opportunity to serve previously this is my tenth year on the board. I think Francis Marion is an extremely special place as far as public institutions in South Carolina go, I think Francis Marion is doing exactly what a public institution should do. Our enrollment is ninety- six percent South Carolina residents, forty-eight percent of those are minorities, and most importantly over forty percent of those are first in their family to go to college. I think that the university does a really good job of coordinating with the community, with the local political leadership, the business and industry in the area, and providing programs that will eventually lead to those students having opportunities and staying in the area and contributing back to the Pee Dee. So I think that overall it's a very important institution within the Pee Dee and I'm proud to be a part of that and a part of that team and I'd like to continue on should the Commission see fit.

MR. CHAIRMAN: Macey.

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MS. WEBB: I thank you. And once again, for the record, can you just please state your first and last name?

MR. MOORE: Mark Moore.

MS. WEBB: All right. And what is your address?

MR. MOORE: 612 Salty Alley.

MS. WEBB: In Mount Pleasant?

MR. MOORE: In Mount Pleasant I believe that's -- I believe it's still in the 1st District.

MS. WEBB: It is, it is. I double checked. All right and then since submitting your application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MR. MOORE: No, I have not.

MS. WEBB: All right. And are there any changes to your application that you would like for the Commission to be made aware of today?

MR. MOORE: No, there are not.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Any questions? Representative McGinnis.

REPRESENTATIVE MCGINNIS: Thank you and thank you for your willingness to serve.

MR. MOORE: Thank you.

REPRESENTATIVE MCGINNIS: And I know Francis Marion has been kind of suffering from decreased enrollment as of late. What are some things you think the board should be looking at to try to -- the trustees should be doing to try to get enrollment up? And I know you reference in here that, you know, you face a struggle of the poverty within the area and a lot of students can't -- don't have the access to this type of education, but where can you be looking to try to increase your enrollment?

MR. MOORE: Well I think -- I think right now enrollment is steady around four thousand. Long term, obviously we've introduced a lot of new programs there at the university, a lot of stuff geared towards engineering, health sciences. Again, going back to what I talked about earlier some of that focus is areas that we know are going to be areas of need in Pee Dee in the future. So again growing those programs, making more opportunities available for students to stay in the Pee Dee and have access to that opportunity I think will help to grow. And again I think long term that things will continue to be stable in the area and I think there's a lot of growth potential in Pee Dee.

MR. CHAIRMAN: Other questions? I have to congratulate Francis Marion on keeping our South Carolina young people in state. This has

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always been a pet peeve of mine with some of our other institutions that they have so many out-of-state students and they don't stick around. And some of them are foreign students. They go right back where they came from and, you know, I feel like we need to keep these people in state and I want to congratulate Francis Marion on that. You do an excellent job.

MR. MOORE: I can't take the credit for it. Obviously all these people in the room and specifically the administration, the faculty and staff there are really doing the load there and we're very proud to be associated with it.

MR. CHAIRMAN: Well I was in education myself and I really appreciate the fact that you're letting young people who would not otherwise have a chance to get a higher education degree given -- they're able to do that at Francis Marion so.

MR. MOORE: I know we all appreciate that from you.

MR. CHAIRMAN: Anyone else? Is there a motion for approval.

REPRESENTATIVE MCGINNIS: Motion.

MR. CHAIRMAN: All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Thank you sir.

MR. MOORE: Thank you all.

MR. CHAIRMAN: All right next is 2nd Congressional seat, Beth Bauknight. BETH G. BAUKNIGHT, being duly sworn, testifies as follows:

MS. BAUKNIGHT: I do.

MR. CHAIRMAN: If you would state your name and a brief statement of why you would like to serve.

MS. BAUKNIGHT: Sure. My name's Beth Bauknight and I am born and raised in Florence and I went to school at Francis Marion, I was a graduate of 1991, my father was the first and first graduating class of the university. My brother also went to the school. And without that education I would not have had the successful years I've had for the past 30 years. I'm a partner in a local accounting firm, the largest in the midlands. I run the tax department of that firm and I give all that credit back to the education I had at the university.

MR. CHAIRMAN: Macey.

MS. WEBB: Thank you. And for the record once again can you please state your first and last name?

MS. BAUKNIGHT: Beth Bauknight.

MS. WEBB: All right, thank you. And what is your address?

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MS. BAUKNIGHT: 225 Laurent Way, Irmo.

MS. WEBB: All right thank you and do you pay your four percent at that address?

MS. BAUKNIGHT: Yes.

MS. WEBB: Thank you. And then since completing this application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MS. BAUKNIGHT: I have not.

MS. WEBB: Thank you. And are there any changes to your application since submitting that you would like for the Commission to be made aware of?

MS. BAUKNIGHT: There have been none.

MS. WEBB: All right, thank you. And I would just like to clarify, too, that this was a vacant seat so if you look on your agenda you'll see for Beth Bauknight that her term will expire June 30th of 2024. I am sorry we are a little behind as we have said and -- but I just wanted to make that clarification for the record that you are June the 30th of 2024, whereas these others are 2026 because it was a vacancy.

MS. BAUKNIGHT: All right.

MS. WEBB: Thank you.

MR. CHAIRMAN: Question? Representative King.

REPRESENTATIVE KING: So what you have on the sheet is wrong?

MS. WEBB: No, what I have on the sheet is right.

MR. CHAIRMAN: It's right there.

MS. WEBB: Yeah, it's on the agenda.

MR. CHAIRMAN: Look right here.

MS. WEBB: The agenda here.

REPRESENTATIVE KING: Okay.

MR. CHAIRMAN: Any other questions? There a motion?

PRESIDENT ALEXANDER: I move favorable.

MR. CHAIRMAN: All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Somebody said aye. Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MS. BAUKNIGHT: All right. Thank you very much.

MR. CHAIRMAN: All right. Next up is H. Paul Dove, Jr. from Winnsboro. That's the 5th Congressional District. H. PAUL DOVE, JR., being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll state your name and a brief statement why you'd like to continue serving.

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MR. DOVE: My full name is Herbert Paul Dove, Jr., but if you call me and ask for Herbert I will assume you are a telemarketer and I will say, "he's not available." Please, I go by Paul. My address is 274 Old Harden Road in Winnsboro, South Carolina.

MR. CHAIRMAN: Macey?

MS. WEBB: Okay. All right, thank you. And then for the record, once again, can you please state our address that you live at?

MR. DOVE: 274 Old Harden Road in Winnsboro, South Carolina.

MS. WEBB: All right. And do you pay your four percent property tax there?

MR. DOVE: Yes, ma'am.

MS. WEBB: All right, thank you. And then since submitting this application, have you made any new campaign contributions to any members of the General Assembly that you are aware of? MR. DOVE: No.

MS. WEBB: All right. And are there any changes to your application that you would like for the Commission to be made aware of?

MR. DOVE: I have been accused of being too technical. I reviewed my application. It says 178 pounds, I now weigh 200.

MS. WEBB: All right. Thank you, sir.

MR. CHAIRMAN: We won't hold that against you, a few of us have that problem. Any questions? Is there a motion?

REPRESENTATIVE KING: I move favorable.

MR. CHAIRMAN: Vote for favorable, all those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Congratulations, sir.

MR. DOVE: Thank you very much. And may I express appreciation to the Legislature for the support that you give our university. It is a wonderful place to be associated with and you're doing a great job of supporting us and I appreciate that.

MR. CHAIRMAN: Thank you, sir. We're not -- 6th Congressional District is Floyd Keels here now? (No reply is heard.) Okay. The at-large seat eight, Robert Lee, come on up. ROBERT E. LEE, being duly sworn, testifies as follows:

MR. CHAIRMAN: State your name and a brief statement why you'd like to serve, sir.

MR. LEE: My name is Robert E. Lee, 1998 I graduate -- I mean I -- as a graduate -- seems like it's the twinkling of any eye, 25 years later, I've been on the board and nine of which years I've served as chair of the board. I think Francis Marion serves the goal it was established to

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serve. It serves the people it's established to serve and it still has more to do. And I believe that I can continue to contribute both the board and to the leadership of the board as we go forward and help the children of the Pee Dee and serve as a window to upper mobility.

MR. CHAIRMAN: Questions -- oh, Macey.

MS. WEBB: Thank you. And once again for the record, can you please state your first and last name?

MR. LEE: Robert Eugene Lee.

MS. WEBB: All right. And what is your address?

MR. LEE: 49 Ocean Creek Drive, Myrtle Beach, South Carolina 29571.

MS. WEBB: All right and do you pay your four percent or six percent at that address?

MR. LEE: I don't pay four percent either place I own. They are both owned by LLCs I own so I don't pay four percent either place.

MS. WEBB: Okay. So in an email that I have for you, you stated that you own a house in Marion that is your four percent residence; do you recall?

MR. LEE: I have -- I went to try to register and when the auditor and I got done I just said I'd leave it -- it's an LLC, I said I'd just pay the six percent. So I own a house 115 Whitfielder Drive, Marion which is beside my law office.

MS. WEBB: Okay.

MR. LEE: And then I own a house at the beach. Both of which are owned by LLCs, neither of which I pay four percent at.

MS. WEBB: Okay so you don't pay four percent on either of those properties?

MR. LEE: I don't pay four percent on either of them.

MS. WEBB: Okay.

MR. CHAIRMAN: Representative Rose.

REPRESENTATIVE ROSE: Sir, Mr. Lee this isn't a question it's more of a comment. I was driving to court. I'm an attorney myself. I was headed to Myrtle Beach and you have some very good billboard coverage on the way there. Just wanted to make that comment. You and Jeff Johnson are battling it out I see.

MR. LEE: Well people at my office -- the girls at my office wanted that and so I told them I said no jingles, nothing cute. And so people ask me, say, "do ever get any business from it?" And I said, no. What happens is my friends drive by and they call me and say I've been meaning to call you, I saw that billboard. So, you know, I'm not sure what it does other than make the people in my office happy which is, for lawyers, the most important thing.

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MR. CHAIRMAN: One more thing, Macey.

MS. WEBB: Sorry. And then since submitting your application have you made any new campaign contributions to any members that you are aware of?

MR. LEE: No. Senator Williams and Representative Atkinson have not been by the office lately.

MS. WEBB: And are there any changes to your application that you would like for the commission to be made aware of?

MR. LEE: Not that I know of, although I'm looking through all these cases that I'm supposed to be a defendant in and finding ones that I don't remember Ralph McCullough ever suing me in Anderson as I've never made an appearance in federal court there. But other than those, which I've been a guardian of some way appointed by the court, sued by a sovereign citizen or by a former prisoner who didn't like that he had killed somebody and had to go to prison for life. But other than that we're okay.

MS. WEBB: Yes, sir. Thank you.

MR. CHAIRMAN: Any other questions? Is there a motion?

SENATOR VERDIN: Favorable.

MR. CHAIRMAN: All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Thank you, sir. And Kenneth Jackson is he here? That is the at-large seat ten. KENNETH W. JACKSON, having been duly sworn, testifies as follows:

MR. CHAIRMAN: Thank you. State your name and brief statement of why you're running.

MR. JACKSON: My name's Kenneth W. Jackson and I have I'm a 1984 graduate of Francis Marion. I've been involved in one form or another since that time. I've been very actively involved in participating events on campus. I've been a trustee for a number of years and proud of what's been accomplished during that time and I'd like to continue for one more term, if you see fit.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And for the record once again, can you please state your first and last name?

MR. JACKSON: Kenneth W. Jackson.

MS. WEBB: All right, and what is your address?

MR. JACKSON: 1904 Grandview Court, Mount Pleasant.

MS. WEBB: All right, thank you.

MR. JACKSON: And I also maintain a residence in Florence.

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MS. WEBB: Okay. And what is your address in Florence?

MR. JACKSON: 130-B Courthouse Square.

MS. WEBB: All right. Thank you. And then at your 1904 Grandview Court address do you pay your four percent or six percent?

MR. JACKSON: Four percent.

MS. WEBB: Thank you. And have you made any new campaign contributions to any members since submitting this application that you are aware of? MR. JACKSON: No.

MS. WEBB: No. Okay, thank you. And are there any changes to your application that you would like for the Commission to be made aware of?

MR. JACKSON: Yes. I would like to take exception to the last five pages, I think there's some court cases and that -- those are not me.

MS. WEBB: Okay. And just for clarification, so that would be this SLED background check report. When SLED runs these background checks they just type in your name and if your name pops in the system it might not necessarily be you, it could be someone that has happens to have the same name as you. When I reviewed your SLED background report I did not find anything that was of concern to bring to the Commission.

MR. CHAIRMAN: You know, we need to make sure that doesn't happen again because that's very embarrassing to someone who has not have history, so yeah. We'll work on that. All right, any questions? Is there -- what's the desire, favorable? All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: All opposed no. (No reply is heard.)

MR. CHAIRMAN: Thank you, sir.

MR. JACKSON: Thank you.

MR. CHAIRMAN: At-large seat twelve, W. Edward Gunn, is he here? Come on up.

MR. GUNN: Sir. W. EDWARD GUNN, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you would state your name and a brief statement of why you are running.

MR. GUNN: Mr. Chairman, members of the Committee, I'm Eddie Gunn, William E. Gunn, I am seeking reelection to the Francis Marion University Board of Trustees. I grew up in Florence as a child and graduated from high school over there and saw the evolution of Francis Marion. It started out, as many of you may know, in the basement of the Florence Public Library as the Francis University of South Carolina. Yeah. It was small at the time. In the early 70s, Governor

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McNair and others pushed the idea to have a college, a four year college, which it did and then later on became a university. I'm serving because this is a great school. Under-served population out there, 48 percent minority, 95 percent from in- state South Carolina from the Pee Dee get a quality education, a superb education. At's very diverse. I think Dr. Carter and his staff have chosen the right fields to expand into. Health sciences, nursing and many others has been just tremendous and I'd like to continue to support it that way.

MR. CHAIRMAN: Macey.

MS. WEBB: All right. Thank you. Once again for the record, can you please state your first and last name?

MR. GUNN: William E. Gunn.

MS. WEBB: Thank you. And what is your address?

MR. GUNN: 213 Rosebank Drive in Columbia.

MS. WEBB: All right, thank you. And do you pay your four percent property tax there?

MR. GUNN: Yes, ma'am.

MS. WEBB: All right. Thank you. And since submitting your application, are there any new campaign contributions that you have made to any members of the General Assembly?

MR. GUNN: Yes, ma'am, I did. I had one when I was preparing my taxes this weekend that I had not reported and that as Representative Jay Jordan in Florence.

MS. WEBB: Okay. So I would just ask you to send me an email that says that you've made a campaign contribution to Representative Jordan.

MR. GUNN: Certainly.

MS. WEBB: And put the amount on there so I can have that for your file.

MR. GUNN: I'd be happy to.

MS. WEBB: All right, thank you. And then other than that, are there any changes to your application that you would like for the commission to be made aware of?

MR. GUNN: No, ma'am.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Questions? Senator Harpootlian.

SENATOR HARPOOTLIAN: More of a comment than a question. I've known Eddie since he's --

MR. GUNN: A long time.

SENATOR HARPOOTLIAN: Maybe fifty years ago, forty -- well, when Carol Campbell was governor I think we met.

MR. GUNN: That's right.

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SENATOR HARPOOTLIAN: He's been head of several different state agencies, extraordinarily committed to making this a better state and I whole heartedly endorse his reelection and they were very lucky to have him on their board.

MR. GUNN: Thank you, Senator. I appreciate that very much.

MR. CHAIRMAN: Sounds like Francis Marion is very lucky to have a lot of folks on that board. Well represented. Is there a motion?

SENATOR HARPOOTLIAN: Motion for approval.

MR. CHAIRMAN: All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed no. (No reply is heard.)

MR. CHAIRMAN: Thank you, sir, for your willingness to serve.

MR. GUNN: Appreciate it.

MR. CHAIRMAN: Patricia Hartung from at-large seat 13. I'm sorry? Come on up.

AUDIENCE MEMBER: Excuse me, Representative Whitmire, I just wanted you to know I just received a text for Ashley Nance and he's coming up now.

MR. CHAIRMAN: Okay. Is Patricia Hartung here?

AUDIENCE MEMBER: Mr. Chairman, she is not. Mr. Keels had we checked with him and he's fixed on the time you had him to be here so that's when he's - - he lives in Lake City.

MR. CHAIRMAN: Yeah.

AUDIENCE MEMBER: And Patricia should be here any time soon.

MR. CHAIRMAN: Okay. Well we'll pick her up when she comes in. Why don't we take a five-minute break right now and we'll wait for Mr. Nance to come in and we'll try to fix these other people up. (A short break was taken at this time.)

MR. CHAIRMAN: All right we'll go ahead and get started. We're going to hear from Ashley Nance first, I assume. Sorry to hear about your misfortune earlier.

MR. NANCE: Mr. Chairman, thank you so much for your patience. I was sorry to hear about it, too. My wife and I uh literally right outside the building making a right turn and got rear ended so as fate would have it that's what happens.

MR. CHAIRMAN: There was a rumor you got hit by a Senator; is that right?

MR. NANCE: No, uh, I haven't figured that out yet but if so we'll get to the bottom of it. I know a good attorney. I know a real good attorney, so.

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MR. CHAIRMAN: We got several here. All right if you'll raise your right hand I'll swear you in.

MR. NANCE: Yes, sir. ASHLEY B. NANCE, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll give me your name and a brief statement of why you'd like to serve.

MR. NANCE: Sure. Thank you Mr. Chairman, and other distinguished members of the Trustee Screening Commission. Good afternoon. My name is Ashley Nance and this is the first time that I have had the opportunity to appear before the Trustee Screening Commission. As you all may know from reviewing my application and the supporting paperwork that I have submitted, I'm a trial lawyer. And so I love openings and I love having the opportunity to speak. And so I do want to give you a little bit of a brief statement as to why I have filed a letter and notice of intent to run for the College of Charleston Board of Trustees. My wife is here with me, sitting right behind me. I'm married to Danielle Nance and have two young children, Blaker who is six years old and Eloise who is four. I practice with the law firm of King, Love, Hupfer & Nance in Florence. I'm a trial lawyer. And Florence is also where I grew up. I was born and raised in Florence. I went to the college of Charleston. Graduated in 2002. And I graduated from the Charleston School of Law in 2009. Outside of my brief stint in Charleston I have been in Florence all of my life. I'm heavily involved in the college. I love my alma mater. I am the founder, one of the founders of the Pee Dee alumni club for the college of Charleston and have served as it's president for the last five years. In addition to this role, I help to fund and establish a scholarship for our alumni club. Each year a student from the Pee Dee is able to have a scholarship to attend the college of Charleston. I'm very proud to say that I was a founder of that scholarship. I also helped fund it and I can also say it's the only scholarship of it's kind. We are the only alumni club in the entire college of Charleston network that actually offers a scholarship for a local student to attend the college. In addition to serving that role as the president of the alumni club in our area, I'm also on the board of directors for the College of Charleston alumni association. In that role I've been on the board for about three years but I served in the Get Involved Committee. And I think that fits me pretty well. It's a good hat because I am pretty well involved in a lot of different things. Over the years I've stayed involved in the college. I love taking my family down there and allowing my children to see the college and really how special of a place it is down there in Charleston. As you all are probably aware the College

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of Charleston was founded in 1770, making it the thirteenth oldest college in the nation. It's the oldest municipal college in the country. The colleges founders were also members of the General Assembly. College was chartered by the General Assembly in 1785 and the area that was provided for development was approximately ten acres in the heart of downtown Charleston. That heart is still our campus and is the heart of the College of Charleston campus. The Board of Trustees was established for the College of Charleston in 1795. The College of Charleston has a long history, not only in Charleston, but to the entire state of South Carolina and the people that it serves and the students that it serves. College of Charleston recently celebrated it's 253rd birthday and in -- we have, you know, a lot of involvement with that with the alumni clubs obviously in celebrating that. Most recently, if you follow sports, I'm very excited to you know congratulate the basketball team. You know, had a heck of a season under coach Pat Kelsey, finished thirty-one and four, winning the Colonial Athletic Association Championship and competing against a very good San Diego State team in the NCAA tournament and unfortunately coming up just short. Few things I want to talk about the trajectory and then I'll you know let the committee members get into the questioning. But I believe the College of Charleston is on upward trajectory. And it all starts with the leadership of the school. President Andrew Hsu is undoubtedly one of the most interesting, qualified presidents that I've ever seen and he is such a unique personality and a great leader for the College of Charleston. He took the helm at 2019 as the 23rd president of the College of Charleston. And as soon as he was in that role he was welcomed by one of the biggest crises that we've ever had, and that was Covid 19. I think our colleges and universities all had very, very difficult decisions that they had to make in getting us through those trying times, but he did it well. And I think the college is under great leadership. He's now helped to create the engineering program at the college of Charleston, which has taken the College of Charleston I think to an entirely different level for what it's able to offer students. So in short I stand before you today because I'm excited to be a part of it.

MS. WEBB: Hi, thank you, once again for the record can you please state your first and last name?

MR. NANCE: Ashley Nance.

MS. WEBB: All right, thank you. And what is your address?

MR. NANCE: My address is 1215 Wisteria Drive, Florence, South Carolina 29501.

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MS. WEBB: Thank you. And do you pay your four percent property tax there?

MR. NANCE: I do.

MS. WEBB: All right, thank you. And since submitting this application have you made any new campaign contributions to any members that you are aware of?

MR. NANCE: Not that I am aware of, no.

MS. WEBB: All right, thank you. And then are there any changes to your application that you would like for any Commission members to know?

MR. NANCE: The only change which I think I know before you was we did purchase a new house. And we intend to move into that house, you know, once the seller has completed their lease term back to us. They leased back from us for a few months while they were getting their affairs in order but we intend to move into that house as soon as that time is up.

MS. WEBB: Yes, perfect, thank you. And I do have that letter that you submitted included in y'all's binders so thank you.

MR. CHAIRMAN: Questions? Senator Scott.

SENATOR SCOTT: First, let me thank you for your willingness to serve. I noticed you gathered a lot of information. You're going to make a true great ambassador when they send you out to do all the talking for recruiting young people, getting them in, getting them to know about the College of Charleston. What would you really like to see change especially on the capital side, program side, policy side, or have you had a chance to think about that, really feel the excitement?

MR. NANCE: Senator thank you for the question, that's a great question. I'll tell you being that College of Charleston is a liberal arts school the offering of an engineering school is a very, very big step for the College of Charleston. And so, you know, when you're looking at the college landscape College of Charleston has now made itself more appealing and offers a much more diversified portfolio when someone can major in something like engineering and also minor in a language which is what you may be required to do. Personally I do have my own goals that I would like to see in serving on the board. Being that I'm an alumni -- you know, a president of an alumni club, served on the board of directs for the alumni association, alumni engagement is a very big deal to me. I happen to spend a lot of time around Clemson and USC folks and go to football games, things like that. The alumni engagement for those schools is, I mean as you all know, it's as best as it gets in South Carolina. College of Charleston is working to achieve that. And I think

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with the various alumni clubs that have been formed, you're now reaching into the community. You're now reaching to the alumni to get that message out. The Pee Dee has approximately 2,500 alumni living in that area and I think these are, you know, for the most part, the Pee Dee and some of these other rural areas in the state, you know, College of Charleston is probably not the first college that maybe jumps off to some of these prospective students. And I think having these alumni clubs is working to change that. So my goal is to increase alumni involvement, increase that dialogue between some of these rural areas and College of Charleston. And to get that College of Charleston name out there.

MR. CHAIRMAN: Mr. President?

PRESIDENT ALEXANDER: Thank you and thank you for your willingness to serve and I'm glad you're with us today. Your economic interest was filled out back in November '21 and you have the Florence County Voter Registration Election Commission.

MR. NANCE: Yes, sir.

PRESIDENT ALEXANDER: Is that correct?

MR. NANCE: Yes, sir.

PRESIDENT ALEXANDER: In what capacity are you affiliated there?

MR. NANCE: So I am no longer on the commission. In fact, when I sought to file my letter of intent to run for the College of Charleston of Board of Trustees, before filing my letter of intent, I resigned from that position. But I served as the chairman of the Florence County Voter Registration Election Board for roughly three, almost four years. But I served on the board for approximately almost ten years.

PRESIDENT ALEXANDER: Thank you.

MR. NANCE: You're welcome.

MR. CHAIRMAN: Desire of the Committee? Moving for approval? All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Okay. Thank you, sir.

MR. NANCE: Thank you. Appreciate your time today and thank you for allowing me the leeway to get up here and talk today and present to you, thank you.

MR. CHAIRMAN: Okay. Floyd Keels? He hasn't -- not here yet? Okay. Patricia Hartung, at-large seat thirteen. Yeah he was College of Charleston, you're Francis Marion again. PATRICIA C. HARTUNG, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll state your name and just tell us a brief statement. A little briefer than the last one.

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MS. HARTUNG: I was contemplating that. But I don't know if I can. My name is Patricia Hartung, and I am a resident of Greenville South Carolina. And thank you for the opportunity to express my desire today to continue serving as a trustee for France Marion University. My role as a trustee has spanned nearly 23 years and I would consider it an honor to continue serving in that capacity. During this time I've worked closely with my fellow trustees, the president, faculty, staff and others to assure that the university remains a leader in our state in academic excellence, innovation, and community engagement and service. The strength I bring to the university and the board is directly tied to my career experience and the practical skills I've developed in my field. I serve as the executive director of a six-county regional planning and development agency, the Upper Savannah Council of Government. And through my work there I experienced first hand the needs of our state, our communities, our citizens and our work force in real time. I work on a regular basis with thirty local government agencies in my region as well as the state and federal governments and this interaction with government and other organizations affords me the knowledge of understanding and working with regulatory and governing institutions in a cross section of fields, particularly in helping me understanding accrediting and regulatory agencies associated with higher education. Through my office's, programs, and aging workforce and economic development, community development, local government assistance as well as interacting with our local regional educational consortium, I can focus on real world problems and I can bring this link to the table in many aspects of my role as a trustee. Through this, I see how critical it is to have college programs and graduates who focus on developing employable workforce skills. Which in turn translates into jobs that address the needs of the citizens of our state. I also understand how our businesses and companies in this state need qualified employees. Many companies in our area come to us on a regular basis asking us what are the workforce programs that our universities and our schools are engaging in to develop these skills and these students. I work with many groups also in the areas of natural resources and I know which environmental issues are relevant to our state right now and those that will continue to be in the future. And I see the struggles also through my work with upper Savannah and how our senior population and their families are experiencing great difficulties in learning how to survive and thrive after retirement. Given this background, I can make informed decisions in my role as a trustee. Whether it be in university strategic planning or curriculum development. I understand the value and

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significance of a diverse and inclusive environment that encourages participation from all stakeholders, including students, faculty, staff and alumni. I believe it is only through the shared vision and a commitment to working together that we can achieve our goals for the university. And I am committed to continuing to work with my fellow trustees, faculty, staff and students to ensure that our institution remains at the forefront of academic excellence and innovation. And it would be an honor for me to continue serving as a trustee and contributing to the continued success and growth of Francis Marion University.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And then I'll go through these same questions with you so once again for the record can you please state your first and last name?

MS. HARTUNG: Patricia Hartung.

MS. WEBB: All right. And what is your address?

MS. HARTUNG: 214 Welling Circle, Greenville, South Carolina.

MS. WEBB: Thank you. And do you pay your four percent property tax at that address?

MS. HARTUNG: I do.

MS. WEBB: Thank you. And then since submitting this application have you had any -- have made any new campaign contributions to any members of the General Assembly?

MS. HARTUNG: I have not.

MS. WEBB: All right. Thank you. And then since submitting this application, are there are any changes that you would like for the members of the Commission to know about?

MS. HARTUNG: Since the application, no change whatsoever.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman. To my chagrin, I have not kept up with you but you have kept up with me and I knew it, had forgotten it, and now through your resume am reminded of your duration at Upper Savannah. It's just remarkable. And I can assure you of those thirty communities I interact with many and your service and your team is invaluable to the -- cannot be valued just as I'm sure that you and your colleagues that served as incumbents and even those that are looking to join, we are here to screen, we're here to vet, but still, even in this short time, it's still impossible to measure all of the service that you and your colleagues bring with these boards and conditions so, thank you for your past service. And Mr. Chairman I would do a favorable

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report for Ms. Hartung for continued service on the board of Francis Marion.

MR. CHAIRMAN: Thank you senator. All others in favor signify by saying aye? (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Congratulations, and thank you again.

MS. HARTUNG: Thank you all.

MR. PRESIDENT: Good to see you.

MR. CHAIRMAN: We've got one more Francis Marion and he hasn't made it I don't think. Right. All right, we'll go ahead and go to Lander we've got one for Lander if that persons here that's 1st Congressional District Mark Taylor to come on up.

LANDER: MARK W. TAYLOR, being duly sworn, testifies as follows:

MR. CHAIRMAN: Just tell us your name once again and why you -- a brief statement.

MR. TAYLOR: I'll be brief. My name is Mark Taylor I'm in Charleston, South Carolina. My educational background is that I attended Fur man University, went to medical school at the Medical University of South Carolina and then I went to law school at Emory university. The reason I would like to serve at Lander is quite simple, I met President Cosentino a few years back. We had a pleasant dinner one evening. I like what he's doing at Lander. Turns out I have a family affiliation, my grandmother attended Lander in the 1920s, kind of a long time ago. And I grew up near Lander. But frankly the reason I want to serve is because he asked me. And he said he could use me, the biggest challenge to Lander for the next generation, I think, is managing their real estate and property growth, their physical plant. The students are growing very fast, they -- there are 3800 students now and a decade ago there were less than 3000, so.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And once again for the record can you please state your first and last name?

MR. TAYLOR: Mark Taylor.

MS. WEBB: All right, thank you. And what is your address?

MR. TAYLOR: 4906 Sound View Drive in Mount Pleasant, South Carolina.

MS. WEBB: All right, thank you. And do you pay your four percent property tax at that address?

MR. TAYLOR: Every year.

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MS. WEBB: All right. Thank you. And since filing this application, have you made any new campaign contributions to any members of the General Assembly?

MR. TAYLOR: I don't recall. My application is about two years old because I got caught in the covid thing, I can't recall any additional.

MS. WEBB: Okay. All right, thank you. And then are there any changes to your application that you would like for any of the commission members to know?

MR. TAYLOR: Nothing that I know of.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Anyone? Have a motion?

SENATOR VERDIN: Yes, sir, Mr. Chairman.

MR. CHAIRMAN: Yes, sir. Senator Verdin.

SENATOR VERDIN: In making this motion I would say that I just got a text from Adam Taylor that he wishes he was related to Mark but that he is not.

MR. TAYLOR: The feeling's mutual.

SENATOR VERDIN: Mr. Chairman, move in favor.

MR. CHAIRMAN: Where is Adam? He should be sitting here shouldn't he?

SENATOR VERDIN: Oh, he's --

MR. CHAIRMAN: He's watching, huh?

SENATOR VERDIN: He's catching every second, I'm sure. He told me he was on campus on Lander expecting me to come up later.

MR. CHAIRMAN: Okay. There's a motion for approval, all those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Nos no. Congratulations. (No reply is heard.)

MR. TAYLOR: I'd like to say -- note a personal hello to Mr. Harpootlian, haven't seen you in a while, good to see you again.

SENATOR HARPOOTLIAN: Been a while, good to see you again.

MR. CHAIRMAN: Mr. Keels here now? Come on up, sir. This is back to Francis Marion and this is the 6th Congressional District and this is Floyd Keels from Lake City. If you'll raise your right hand and I'll swear you in, sir.

MR. KEELS: Yes, sir. FLOYD L. KEELS, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'd just give us your name and a brief statement of why you would like to serve on the board.

MR. KEELS: Yes, sir. Good evening everyone. My name is Floyd L. Keels and I would love to serve on the board. I've been a part of the Pee Dee for some time and Francis Marion University is a great school. I'd

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just love to be a part of something that's going to promote the better well being of our citizens in the Pee Dee community.

MR. CHAIRMAN: Macey.

MS. WEBB: All right, thank you. And once again for the record, can you please state your first and last name?

MR. KEELS: Yes. My first name is Floyd, F-L-O-Y-D and my last name is Keels, K-E-E-L-S.

MS. WEBB: All right, thank you Mr. Keels. And what is your address?

MR. KEELS: My home address is 101 Derby, as in Kentucky, Derby Lane, Lake City, South Carolina 29560.

MS. WEBB: All right, thank you. And do you pay your four percent property tax at that address?

MR. KEELS: Yes, ma'am, I do.

MS. WEBB: All right, thank you. And since submitting this application, have you made any new campaign contributions to any members of the General Assembly that you are aware of.

MR. KEELS: No, ma'am. I have not.

MS. WEBB: All right, thank you. And since submitting this application are there any changes to your application that you would like for any of the commission members to know about?

MR. KEELS: No, ma'am. No changes that I'm aware of.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Mr. President.

PRESIDENT ALEXANDER: Thank you, good afternoon.

MR. KEELS: Good afternoon, sir, how are you?

PRESIDENT ALEXANDER: Doing great, hope you are.

MR. KEELS: Yes, sir. I am, thank you.

PRESIDENT ALEXANDER: Great, great, thank you for being with us today. I was just seeing your -- you're retired now, correct?

MR. KEELS: Yes, sir.

PRESIDENT ALEXANDER: And you were with Carolina Power and Light and Santee Electric Cooperatives?

MR. KEELS: Yes, sir. I split both places, I spent half my career at Carolina Power and Light and the remaining half at Santee Electric Cooperative.

PRESIDENT ALEXANDER: And -- and from what I see here that you've been on the board there since what 2013. What has been -- what you would envision as, say, the highlight of that service of being involved on the board there at Francis Marion?

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MR. KEELS: The highlight of serving on the board at Francis Marion is witnessing the growth of education throughout the Pee Dee and it's close to the people who live within the region.

PRESIDENT ALEXANDER: Great. Thank you sir.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Mr. Keels, first let me thank you for your willingness to serve.

MR. KEELS: Thank you, sir.

SENATOR SCOTT: With the new expansion and addition South Carolina electrical vehicles, working with cooperatives, gas companies and others. And I know looking at some of the curriculums that Francis Marion should have the knowledge and industry is going to pay dividends. Have you had a chance to think about how that's going to work in terms of what you would actually bring to the table and the board when you begin, really looking forward with electrical charging stations and getting young people more involved in that process and especially with your military background?

MR. KEELS: Yes, sir.

SENATOR SCOTT: If you can elaborate a little bit on that.

MR. KEELS: Yes, sir. And thank you for that question. That's the question that we all should be asking ourselves every single day and that is how to promote energy savings for the greater community and electrical vehicles will do that. I think right now we are all -- a number of us have hybrids vehicles and we know that in states around the country are quickly moving towards abandoning the use of gasoline vehicles. So it's going to be a big thing. A big help to people as they travel, and it's going to save money for the greater good.

SENATOR SCOTT: Thank you so much.

MR. CHAIRMAN: Motion?

SENATOR SCOTT: Favorable.

MR. CHAIRMAN: Favorable, all those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Nos no. (No reply is heard.)

MR. CHAIRMAN: Congratulations sir.

MR. KEELS: Thank you all so much.

MR. CHAIRMAN: Wish you luck.

MR. KEELS: Appreciate it, thank you.

MR. CHAIRMAN: All right that closes out Francis Marion, correct?

MS. WEBB: Yes.

MR. CHAIRMAN: All right we're done with Lander so now we're moving on to the Medical University of South Carolina. Now I'll let

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these people leave. First up is Donald Johnson. The 1st Congressional District. Come on up. Are you able to -- can you raise your right or not? Okay.

MEDICAL UNIVERSITY OF SOUTH CAROLINA: DONALD R. JOHNSON, II, being duly sworn, testifies as follows:

MR. CHAIRMAN: Thank you, sir. Just tell us your name and a brief statement why you'd like to continue serving.

DR. JOHNSON: Sure. My name is Donald Johnson. And by way of background I'm from Summerville, went to the College of Charleston. MUSC, did an orthopedic residency at MUSC and then spent two years traveling Texas, San Francisco, University of Hong Kong, and came back to South Carolina in 1991 as the first spine surgeon in the state. I set up a private practice called the Southeastern Spine Institute, which has grown fairly large over the years, and was lucky enough to be elected for my first term at MUSC in 1994. I'm currently the longest serving board member at MUSC and have been honored to be asked to be the chairman on four separate occasions. I very much would like to continue my service.

MR. CHAIRMAN: Macey?

MS. WEBB: All right, thank you. And once again for the record can you please state your first and last name?

DR. JOHNSON: Donald Johnson.

MS. WEBB: All right, thank you. And Mr. Johnson, what is your address?

DR. JOHNSON: Number 41 25th Avenue, Isle of Palms 29451.

MS. WEBB: All right, thank you. And do you pay your four percent property tax at that address?

DR. JOHNSON: I do.

MS. WEBB: All right, thank you. And since submitting this application, have you made any campaign contributions to any members of the General Assembly that you are aware of? DR. JOHNSON: No.

MS. WEBB: All right. And then since submitting this application are there any changes that have been made to your application that you would like for members of the Commission to be made aware of? DR. JOHNSON: No.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. Thank you for your service on MUSC. Have a question for you in reference to diversity of the student body in the medical program. I've noticed that the number of African Americans are not equivalent to what our state population is

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and what I typically like to see. What are you all doing to increase the numbers of African Americans entering into medical school?

DR. JOHNSON: So I would say that our program has been actually one of the best in the country if you would look at the history of what we've done at MUSC, we've actually been given national awards for that. We take that as a -- as a need. It's something that we focused on significantly. We look at it from admissions all the way through. I think we've done great. I don't think the job is over but I think we've done great jobs, particularly with the under-representative minorities getting into medical school. I agree with your concerns but we'll tell you it is an area of emphasis for the university.

REPRESENTATIVE KING: And what are your recruitment efforts? What are you all doing to recruit or do you have like a bridge program?

DR. JOHNSON: We do. We have a bridge program that involves the College of Charleston, actually. We've had that for a number of years. We actually go recruit for the under -- the URM's if you will. And our numbers, as I said, have gone up dramatically particularly over the last ten years or so.

REPRESENTATIVE KING: And my last question, are -- is there any effort to have a bridge program with any of the HBCUs in this state? Especially South Carolina State University.

DR. JOHNSON: I'm unaware of that. But I think that's a great thought and one that I'll bring back to the university. I think that would be a perfect bridge. I think it's been done for College of Charleston historically because there's a lot of cross pollination, if you will, between the teachers, the curriculum and whatnot. So that's where it was initially set up. But I think you make a very good point there.

REPRESENTATIVE KING: The reason why I ask that question is the College of Charleston is not even performing in my opinion with the number of African Americans. They have one of the lowest African American populations on their campus. And the reason why I asked about the HBCUs is because that's where you're going to find the higher concentration of African American students that are in college. And so that's why I was asking would you all consider -- because I heard you say you're the board chair.

DR. JOHNSON: I have been on four occasions.

REPRESENTATIVE KING: Four occasions.

DR. JOHNSON: Currently. I have a better job now than the I'm the board chair.

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REPRESENTATIVE KING: Well I will hope that you all would consider, you know, partnering with some HBCUs.

DR. JOHNSON: Sure.

REPRESENTATIVE KING: And especially our public institution of South Carolina State.

DR. JOHNSON: And I'm sorry I think may I confuse you when said a bridge program. This is a program where students come in from across the state. And it's felt that they need to have a year preparing the life sciences. So they could be from South Carolina State or from any other university. And that program which is housed over at the College of Charleston is what I'm referring to as a bridge program. It's not specifically part of the College of Charleston.

DR. CHAIRMAN: Other questions? Yes, Mr. President.

PRESIDENT ALEXANDER: Thank you, Mr. Chairman. Good afternoon.

DR. JOHNSON: Yes, sir.

PRESIDENT ALEXANDER: It's good to see you. What's the biggest challenge that the Medical University is facing today?

DR. JOHNSON: I think digesting the large number of hospitals that we have either taken over as ownership or have equity ownership over the last two to three years. As I've said, I've been on the board for a long time, I've been the chairman for a long time. And this activity which has been involves now sixteen to seventeen different facilities. I think our biggest challenge going forward now is to take a break or take a rest would be my opinion and try to digest and make sure that, you know, that we run all these facilities that we've that we've become involved in more intimately to the standards that we've like to have them run.

PRESIDENT ALEXANDER: And I guess that's where I was going. The number of hospitals and health care facilities that y'all have taken over, did y'all go seeking those or did most of those come seeking you?

DR. JOHNSON: Most of them came to seek us.

PRESIDENT ALEXANDER: And was that because they were making so much money they wanted to share that money with MUSC?

DR. JOHNSON: I don't think so, no, sir.

PRESIDENT ALEXANDER: No, sir. So were most of them in financial distress to some extent?

DR. JOHNSON: I think many of them were, yes, sir.

PRESIDENT ALEXANDER: So how have y'all been able to accomplish being able to address that aspect of those? Are you making

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them be on a standalone, each one having to stand on their own or are you doing them collectively?

DR. JOHNSON: I will tell you they are -- we are making them be stand alone. In fact it was one of the emphatic points that our board had. We don't want to bleed from Charleston to support these other systems. And so we've actually as you know we've -- we had them segregated with separate CEOs that we purposely try to make sure and they have thus far anyway stand on their own. And how do they do that? Which was your question, well, to be real blunt with you the first step would be if you're a not for profit regardless of what your business is and you take over a for profit, you've already got some savings on the bottom line, correct?

PRESIDENT ALEXANDER: Yes, sir.

DR. JOHNSON: And secondly from there the reimbursement systems, the way insurance is set up across the country, the more bargaining power that you have, the higher your rates are that you're able to get. As an example, in private practice even with the practice as big as Southeastern Spine and private practice myself and my doctors we could never get the reimbursements that we could if we were members of the MUSC. That speaks to the bargaining power of having more physicians, a bigger system and whatnot. So and third I think would be the management. We are very good managers, health care managers, and so I think there is some -- there's always some savings and efficiencies that can be attained if your management is better.

PRESIDENT ALEXANDER: So are you aware are there other pending -- I won't say takeover. Relationships that you're envisioning that MUSC to be entering into over the short term or long term?

DR. JOHNSON: There is not. And if -- if there was one or more than one that came to the board again my thoughts would be that we need to sit where we are right now.

PRESIDENT ALEXANDER: Thank you. Thank you, Mr. Chairman.

MR. JOHNSON: Represent -- excuse me, Senator Scott.

SENATOR SCOTT: Thank you, Dr. Johnson, for your willingness to serve.

DR. JOHNSON: Yes, sir.

SENATOR SCOTT: As much as I would like to be in agreement with you about hospital systems, real hospital systems, you take those systems over you take a different type challenges.

DR. JOHNSON: For sure.

SENATOR SCOTT: Most of the funding is through some type of federal help aid or assistance, or state aid or assistance. And given what MUSC has done through tele-medicine, looking at working with these

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rural hospitals so we don't get a real closure outside of -- you know, glad you did say managed system. Because sometimes managed systems don't work without financial systems until you get it stronger. But there are some systems that you do have in place that also looking at additional staff to be able to staff those hospitals and understanding the growth trend and if you looked at that, especially with rejected growth trends. Have you looked at it yet?

DR. JOHNSON: We have. And thank you for mentioning tele-health. You probably know we one of two of the best tele-health systems in the country and that's thanks to all of y'all and this financial support you've given us.

SENATOR SCOTT: So I want to make sure that those things are inclusive as we look at Charleston's system which is part of the Prisma system, the Horry County system, I think is a whole other kind of system, and coming into the Richland System there's three different hospitals here all working hopefully for the same good. Not just for the hospital but for the clients. And so how do you foresee with additional health care needs that have not been met in the state? And especially coming into the Richland system, like in Providence, downtown hospital and Northeast Hospital and they're also in Fairfield County. Make sure don't want to misunderstand your words "stand still." Does that mean you improve those systems that are there? Providing what the data shows in terms of getting patient care and need and being able to utilize that hospital more?

DR. JOHNSON: Yes, certainly. First of all I -- you know, I would say I don't want to say that anything that I've said is an absolute. If there was something that the medical university had to do of course we would do it. But we're now part of I know sixteen hospitals.

SENATOR SCOTT: Correct.

DR. JOHNSON: It's over a very short period of time. You know, we are not deaf, we understand there's some controversy involved in that. A senator has been kind enough to come talk to us very bluntly about that on several occasions. And I got to tell you I always agree with you. And we do need to sit tight and kind of get our arms around what we are now and where we are. And there's some great benefits to the state I'll just give you -- there could be many but I'll give you one. All our students need clinical rotations. And the clinical rotations are just not available in tri- county area, downtown. So, you know, we -- this gives us an opportunity to have medical students, to have nurses, physical therapists, pharmacists, doing clinical rotations in all these hospitals across the state. And when you do that, when you -- as a hospital when you bring

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students in it brings the game up for everybody. Medical education you know requires that everybody that touches those students actually become better at what they're doing. So that's one of the many things that, you know, that the statewide push that we've done for the most part I agree with it but it's been a lot and as I've said multiple times, I think we need to just stop and digest what we have right now.

SENATOR SCOTT: Private dollars come in with private insurance -- I think the private dollars are private insurance and that's what driving the pay, especially to subsidize those who get other type of federal assistance for insurance. I think that's going to be very key to it.

DR. JOHNSON: I agree with you.

SENATOR SCOTT: Especially with the hospital so -- I don't know if you could say you got a system that you can say a hospital standalone in the system, just depend upon where we put industry, the economic development part of it. So as you move through your concept of let's wait and see let's also make sure we ask the dimensions to it such as private companies come in. Use Allendale as a good example. I'm pretty sure coming back into Charleston y'all would provide some services. Thousand of jobs is going to change the whole game plan, especially with hospital service and patients.

DR. JOHNSON: Yes, sir.

SENATOR SCOTT: Just want to make sure you don't lock yourself in and you say well, you know, we just going to just wait and see because the service doesn't quite work that way. Thank you chair.

MR. CHAIRMAN: You're welcome. Representative King.

REPRESENTATIVE KING: Quick question something we would be dealing with is certificate of need. Give me your take on the certificate of need?

DR. JOHNSON: I'm sorry. I have to smile because I have for years probably had a contrary view on certificate of need. And probably that comes from thirty plus years in a large private practice. Also used it as a board chairman and to me quite simply what it's been is anti-competition for the hospitals against any entity that's not a hospital. Hospitals like to use it to prevent competition of medical services but then they use it and I've been part of using it. But they use it as kind of chips and cards that they pass back and forth to one another. You know, I won't oppose your this if you don't oppose my that. And we've all seen hospital systems that didn't do that and then we went through ten to twelve years of litigation, not getting a hospital bill, not good for the medical community. I know the hospital association historically of course has supported CON in some shape and degree and

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it's morphed and changed a little bit as there's been more and more pressure I think to eliminate it. But if you're asking my personal opinion, I don't think it's been helpful for our state.

REPRESENTATIVE KING: Thank you.

MR. CHAIRMAN: Anyone else? Is there a motion, move for approval? All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Nos, no. (No reply is heard.)

MR. CHAIRMAN: Thank you, Dr. Johnson.

DR. JOHNSON: Thank you.

MR. CHAIRMAN: You're very fortunate to have MUSC. Dr. Lemon is not here yet so we will move on to Terri Barnes, would you come on up please. TERRI R. BARNES, being duly sworn, testifies as follows:

MR. CHAIRMAN: Give us your name and a brief statement.

MS. BARNES: My name is Terri Barnes. I live Rock Hill South Carolina, born in South Carolina and served on the board of the medical university since 2014. Considered it an honor, would like to be able to serve again. Dr. Johnson -- when I was first was on the board Dr. Johnson had been there a long time I said to him wow this place is big it's going to take at least a year to learn it and he's like oh, no, no, no it's going to take many years and he's right. It's been a ride. It's been a lot of information a lot of growth and a lot of success. And so it's an honor to serve the Medical University of South Carolina, it's an honor to serve you all and to serve with this great board that you have.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And for the record once again, can you just please state your first and last name?

DR. BARNES: Terri Barnes.

MS. WEBB: All right, thank you. And what is your address?

DR. BARNES: 1502 Jackaway Drive, Rock Hill, South Carolina 29732.

MS. WEBB: All right, thank you. And do you pay your four percent property tax at that address?

DR. BARNES: I do.

MS. WEBB: All right, thank you. And since submitting this application, have you made any new campaign contributions to any members of the General Assembly?

MS. BARNES: I don't think so.

MS. WEBB: Okay. All right, thank you. And then are there any changes to your application that you would like members of the Commission to be made aware of?

MS. BARNES: I don't think so.

MS. WEBB: All right, thank you.

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MR. CHAIRMAN: Mr. President?

PRESIDENT ALEXANDER: Thank you, Mr. Chairman. Good afternoon.

MS. BARNES: Good afternoon.

PRESIDENT ALEXANDER: And thank you for your service - -

MS. BARNES: Thank for allowing it.

PRESIDENT ALEXANDER: -- on the board. Just a couple of questions. Since being there and being in the lay category, lay seat for the 5th district, what -- other than the size of MUSC what has stood out to you, briefly, as a pro or a con?

MS. BARNES: Well I would say a pro would be that the growth we've seen around the state and being able to serve people everywhere where they are in their place and their time of need and especially right here in our -- in my area and Representative King's area with Lancaster Hospital and to see the growth it's had and what it's doing there and you know we're doing kidney transplants there so -- kidney transplants, in Lancaster, South Carolina is a great thing. And it's nice that people everywhere can get good treatment not just the ones that can travel to Charleston because it's a tough drive.

PRESIDENT ALEXANDER: So I guess that brings on then - - do you support -- the hospital authority is different than the medical university. Do you support it continuing to grow throughout South Carolina?

MS. BARNES: I do. I'm like Dr. Johnson. I think it's time to perfect what we have right now and to let it get stronger and better and financially secure in all the areas. But I do think that growth is good, but not too fast.

PRESIDENT ALEXANDER: So with MUSC having taxing over -- benefits over a for profit for other hospitals do you think it's appropriate for the hospital authority to go into areas that have various hospitals versus a rural area that is in need of the healthcare to compete with those hospital systems is already in the area?

MS. BARNES: I mean, I don't really like the idea of competing with hospital systems in the area but I think a lot of the places we've been the hospitals were in need and it's made a difference where we are. But I do believe in healthcare for rural systems as well. And I think we could be better with that.

PRESIDENT ALEXANDER: Okay. So would you agree with the statement that the hospitals have come to y'all asking y'all to take them over and that they've had financial burdens?

MS. BARNES: I would say most of the time, yes.

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PRESIDENT ALEXANDER: And you think that's the appropriate course of action going forward?

MS. BARNES: At times, yes.

PRESIDENT ALEXANDER: At times. Thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: How you doing?

MS. BARNES: Good, how are you?

REPRESENTATIVE KING: Doing well. I want to say just thank you all for your presence in our area, especially in Chester, where the hospital system would have been closed had it not been for MUSC and I know that work that you all do over in Lancaster. I guess my question is in reference to diversity, diversity of the students at MUSC. Can you tell me what your take is? Pretty much the same question I asked.

MS. BARNES: Yeah, I know. And him being a medical student is he answered probably a lot better than I would but you know I'm a woman -- I'm part of a woman-owned company so diversity and inclusion is very important to me. And I can promise it's very important to the medical university. It's such a big word now diversity and equity and inclusion. It means so much and I think we can always do better and I know that Dr. Cole and our leadership is always trying to do better. We talk about diversity inclusion all the time. We look at the statistics, we look at how many students if we're talking about students how many students have applied and of those that applied how many students were qualified when you have to be qualified, too. And we try to be as fair and equitable as we can and make sure everybody has an opportunity to that same education but I do think we can do better. And we're working on that. We're working an interview process that's not being so -- not having so much on the interview but more on the qualifications to make sure everybody has an equal chance to get that medical education they so need in South Carolina. I would like to see us do better and I agree with you that we can and we will. So I would invite you to come talk to our diversity and inclusion office. They're great and they would love to talk to you and show you the kind of things we're doing for recruiting, and education. And a lot of that I think is with communication and education, educating everybody at MUSC that has a part in any kind of decision making and that's constantly being done. I've gone through it myself when I was on interview panels making sure we don't have any kind of bias, unconscious bias, and those kind of things. So it's a big deal, it's a big thing, and we want everybody to have a fair chance but we can do better.

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PRESIDENT ALEXANDER: And my next question for you is are you familiar with the Rena Grant Sickle Cell program that you all have at MUSC?

MS. BARNES: I am.

PRESIDENT ALEXANDER: Can you tell me a little bit about that, and if you know anything about it?

MS. BARNES: I don't know that much about it I do serve on the research committee and we do talk about that a lot but I don't really know exactly but I can find out and I'll get back to you.

PRESIDENT ALEXANDER: Yeah, I would love to know what how that MUSC sickle cell -- Rena Grant Sickle Cell Stuff.

MS. BARNES: I will, I'll find out more about that.

PRESIDENT ALEXANDER: Thank you.

MS. BARNES: I'll get it to you. Sorry about that.

MR. CHAIRMAN: Anyone else? Motion. For favorable, all those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Nos no. (No reply is heard.)

MR. CHAIRMAN: Congratulations again.

MS. BARNES: Thank you for continuing to allow us.

MR. CHAIRMAN: Melvin Brown is not here, will be here when? About 5:30 so we'll skip over him. We do have James Battle here so we'll ask him to come on up. Good to see you again Jim.

MR. BATTLE: Thank you, Mr. Chairman. JAMES A. BATTLE, JR., being duly sworn, testifies as follows:

MR. CHAIRMAN: State your name and a brief statement on why you're serving.

MR. BATTLE: My name is Jim Battle. I live in Nichols, South Carolina which is in Marion County. First let me thank you for what you do. People do not understand how difficult it is to be a legislator. You work very hard, there are no simple problems or easy answers and you do that. Secondly, let me thank you for allowing me to serve you and the people of South Carolina at MUSC for the last nine, almost ten, years now. I take this job very seriously. I'm very proud of it, and I would like to serve for at least one more term. A little bit about my background. I graduated from the Citadel 1964, went into the army, served in Vietnam, got an MBA from University of South Carolina in 1967. Went to work for a large bank in North Carolina back then you couldn't bank across state lines. It was Wachovia. We were the largest in the southeast at the time. I left them and went with Merrill Lynch, Pierce, Fenner and Smith, who's in New York, a while back in Charlotte. I was with Merrill Lynch when it was still a partnership. I

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was there when we got some of the initial offering when they -- when we went public. Thank goodness I sold it back when I was a kid. I moved home in the early 1970s, back then back into Marion County Representative Johnny Waller and Senator Ralph Ghasque asked me to serve on the hospital board. Y'all remember Johnny Waller later became a supreme court justice but I served on that rural hospital board for about twenty years. Got off and resigned from that board, ran for the South Carolina House of Representatives. I was fortunate enough to get elected, served for sixteen years. My last eight years was on Ways and Means. I am serving -- or ran for the board at MUSC because I live in and represent a rural area and it's very difficult for schools and healthcare in these rural areas. So I wanted to do something the rural and under served areas of South Carolina, and it has been very rewarding.

MR. CHAIRMAN: Macey.

MS. WEBB: All right, thank you. And for the record, once again, can you please state your first and last name?

MR. BATTLE: James A Battle, Jr.

MS. WEBB: Thank you. And what is your home address?

MR. BATTLE: 503 South Nichols Street, Nichols, South Carolina 29581.

MS. WEBB: All right, thank you. And do you pay your four percent property tax at that address?

MR. BATTLE: I do.

MS. WEBB: All right, thank you. And then since submitting this application, have you made any new campaign contributions to any members?

MR. BATTLE: I have not.

MS. WEBB: You have not?

MR. BATTLE: I have not.

MS. WEBB: All right, thank you. And then since submitting this application are there any changes to your application?

MR. BATTLE: No changes.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Mr. President.

PRESIDENT ALEXANDER: Mr. Battle, good to see you this afternoon.

MR. BATTLE: Good to see you, sir.

PRESIDENT ALEXANDER: Thank you and thank you for your service to our country as well. I was just curious first your it says your current employer is Safe Marketing, is that right, LLC?

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MR. BATTLE: Safe Marketing -- Safe Marketing was a tobacco warehouse. We are -- JR Battle and Company was started in 1911 we have not let any of our children come back and I'm third generation. We're not letting any of our children come back into our business because it's tobacco. When we were in the tobacco business Safe Marketing was RJ Reynolds and Carolina Tobacco Exchange was Phillip Mars. We sort of had a corner on the marketing of tobacco in South Carolina. There was a rule that said that the same family couldn't be in both businesses. So I gave up my stock in JR Battle and Company and created Safe Marketing so that I would be separated from the rest of my family in representing RJ Reynolds while they represented Phillip Morris. That's why there was Safe Marketing, it was all a Battle organization.

PRESIDENT ALEXANDER: I got you. And you mentioned rural areas and how important it is and couldn't agree with you more to have health care in the rural area. But the continuing point have had the discussion with the other two that are on the medical university board, help me understand where y'all are and where you think you're going as far as health care in the state of South Carolina?

MR. BATTLE: Well let me just start off by saying that MUSC is a state entity which means that MUSC is owned by the people of South Carolina. Everybody in South Carolina deserves -- or is entitled to quality healthcare. And that is why we have done what we have done. We have moved into areas where we already had clients that were -- not clients, patients, that were coming to Charleston. So by doing what we've done so far we have gotten close to where our patients are for ordinary, regular healthcare which frees up rooms in Charleston. In Charleston our marquis hospital is for high specialty complex tertiary care businesses. That opens up beds in Charleston and gets us referrals back to there. So to accomplish our mission of serving the people in South Carolina we have done the things that we have done as the opportunities have come available. Like everybody else, as a small businessperson I understand what growth -- how much -- what a financial strain growth can be. It's not how much -- just how much you pay for the facility or the equipment. You also have additional expenses like your overhead, the accounts receivable, inventory and those things. It takes a lot of cash. So we have to be very careful, financially, when we're making these kinds of --

PRESIDENT ALEXANDER: These operations that are stand alone, are they making money?

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MR. BATTLE: They are -- they are meeting the budget that we set. We did not expect -- some of them are cash flowing already. In the Midlands we are still not to the point of breaking even yet but we expect to be in this calendar year.

PRESIDENT ALEXANDER: Does Chester break even?

MR. BATTLE: They are going to be stand alone. We went into these and they're already generating cash and revenue and we hope with our name brand, our brand name, and new physicians and promotion that we're going to be able to have these all cash flowing before this calendar year is out.

PRESIDENT ALEXANDER: So if I heard you earlier say that you are going to where your patients come from -- I mean you've got patients from Oconee County does that mean you're looking to come into Oconee County?

MR. BATTLE: No, we are serving them with the hospitals that we already have. No we're not going to every single county, we're not trying to --

PRESIDENT ALEXANDER: How many counties are you in now?

MR. BATTLE: Say that again?

PRESIDENT ALEXANDER: How many counties are you in now?

MR. BATTLE: We've got sixteen hospitals. We have patients in every county in the state and at times every state in the union. So we're not trying to -- and I want to make it clear, our competition are not local hospitals. Our competition are the other regional academic health cares. In the places like Duke or UNC, Emory, Atrium, that's who our competition is.

PRESIDENT ALEXANDER: Well wouldn't that be for your Charleston campus? Do you -- I mean, man, I'm going to get in a long discussion here I mean.

MR. BATTLE: We were serving our patients in the state, that's what I was saying. And we are getting to where they are. And, you know, we are doing what any business would do. We're not trying to compete with any local hospital. We're trying to serve the patients we already have. By serving them where they are allows beds in Charleston to free up for the complicated, complex healthcare.

PRESIDENT ALEXANDER: So how much debt does MUSC have today?

MR. BATTLE: The debt the hospital has is like 1.2 billion.

PRESIDENT ALEXANDER: Excuse me?

MR. BATTLE: One point two billion.

PRESIDENT ALEXANDER: The hospital authority?

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MR. BATTLE: The hospital where our debt service is 171 million that's what we pay every year. Our debt capacity is four point eight million -- billion. So we are nowhere near -- we're not even at fifty percent of our capacity.

PRESIDENT ALEXANDER: Well, are you trying to get there?

MR. BATTLE: No. Like everybody else, we feel like we're serving the majority of the people in South Carolina now and unless of course you ask us to because we serve you -- unless you ask us to, we're going to absorb and digest what we've got at this point in time.

PRESIDENT ALEXANDER: Well, I mean, again and if I can I'll finish up but MUSC I mean it's a great university and doing a great job and the authority has expanded, would you not agree, extremely fast over the last several years? And you don't agree with that?

MR. BATTLE: You know most of the growth has been since I've been there. And as I told you as a business person it is something that we watch very closely. I especially was nervous about the growth that we were doing from a financial standpoint but it has ---

PRESIDENT ALEXANDER: Once final question then. How many of these hospitals that y'all have taken over were making money when you took them over?

MR. BATTLE: They -- except for Midlands they all were making money, they were all cash flowing.

PRESIDENT ALEXANDER: Okay. Thank you.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you.

MR. BATTLE: I take that back, the one that we most recently got involved in, in Orangeburg, may not have been making a profit at that time. That slipped my mind because that just happened.

PRESIDENT ALEXANDER: No problem.

SENATOR SCOTT: I want to jump right in with Senator Alexander left off because in looking in hospitals who were part of your system, I also look at potential growth. And given where the new growth is going to occur if you follow the economic trend you're going to follow the growth. And I think in terms of coming into the Midlands it's going to probably be one of the biggest cash cows before it's all over with. Given that having taken over Providence Hospital right in the middle of '19 where you're getting ready to hit four thousand to eight thousand jobs is going to be very, very beneficial in the midlands. However you are surrounded by two other hospitals. And I appreciate the Senator talking about the upstate. Providence is truly in the upstate and y'all are

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outperforming them a little bit smaller than what they are because you've made some very good decisions. Would you agree upon that?

MR. BATTLE: Yes.

SENATOR SCOTT: And if you look at Horry County, having y'all come in and taking over Marion, Marion County Hospital, would you believe it or not the projected growth for 2035 Horry County would be the second largest county in the state. And so the amount of overflow in the next twelve years is going to be unbelievable because of the MUSC system being that close to Horry County.

MR. BATTLE: I did not know that.

SENATOR SCOTT: So is that -- I study those trends and look at where the growth and possible growth are.

MR. BATTLE: We all know that South Carolina is one of the fastest growing states in the nation. And we know the areas that it is growing in but eventually it's going to expand. I live in Nichols and the beach - I live 45 miles from North Myrtle Beach and it is probably 15 to 20 miles outside of Nichols in Horry County coming our way. So much of Marion's business comes out of Horry County, western Horry County, which is not the beach but where the farmland is and so forth. That is being developed left and right. People are just looking for places.

SENATOR SCOTT: Twenty-two I think that's where you're going to see all that new growth that's going to come.

MR. BATTLE: We want to be set when the time comes.

SENATOR SCOTT: And looking at the Orangeburg hospitals, glad you mentioned that --

MR. BATTLE: He mentioned it.

SENATOR SCOTT: -- or he mentioned it on the tail end of it. It became of a regional hospital after the I think it was Allendale Hospital and the Bamberg Hospital closing everybody stopped coming to the Orangeburg hospital where it needs some assistance and -- but it's projected also to be one of the next large growth areas that's going to give you some -- and on top of that you've got a school down there of being able to get nurses and other health care professionals out there at Claflin. So I wonder who's making those decisions. But I think they're looking at just outside monies profitable now, the projection for long term. And as I projected in the end there'll be five hospitals. The others will not sustain the system. You're going to have some strong hospitals and you're going to have some hospitals not so strong. Would you believe that our biggest concern is not the large urban areas, the Charleston, the Richland, the Greenville but it's rural counties and what we can do and I would like to some of -- from your experience, especially because of

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Marion County, what we can do to begin to look at how we fix that using -- probably Orangeburg would become the model moving from just a county hospital to more of a regional hospital concept.

MR. BATTLE: We need to get comfortable where we are. We need to establish a comfort zone for you, the people of South Carolina, and you know I feel very -- I personally feel very comfortable about where we are now. So we're going to sit tight for a while and see where we are and then we'll do what's right.

SENATOR SCOTT: Thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Hello Jim, how you doing?

MR. BATTLE: Doing fine, thank you.

REPRESENTATIVE KING: Always a pleasure to serve with you.

MR. BATTLE: I remember. Served with a lot of you.

REPRESENTATIVE KING: Question for you in reference to one of the same questions I asked earlier. Certificate of need and with you all opening up multiple locations. If the certificate of need was repealed and there's no need for a certificate of need in South Carolina how would it affect what you all are doing here in the state?

MR. BATTLE: My thoughts on the CON is a little different than Don Johnson's. We're on the same team moving in the same direction. When I was with Marion County Hospital for the 20 years before I was in the General Assembly, the CON protected us a lot of times. If we were going to invest money, we wanted to make sure that somebody would look at it before private practice would come in and duplicate what we were doing. So there was a need for CONs. I think MUSC is in favor of amending the current CON process now. There should be a distinction between hospital's and doctors' practices and so forth. I'm a lay member and I don't know all of the details there. But I know that we are not opposed to amendments or changing the way the CON is handled now. It has served its purpose in the past because hospitals could have gotten into such competition with each other that they both went broke and nobody was being served. But I don't think that's the case in this point in time.

REPRESENTATIVE KING: I know what you all -- the model that you have over in Chester now in reference to inmates being housed there. Has that started yet, have you all received any inmates in Chester?

MR. BATTLE: It has. We were very fortunate to get that contract and that's putting that hospital on the map. It's -- it is a good win-win situation for the state of South Carolina and for the Chester Hospital. But yeah that has been done.

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REPRESENTATIVE KING: And also do you all foresee over in the Chester location bringing back to where babies can be delivered in Chester? Because I know right now most of them are going over to Rock Hill or Charlotte or to Lancaster. I know that they do not deliver in Chester.

MR. BATTLE: You know I couldn't -- I know that for hospitals to succeed we have to be able to do that in Marion and Chester and all the other places. It's not -- it is difficult getting doctors to move into rural areas. And that sometimes becomes a problem. And I do not know whether Chester is scheduled or an attempt is being made to provide that service there. I can find out for you and will let you know.

REPRESENTATIVE KING: And my last question is what -- how do you feel about the diversity of the college, of the medical school?

MR. BATTLE: We -- you know that's something we have to work on all the time as you know. When I was in the General Assembly I represented a majority/minority district and I think I served our population well and so I feel very close to that. We are not diverse enough. We are working on it. We need to improve not just with the student body but with administration, the doctors, and everything. Efforts are being made. It's something that we talk about often. When I first went with MUSC, Antoine Gunn, who was a House member with us, was the -- one of the diversity officers. He was good but he left us. But we have an equity department that works with human resources to make sure that we are working toward getting that problem straightened out.

REPRESENTATIVE KING: Thank you Mr. Chairman.

MR. CHAIRMAN: Any others? What's the desire? For favorable? All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Nos no. (No reply is heard.)

MR. CHAIRMAN: Congratulations Jim.

MR. BATTLE: I appreciate it, I'll make you proud.

MR. CHAIRMAN: Jim, uh, Nichols how has it recovered from the flooding?

MR. BATTLE: Two, flooded two times the only board meeting I ever missed was right after one of the floods. And it wasn't just Nichols it was fifteen or twenty miles around for two weeks we couldn't get out. But we went from a population of four, five hundred down to fifty and went back up to around a hundred now. They were thousand year floods but we had two in three years.

MR. CHAIRMAN: Wow.

MR. BATTLE: But thank you for asking. We're recovering.

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MR. CHAIRMAN: I go through that Nichols every time I go to the beach, so it's just ---

MR. BATTLE: We're getting better, thank you.

MR. CHAIRMAN: All right, thanks. All right, Dr. Lemon has showed up so if you'd come on up please, sir. JAMES LEMON, having been duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll give us your name and a brief statement why you're serve -- want to serve on the board.

DR. LEMON: James Lemon. And I'm pleased to have the opportunity to serve the people of South Carolina in a health care capacity. I'm a native of South Carolina and I believe that MUSC is making an endeavor to reach out to the Medical University of South Carolina and take care of people, taking inroads into rural areas. I'm from a small town where the hospital had closed and so it's sort of near and dear to my heart to try to provide healthcare not only to metropolitan areas and to the larger towns but to the entire state. And so I am honored and gratified to be doing that in this capacity.

MR. CHAIRMAN: Macey.

MS. WEBB: I thank you. Just for the record can you please state your first and last name again?

DR. LEMON: James Lemon.

MS. WEBB: Thank you. And what is your home address?

DR. LEMON: It's 3407 Overcreek Road. I moved Monday.

MS. WEBB: You moved on Monday?

DR. LEMON: It was 4111 Ivy Hall.

MS. WEBB: Was your previous address?

DR. LEMON: Yes. Columbia, 2920 -- they were the same, 29206.

MS. WEBB: All right. And do you still live in Columbia?

DR. LEMON: I do.

MS. WEBB: Okay. Can you please state that address one more time for me?

DR. LEMON: 3407 Overcreek Road, 29206.

MS. WEBB: Okay. And I would just ask if you can send me that in an email?

DR. LEMON: Certainly.

MS. WEBB: All right, thank you. And then since submitting this application have you made any new campaign contributions to any members of the General Assembly that you are aware of?

DR. LEMON: I have.

MS. WEBB: You have. Do you know who those are or would you need to look through your records and email those to me?

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DR. LEMON: I know of speaker Merle Smith, \$250.

MS. WEBB: Okay. I would just request that if there are additional ones when you email your new address just to state that you have moved, this is your new address. And you are paying your four percent of that address in Columbia, correct?

DR. LEMON: Yes.

MS. WEBB: All right, thank you. Just include that in your email if you did make any contributions to any other members.

DR. LEMON: Certainly.

MS. WEBB: All right, thank you. And then other than your address change and the contribution to Speaker Smith, are there any other changes to your application that you would like the members of the commission to be made aware of? DR. LEMON: No.

MS. WEBB: All right, thank you.

MR. CHAIRMAN: Questions? Mr. President.

PRESIDENT ALEXANDER: Good afternoon, doctor. And I hear you're loud and clear that it is a South Carolina system and do you think it's always been that way?

DR. LEMON: I think the emphasis now has changed. I do believe that the schools always -- the Medical University of South Carolina providing education, healthcare I don't think that we were providing the scope of care for the rural areas in the past as we are doing now. And I don't think that hospitals were failing in years prior. I think that this is something that's been brought about by a need.

PRESIDENT ALEXANDER: So Providence is in a rural area? Providence Hospital?

DR. LEMON: No, sir, it is not.

PRESIDENT ALEXANDER: Now, I know that. But he said rural area I just was wanting to know you didn't mention the metropolitan area.

Dr. LEMON: Well, we have a shortage and a need for graduate medical education. We've been hearing that there are discussions about opening up new medical schools in our state. And at this point in time, if a physician finishes school and does not have a residency he can not practice. And we are matching at about one-to-one with maybe one or two not able to match in the year. We opened up a new medical school and did not have graduate medical education then we would not be able to have those doctors be able to work. So one of the initiatives that we're looking at in these areas is bringing in and educating residents.

PRESIDENT ALEXANDER: So I heard you -- or did I hear you say earlier that you envisioned MUSC being a statewide hospital system?

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DR. LEMON: Not by hospital system, sir. And I think that's a matter of definition. I think that we would serve the state in it's entirety. I don't know that the word hospital system statewide is quite appropriate. It may be, I'm not certain I understand.

PRESIDENT ALEXANDER: I was -- I didn't make a note of what you said so I guess my thought is -- question is to you from the standpoint do you envision -- is it your goal that MUSC locate additional hospitals in South Carolina?

DR. LEMON: No, sir. At this point we have no plans on any new developing hospitals past Orangeburg that we've dealt with and also in Bluffton there's a possible partnership. But other than that we are as -- Mr. Battle said in a holding pattern, we're staying where we are. My opinion is that we feel like in except for Columbia in some of those areas where that opportunity arose we've been asked to come in and help out and do those areas for failing hospitals and rural areas that needed healthcare.

PRESIDENT ALEXANDER: Okay. One last question, I notice here or at least on your form it says part time with the prison system -- you do some work with the prison system?

DR. LEMON: No, I do not. We have a -- well let me rephrase that. We have prisoners that come to our office. So we do take care of the prisoners from the local prison systems and they're brought to us for consultations and treatment with.

PRESIDENT ALEXANDER: That's not the facility that y'all manage or that MUSC manages?

DR. LEMON: No, sir. No, sir.

PRESIDENT ALEXANDER: That's just coming into your regular office?

DR. LEMON: That's my private practice.

PRESIDENT ALEXANDER: Okay. Thank you for that, thank you. It's good to see you.

DR. LEMON: Yes, sir. Thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you doctor. I guess my questions are similar to everybody else's. I would love to hear your take on certificate of need.

DR. LEMON: Certificate of need is -- in my opinion, needs to be amended so that the thresholds are different in terms of dollars that it doesn't need to be taken up on a day-to-day basis with a certain lower threshold. I think it's necessary to prevent large Atrium type companies to come in and build large hospitals to compete for our tertiary and

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quaternary care, the complex care, that is required by the Medical University of South Carolina to survive. We do more kidney transplants than anyone in the southeast in the past year. If some of the hospitals would come in without any certificate of need requirements, I think that we would have a problem with outside -- outside of our state, people coming in.

REPRESENTATIVE KING: And you mentioned Atrium. What services do you all provide to my constituency in York County that would need those services that could get to the MUSC Charleston versus an Atrium?

DR. LEMON: Kidney transplants, liver transplants, heart transplants, pediatric cardiovascular care, pediatric neurosurgery.

REPRESENTATIVE KING: So, York County, where I live an Atrium would be a competition to you?

DR. LEMON: Yes.

REPRESENTATIVE KING: It would be?

DR. LEMON: Yes.

REPRESENTATIVE KING: And certificate of need would hurt the hospitals that you all the -- service areas that you all service?

DR. LEMON: I do not think certificate of need would hurt them, I think that --

REPRESENTATIVE KING: I mean, if we did not have the certificate of need is what I'm asking.

DR. LEMON: Yes.

REPRESENTATIVE KING: And I see that you are the chair of the board?

DR. LEMON: I am.

REPRESENTATIVE KING: What have you done as the chair of the board to increase the number of African Americans that enter MUSC medical school?

DR. LEMON: What my opinion is, is that if we don't have under-represented minority positions that we will continue to have discrepancies in healthcare outcomes which are known to be true and that under represented minorities feel better if they're face-to-face with someone that looks more like them. That's a preface to saying that we're constantly looking at ways to increase the numbers of under-represented minorities working on processes in our DEI where we seek to encourage all people to apply including the under-represented minorities. And that it is so important that we bring the percentages up more to what the percentages of our state reveal. We're not there. And our board

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understands that. And we understand that this is part of what I think is our fiber, to try to rectify that and we've not been able to do that thus far.

REPRESENTATIVE KING: Have you all -- and I -- this is my last question, looked at doing some type of bridge program? I know that they mentioned something in reference to the College of Charleston. And it didn't necessarily mean that it was students from College of Charleston I understood that. But a bridge program with some of the HBCUs and especially like South Carolina State since it is a state supported school?

DR. LEMON: We have not -- we have not accomplished that. We have talked about that. One of our biggest shortages is nursing. And that would be a great avenue for us to garner nurses. And that is something that's been discussed but I don't, at this point in time, know where that stands.

REPRESENTATIVE KING: And I know that the state of South Carolina, the General Assembly, invested quite a bit of money in the sickle cell program, supports the sickle cell program throughout the state and I know that you all have done a great job at doing some sickle cell stuff. I would love to learn more and I think they're going to get me some information on the Rena Grant Sickle Cell program that you all have going on at MUSC.

DR. LEMON: Right.

MR. CHAIRMAN: Senator Scott. I'm sorry -- Harpootlian.

SENATOR HARPOOTLIAN: Doctor, thank you for being here today and I want to first of all say that during the pandemic MUSC did an extraordinary job around here of getting folks vaccinated, so I wanted to thank y'all for that. I do want to probe a little bit on since we're getting ready to have to consider the CON legislation I'm a little bit confused. I mean, we had a bill that would have done away with CONs that didn't pass. Now there is some sort of threshold, can you explain that to me what do you mean by threshold?

DR. LEMON: Well if so many beds it would be how -- and I'm not certain what the CON requirements are now, to come to the threshold of having to file the CON. But it involves a certain amount of money, certain amount of beds, certain different types of equipment, MRI, things of that nature. And I don't know the exact thing but I think that if they raised the threshold it would decrease the number of CON applications required. It would stop the amount of cost that CON have where you have two sides with attorneys spending money that tends to come to the same --

SENATOR HARPOOTLIAN: There's nothing wrong with attorneys spending money. You might want to take a different tack on this.

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DR. LEMON: I forgot to whom I was speaking there. But anyway, I -- as a health care person, I saw that it's something that could be eliminated to some extent or at least decreased because I think that there's -- there was too much of it from my perspective. And this is a limited perspective because I'm an oral surgeon who practices here, but when I talk to the people that are working with me they think that if we take these thresholds up it will decrease the amount of cost to our school to do certain things like an MRI facility over here or a mental health facility here and it will not come to the threshold of requiring that legal system.

SENATOR HARPOOTLIAN: Sort of what prompted me to vote for that bill, which was unsuccessful, was anecdotally a story about some doctors that wanted to open a clinic in Orangeburg that would compete for outpatient surgery with the facility you now own, you being the medical university. And the explanation was, most of those folks were going to Lexington to get service anyway, they weren't getting it in Orangeburg. I mean, again I don't know the dynamics of that, you probably know better than I do. Would thresholds solve that problem? Those folks wanted to open a limited outpatient surgery facility would compete with Orangeburg for a certain segment of population that wasn't coming there anyway.

DR. LEMON: You're correct, they were -- they were going to Lexington and that was a problem and we think the best health care is local. That's one of the mantras of Dr. Cole, that the best health care is local. And I think that if the limit had passed and that would maybe raise the threshold up so that that facility could be made there but I don't know the thresholds and I don't know the exact details.

SENATOR HARPOOTLIAN: Well that bill is still percolating around somewhere. I'd be interested in getting the medical university's position on that before we have to vote on it again. I think Senator Verdin has probably get a better grasp on this than I do. I don't have much of a grasp on this.

SENATOR VERDIN: Mr. Chairman?

MR. CHAIRMAN: Yes, sir.

SENATOR VERDIN: I'm not going to argue, dispute with anyone that's presenting and I have utmost respect for Dr. Lemon and others that have offered counter. Even lay members that are still here that have offered counter perspectives to what Dr. Don Johnson presented but I'm in with him lock, stock and barrel to answer the senator from Richland.

SENATOR HARPOOTLIAN: Well that answered that. Thank you very much and I move for --

MR. CHAIRMAN: Ah, Senator Scott, do you got a question?

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SENATOR SCOTT: No, you're good.

MR. CHAIRMAN: No, you if you want, go ahead.

SENATOR SCOTT: No, you're fine.

MR. CHAIRMAN: Okay. They want to get you out of here. All those in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: And opposed no. (No reply is heard.)

MR. CHAIRMAN: Thank you, sir. All right. Right now Dr. Brown will not be here until 5:30. I think everybody else will be here hopefully by 6:00. So we'll take about a fifteen, twenty minute break and then we'll come back and hopefully knock the rest of these out. (A short break was taken at this time.)

MR. CHAIRMAN: MUSC, the 6th Congressional District to be heard, that's Dr. Brown. Come on up, please sir? DR. BROWN, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll just state your name and give us a brief statement on why you want to serve on the MUSC board.

DR. BROWN: My name is William Melvin Brown, III and I am a emergency medicine doctor by trade. And a graduate of the Medical University of South Carolina. Also a retired naval officer, who is a native Charlestonian. And I wish to serve on the board of my alma mater, because the perspectives I've gained in the military, as well as the work in the emergency department, makes me want to have a more active role in delivering health to South Carolinians.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you, sir. For the record, just one more time, can you please state your first and last name?

DR. BROWN: William Brown.

MS. WEBB: Thank you. And what is your home address?

DR. BROWN: 324 President Street in Charleston, South Carolina 29403.

MS. WEBB: All right. Thank you. And at that address do you pay your four percent property tax?

DR. BROWN: Yes, I do.

MS. WEBB: All right. Thank you. And since submitting your application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

DR. BROWN: Yes. Merle Smith.

MS. WEBB: All right. I would just ask, whenever you finish, if you could just go back through your records and just double check, so if you have made a contribution to Merle Smith, to Speaker Smith, if you would

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just please send me that information in an email, so I can update your file accordingly?

DR. BROWN: I will.

MS. WEBB: All right. And then other than that, are there any changes to your application that you would like the Commission to be made aware of?

DR. BROWN: There are none.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Mr. President? You have question.

SENATOR SCOTT: I have question.

PRESIDENT ALEXANDER: I will yield.

SENATOR SCOTT: Thank you, Mr. Brown, for your willingness to serve. I get real excited when I see members of the Armed Forces, especially the Navy, especially the combination of combining the groups of Navy, Army and others together. How long did you serve in the Navy and having attended the Navy Academy?

DR. BROWN: Yes, sir.

SENATOR SCOTT: Not very many get the chance to be part of the Naval Academy and less known, a Navy seal. How long did you serve in the Navy?

DR. BROWN: About 20 years, sir.

SENATOR SCOTT: So, tell me a little bit about that experience in the Navy. Because I see then you came home to the Citadel, which you came back home to Charleston. Now, also the medical university, so you're very familiar with your home county, Charleston. And I can see you as a good fit to understand some of the struggles that go on in some of the other questions that we ask, especially about getting young people more involved in the school of medicine at MUSC. Talk about that experience and what drove you to the Navy then that transitioned you back to where you are now?

DR. BROWN: Oh, what drove me to the Navy was my interest in world travel. Also, my interest in wanting to serve, and that fit in both of those boxes. I did grow up in Charleston, as mentioned earlier. And I felt the Navy offered the most opportunity to see the world. And having had that experience, it made me have an affinity for our hometown, but at the same time, feel like there are a lot of things that I could bring back to my hometown to make this a better place. My first six years was as an engineer on warships. And I did participate on a lot of operations in the Mediterranean, the Black Sea and the aftermath of the Soviet Union experiment falling. So, that was quite an experience. After that I did make a decision, after that experience, to serve my fellow man as a

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physician. And that's what brought me back to Charleston. I wanted to teach and I did that at the Citadel in the ROTC setting. And I wanted to work at night school to get my pre-reqs for med school, was able to go to MUSC. And enjoyed my naval service so went back into the Navy to finish out my career. And 14 years I've lived in two foreign countries and throughout the entire experience, I always knew I was coming back home to Charleston because that was where my heart was. And after getting home, I was in private practice for about two years. And the seat came open on the Board and I had always considered getting more involved in the city, municipal politics, but this was a chance to get involved in the state, on a state level. I jumped at the opportunity, because again, being an emergency medicine doctor, you get to still learn a lot about public health. And I thought this was a great means to impact public health in South Carolina.

MR. CHAIRMAN: Mr. President.

PRESIDENT ALEXANDER: Thank you, Mr. Chairman. And good afternoon.

DR. BROWN: Senator.

PRESIDENT ALEXANDER: And thank you for your military service and your service on the board. And being in medicine, yourself, from that standpoint, what is the biggest challenge you think is facing the Medical University of South Carolina?

DR. BROWN: The biggest challenge in my opinion and I understand, Senator, this is from my medical perspective --

PRESIDENT ALEXANDER: Yes, sir

DR. BROWN: -- is capacity. In the emergency department, we see up close and personal the challenges and managing an aging population. And I say capacity because one of the toughest challenges of being an emergency doctor is the what I'll call boarding, where I have to have many patients who've been admitted to the hospital staying down in the emergency department. It's stressful to the patient, stressful to the families. So, in my opinion, the biggest challenge is having enough hospital beds to take care of our population.

PRESIDENT ALEXANDER: So, is the expansion across the state of South Carolina by MUSC, impacting the focus of making sure that there's enough beds for there at the facility that's a flagship facility there at MUSC?

DR. BROWN: Yes, Senator, is my hope that it is positively impacting and it is also allowing people to be hospitalized in their communities without losing there local hospitals.

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PRESIDENT ALEXANDER: So, then my question is, is that having an impact on the MUSC not having enough beds, there at the campus there in Charleston?

DR. BROWN: Yes, Senator, it does. If a person is admitted to a hospital, in one of the satellite campuses of the medical university, then that means that they don't have to be brought to Charleston for all treatments.

PRESIDENT ALEXANDER: Thank you.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. You have a very impressive resume. I just noticed one error on here and that was the fraternity in which you pledged. You might could have made a better decision but we'll talk about that personally. But no, I have a question in reference to you being an African-American doctor. So many people don't know about sickle cell.

DR. BROWN: Yes, sir.

REPRESENTATIVE KING: I have two nieces that suffered with sickle cell that this General Assembly made it a very important issue to the point that we have worked along side of MUSC to establish the Rena Grant Sickle Cell that you all have there. Where do you see, in the educational component of the students that matriculate through the medical school, where there can be something that focuses on, that every student that goes through learns something about sickle cell?

DR. BROWN: Where are the curriculums, sir?

REPRESENTATIVE KING: Yes. Do you think it's possible to have that in the curriculum?

DR. BROWN: Oh, yes.

REPRESENTATIVE KING: And the reason why I ask that is because I find that there is a shortage of doctors that deal with sickle cell patients.

DR. BROWN: I do think that is available at different points throughout the curriculum. As a student, when you're rotating through different departments, I think that one can get a great indoctrination into sickle cell. And no pun intended, crisis on the pediatrics rotations, which is a standard rotation for all the undergraduates. I also do feel that they should also be involved in rotations for most of your medicine doctors as residents. Any opportunity, again, presents itself in pediatrics, as well as in the hematology/oncology suite, as well. And then it can also be taught in the classes where you're physical diagnosis. Because when in physical diagnosis, you have to learn about pain management. And pain management is essential to treatment of sickle cell patients.

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REPRESENTATIVE KING: My last question and it also deals with sickle cell. How do you facilitate patients that do come to the ER and are now being identified as drug seekers, but the Governor did sign it into law last year, the Rena Grant Sickle Cell Registry. Have you seen it work? Is it up and running or do you know anything about it?

DR. BROWN: I do. Again, being an emergency doctor and I hope I don't sound like a broken record, we are the front lines of seeing this. And as a testimonial to what we've done as a state in the seven years I've been practicing emergency medicine, I've seen a decrease in emergency -- in the emergency department use in the Charleston tri-county area for sickle cell patients. One, more captured in the clinics to take care of these folks and they have better access to the clinics. But two, as far as pain management, the registry has helped us in managing that. There are some very small numbers of minor abuses. For the most part, in addition to have this registry it has increased the education. The South Carolina Medical Association has increased the education. I think that now the stigma and misunderstanding of the amount of pain medication required to manage someone on sickle cell has improved. I hope that answers your question.

REPRESENTATIVE KING: You did and thank you so much.

MR. CHAIRMAN: Ready for favorable? All those in favor signify by saying aye? (Ayes are heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Thank you Dr. Brown for your service. Thank you for your service in the military.

DR. BROWN: Thank you for your time and thank you for your service.

MR. CHAIRMAN: And that got all of MUSC. Now, we're up to SC State. The 5th Congressional District, seat five. We have three candidates. The first one is Abigail Busby Webb, come on up, please.

SC STATE: ABIGAIL BUSBY WEBB, duly sworn, testifies as follows:

MR. CHAIRMAN: Just state your name and a brief statement why you'd like to serve on the SC State Board.

MS. WEBB: I'm Abigail Busby Webb. Good evening Chairman Whitmire, other members of the screening committee. I would like to thank you for allowing me the opportunity to stand before you today to briefly share with you why I believe that I could be of a major service to South Carolina State University, boldly, which is my alma mater. I am a native of Orangeburg County. I still attend church there, the Antioch Baptist Church; however, I currently reside in Sumter, South Carolina, where my husband and I raised our three daughters. I was a retired educator until, I guess, January 2022. I recently retired in June

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2020. And then I was asked to come back to serve a purpose, at that time, at the adult education level. Since then I have moved from that temporary position to the position of coordinator for instruction and professional development. I received my master's degree and my -- bachelor's degree and my masters degree from South Carolina State University. And I hold that institution, it's students, and it's faculty and staff, to be very dear to my heart. I believe that it has a mission to educate and advance our students, the ones that they are serving, to be able to move into the dynamic global arena that we now live and work in every day of our lives. And they need to have the best skills possible, be highly academically achieve and be able to live, communicate and operate in this society on that level. I have a very strong and dedicated work ethic. And I look forward to helping President Conyers, the faculty staff and the cabinet move that institution to the height and the capacity that I truly believe it can be. Along with contending to be a positive recruiter for the college, I believe that I can help boost that enrollment and ensure that the enrollment moves to the level that that the faculty and staff can actually accommodate and work with. I realize that the enrollment currently is down, but I truly believe that it has the capacity to move forward. And with that enrollment moving forward we also would concentrate on retention. Because once we get them there, we need to be able to keep them there, at least for the three or four years of their program. Again, I thank you for this opportunity to stand before the screening commission and I ask that I receive your affirmative to move forward in the process.

MR. CHAIRMAN: Macey?

MS. WEBB: Thank you. And once again for the record, can you please state your first and last name?

MS. WEBB: Abigail Busby Webb.

MS. WEBB: All right. Thank you. And what is your home address?

MS. WEBB: 710 Windrow Drive, Sumter, South Carolina 29150.

MS. WEBB: Thank you. And is this where you pay your four percent property tax?

MS. WEBB: That is correct.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MS. WEBB: No, I have not.

MS. WEBB: All right. Thank you. And are there any change to your application that you would like for any members of the Commission to know about?

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MS. WEBB: The only change was that work situation, moving from retirement status to being working full-time again.

MS. WEBB: Yes, ma'am. Thank you. And I have your letter that you submitted to me and that's included in everyone's binders.

MS. WEBB: Thank you.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Ms. Webb, thank you so much. I'm very impressed with your resume. I see that the amount of time you've spent with the university really has some kind of ideas, in terms of what's going on at the university level, yes, on the staff level. Transitioning from the staff level to the Board level, some of your thoughts, in terms of things that you want to achieve with the board, given the new blueprint that the school now has.

MS. WEBB: I would think first and foremost, I would certainly like to support the current vision to move the university forward. I know that President Conyers has not been in that position very long, definitely not as long as the president that I attended under, which was just President Nance. However; I do believe that with the support of the Board members, that he and his cabinet would be able to move the university forward, ensure that we build enrollment that we actually need in order that, that university can operate at full capacity. Get them there and retain them and also concentrate on our faculty and staff, their commitment, taking care of them and ensuring that we have the diverse and qualified staff that will help us get to the next level. And be a competitive university that I'm certain we can be.

SENATOR SCOTT: Thank you so much.

MR. CHAIRMAN: Anyone else? What's the --

SENATOR SCOTT: Move for a favorable report.

MR. CHAIRMAN: Favorable report. All those in favor, signify by saying aye? (Ayes are heard.)

MR. CHAIRMAN: Against, no. (No reply is heard.)

MR. CHAIRMAN: Congratulations and good luck.

MS. WEBB: Thank you.

MR. CHAIRMAN: Next up is Darrel Johnson, Dr. Johnson.

REPRESENTATIVE KING: Mr. Chair, I want to ask a question before we start Dr. Johnson's questions.

MR. CHAIRMAN: Okay. Hold on one second.

REPRESENTATIVE KING: When will, would all the candidates that we've interviewed today be notified as to when they can start asking for commitments and stuff because I don't want -- some of these new people that are coming in may not realize that they cannot ask for commitments.

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MS. WEBB: Yes, thank you for bringing that point up, Representative King. At the end of this, since we are live streaming, I was going to make a broadcast for everyone, just an announcement that, yes, you will be hearing from me after this. So, everyone that received a favorable report, I will let you know at that time when you're able to start getting your vote commitments from members. Until you hear from me, you are not to ask for any vote commitments from any members at this time. I will officially release you, you'll be letting -- I will make you aware ahead of time so you'll be able to claim your schedule. And you'll have, hopefully, about two weeks to get your vote commitments and then move forward in the process to a Joint Assembly on the floor. Either the last week of April or the first week of May. We're trying to set a final Joint Assembly date still.

REPRESENTATIVE KING: Thank you.

MR. CHAIRMAN: All right, Dr. Johnson, come on up. DARREL JOHNSON, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you just state your name and a brief statement on why you're running for the board.

DR. JOHNSON: My name is Darrel Johnson, I'm running for the board of trustees for one reason. I want to help restore the prominence of South Carolina State University. As a product of the projects of Clover, South Carolina, attending South Carolina State in 1980 as a freshman class senator, not be able to go back, didn't give up. I worked hard earning three degrees from Winthrop University, a bachelor's, master's and special degrees from Winthrop. Worked hard in education more than 32 years. I was a high school English teacher at Rock Hill High for two years -- excuse me, high school English teacher at Clover High School for two years. Language arts/journalism teacher at Clover Middle School for two years, assistant principal of Rock Hill High for two years. Then Sunset Park an elementary principal for a year. And then two years as elementary principal. And then back to Rock Hill to the district office for several years. And then went to Greenwood, South Carolina and I became the superintendent there, where I stayed for 13 consecutive years. I retired, went home relaxing, enjoying myself and got a call back, to come out of retirement and become the superintendent of Orangeburg Consolidated School District for a year. Worked with them to get through the pandemic. And I planned to just relax and I do a little coaching of executive administrative across the country. I was a college basketball official for 25 plus years. So, March Madness was my time. And I decided to sit down, but some people talked to me and made me realize that I have something to give back. Education afforded me

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an opportunity to do some things that a country boy from the projects wouldn't get to do without a sound, solid education. SC State provided that foundation for me. And I reflected back on my first year as a freshman out of Orangeburg, South Carolina. Grandmother got me home, had no way to get back. But I found a way to get back. Went to Washington D.C. marching, to save that university. And now, more than 30 years later I have an opportunity to get back and be a part of a group and restore it to prominence. I'm a team player. I believe in all students. And I just feel like being on this board, given an opportunity to give back to the university that gave me so much, that's why I intend to run for this seat.

MR. CHAIRMAN: Macey.

MS. WEBB: Thank you. Once again for the record, would you just please state your first and last name?

DR. JOHNSON: Darrel Johnson.

MS. WEBB: All right. Thank you. And can you please tell me what your home address is?

DR. JOHNSON: 732 Guinn Street, Clover, South Carolina.

MS. WEBB: All right. Thank you. And do you pay your four percent property tax at that address?

DR. JOHNSON: Yes, I do.

MS. WEBB: All right. Thank you. And since submitting this application, have you may any new campaign contributions to any members of the General Assembly?

DR. JOHNSON: I have not.

MS. WEBB: All right. And are there any changes to your application that you would like for the commission to be made aware of?

DR. JOHNSON: None, other than just doing consultant for a couple different groups, but other than that, it's the same.

MS. WEBB: Okay. Thank you.

DR. JOHNSON: Okay.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair, and thank you Dr. Johnson. I've known you for some years now. I'm still upset that you didn't go to Chester to be the superintendent in Chester when we were looking for a superintendent over there. You know I don't represent Chester, that's my hometown. So, tell me, I understand your commitment to South Carolina State. What do you envision in reference to -- I think that the administration is doing an amazing job with what they're doing now. But in reference to the facilities there, I know that

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that has been an issue and as a board member, how would you tackle that issue?

DR. JOHNSON: As a board member, I would tackle it the same way. I know the president has been there just a short amount of time. But my first year in Greenwood as school superintendent, I had never built anything in my life. But the first as superintendent, we embarked upon a \$150,000,000 building program in Greenwood School District 50. It was tough. It was hard. But I learned right then through teamwork with a group of people working together, you can accomplish numerous goals. It's amazing how much can be accomplished when no one cares who gets the credit. Infrastructure's very, very, important. And I support the president of the university for what they're doing right now. I was on the campus last Thursday, I rode back through on my way somewhere else. I thought about, if I was going to go, what would I do to work with this group, help them get to the next level. But work as part of the team and to help them continue the progress they've already started, would be my goal, to get in for as much as I possibly can and work as part of the team with the understanding that everyone brings something to the table.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Let me thank you again for your willingness to serve. I see that all the time you spent at Winthrop why South Carolina State -- Winthrop you went freshman year and you got the Bull Dog bite and then it's kind of hard to turn. But then you went to Winthrop, which is a teaching school.

DR. JOHNSON: Yes, sir.

SENATOR SCOTT: And then you did quite well in your teaching career, but you ended up back at South Carolina State to get your doctorate. But why South Carolina State board rather than Winthrop board right now?

DR. JOHNSON: Well, when you've been raised in the projects with your grandmother and that's your only means of support, you go where the dollars allow you to go. So, I transferred from SC State back to Winthrop, that was closer to home. And Winthrop was a great institution and I learned so much there, attained three degrees. But my father, my aunts, my cousins, a lot of my relatives went to SC State. And although I was not an SC State graduate at that time, I still supported the university, going to the games, enjoying the mystic of being there at that university. And I'll never forget how it felt my freshman year being there, on the grounds, sitting in the crowd, with all the stuff that was going on around me. That's the feeling I'll never forget. And I had no plans on going into education, in the profession. Actually, I just wanted

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to go to school and have an opportunity. And I found out with education that opened up so many doors for me. So, SC State is where I started and that's where I finished.

SENATOR SCOTT: Thank you. Favorable report.

MR. CHAIRMAN: Put in for a favorable report. All in favor signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed? (No reply is heard.)

MR. CHAIRMAN: Congratulations and good luck to you.

DR. JOHNSON: Thank you.

MR. CHAIRMAN: Next is Thomas Thompson. THOMAS THOMPSON, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll just give your name and a brief statement why you're running for the SC Board.

MR. THOMPSON: Okay. And name's Thomas Thompson, my name. I came to South Carolina in 1982 from the midwest. Prior to that time I heard almost nothing about historically black colleges and institutions. I knew of maybe Tennessee State and Fisk because they were nationally known, but other than that, I had very little knowledge. But as I began to talk with people around South Carolina, invariably would they talk about their experiences at South Carolina State. And I was amazed at how proud they were of the experiences that they gained and their support for that institution. I probably bring a little different perspective than the other folks. I was part of the South Carolina State Administration from 2004 to 2006 until 2010 as dean of the college of graduate, graduate studies. I got a chance to witness first hand the pride coming from the students and other faculty members. As a result, I would be honored to be able to share my knowledge and experience of college administration through the Board on South Carolina State University. And help it to restore or help to restore it to one of the premier institutions in South Carolina.

MS. WEBB: All right. Thank you, sir. And for the record just one more time, can you please state your first and last name?

MR. THOMPSON: Thomas Thompson.

MS. WEBB: Thank you. And what is your home address?

MR. THOMPSON: 831 MacArthur Street, Rock Hill 29730.

MS. WEBB: All right. Thank you. And is that the address that you pay your four percent property tax at?

MR. THOMPSON: It is.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any new contributions to any members of the General Assembly?

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MR. THOMPSON: I have not.

MS. WEBB: All right. Thank you. And are there any changes to your application that you would like to make the Commission aware of?

MR. THOMPSON: There aren't.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Any questions? Mr. President?

PRESIDENT ALEXANDER: Thank you, Mr. Chairman. Good afternoon.

MR. THOMPSON: Good afternoon.

PRESIDENT ALEXANDER: So, you mentioned your service and work there as the chair of the department of education and leadership at South Carolina State; is that correct?

MR. THOMPSON: That is correct. I also served as dean of the school of graduate studies.

PRESIDENT ALEXANDER: Okay. So, I just curious, how do you -- how would you be able to utilize that time as a -- having been in those capacities, how do you see that impacting or helping, hurting with your service on the board of trustees?

MR. THOMPSON: I think it will help my service on the board of trustees. I also worked at the University of South Carolina, as a faculty member. I've worked for Walden University, an online institution, as a coordinator of their Ph.D. program, and also Albany State University as dean of the college of education. So, I have an understanding of college administration. I know that the President, Conyers has a great vision for the school. And I think that I can utilize the experience that -- knowledge and experience that I have of how institutions work to help the Board and the administration to view, to tell the realistic view of where we can go as an institution.

PRESIDENT ALEXANDER: Thank you, sir.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you so much for your willingness to serve. For many, many years it's been a real struggle on the campus separation or responsibility as a power.

MR. THOMPSON: Uh-huh.

SENATOR SCOTT: Staff overstepping into the administrative part.

MR. THOMPSON: Uh-huh.

SENATOR SCOTT: Then creating more conflict as it reached the boards. How do you plan to be able to create those relationships on the staff side, so it doesn't interfere with board policies and the board actually being sound to be able to carry those policies out?

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MR. THOMPSON: I think that what helps in those situations is strong board support for the president and his or her vision. And maintaining communication with faculty members, whatever the grievances are, you have to let them know that they're not being ignored. And to work within the resolution of those kinds of grievances.

SENATOR SCOTT: That's a very thin line.

MR. THOMPSON: True, it is. It is.

SENATOR SCOTT: When they ignored and deemed what they consider to be overpowering to make the decision for direction when the Board and the president is trying to take the school it's been a big, big issue. So make sure especially when these folks have been a part of the previous administration and their roles, understand their responsibility. You get great friends and other relationships down there. So, part is making the tough decisions.

MR. THOMPSON: That is correct.

SENATOR SCOTT: And it's been an issue before. And so, I'm just kind of a little concerned, when I see someone whose been administration and having to deal with staffing and now are going to the board and being able to really when the board makes a decision, that decision's not undermined. That give me some great heartburn, those decision undermined. Because there are things that -- and cases that the staff doesn't know about, in terms of getting to the key point where you can make some real tough decisions. What the school has done for the school. All information is not privileged here but about --

MR. THOMPSON: That's correct.

SENATOR SCOTT: -- it's board information what makes this a tough decision. What's your thought on that?

MR. THOMPSON: I have no ulterior motives, other than to help the institution return to the reputation I've know that -- that it's had over the years. And to help it become, as I said before, one of the premier institutions in the state of South Carolina.

SENATOR SCOTT: Thank you so much.

MR. CHAIRMAN: Favorable? All those in favor of a favorable report, signify by saying aye (Ayes were heard.)

MR. CHAIRMAN: Opposed, no. (No reply is heard.)

MR. CHAIRMAN: Good luck to you, sir.

MR. THOMPSON: Thank you.

MR. CHAIRMAN: Next up is at-large, seat nine. Rodney C. Jenkins.

RODNEY C. JENKINS, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you state your name and give us a brief statement why you're running for the SC State Board.

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MR. JENKINS: Rodney C. or Rodney Clay Jenkins.

MS. WEBB: And a brief statement as to why you'd like to serve.

MR. JENKINS: I'm returning, seeking a return seat. I've been, I've served on the board now for the last four and a half years, a little more now. I came in 2018. I want to come, doing the same as I did before. I came bringing love and passion to the university, being a former -- a student and graduate of South Carolina State. Getting ready to celebrate my 50th class anniversary this year. So, we'll be in reunion for our golden class reunion this year. Been serving on the board as for the last four and a half years, you know, we believe that a lot of things have happened. And we've been able to get some things moving at the university that had gotten a little stagnated. And since that time we've been able to make some things happen and I want to be able to remain on board to continue the good work that has been started along with the help of this legislature, we've been able to, you know, acquire additional funds and to do some things that, not only through the state, but through federal dollars to help us move the university physically and with our enrollment throughout. So, I would like to remain to help with that process as we go forward.

MS. WEBB: All right. Thank you, sir. And just one more time for the record, can you please state your first and last name?

MR. JENKINS: Rodney Clay Jenkins.

MS. WEBB: All right. Thank you. And what is your home address?

MR. JENKINS: 8208 Hunt Club Road, Columbia, South Carolina 29223.

MS. WEBB: Sorry, thank you. And is this the address that you pay your four percent property tax at?

MR. JENKINS: Yes.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any new campaign contributions to any members of the General Assembly?

MR. JENKINS: No, I haven't.

MS. WEBB: All right. Thank you. And are there any changes to your application that you would like any members of the Commission to know?

MR. JENKINS: Yes. I've been and I've just looked at this again in the last few days. When I wrote -- when the application was re-submitted, I was the chair of the Board. And at this point, I am just a board member. I'm no longer the chair. I was the chair for three years.

MS. WEBB: Thank you, sir.

MR. JENKINS: Okay.

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MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you so much for your willingness to serve. I tell you as a new board member coming in, becoming the chair, I had to hold my breath there for a little while. You really gave me a whole lot of time to make that adjustment, transitional board coming off was, you still had a transitional board. Old president going out, new president coming in, president selection, change in policy, which some members not doing what they supposed to do, in terms of following policies and procedures. New growth and a new plan. Talk to me a little bit about that, you the one in the hot seat to get it all done, to move that transition to where it is now. As we move forward from those plans to the new plan of where we're going. Just elaborate a little bit, start at any point you want to because you're the one who had it all to get it done as the chair.

MR. JENKINS: It's a long story, but it's a good story. And it starts with common sense, practicability. You call on the professionals, AGB, Association of Governing Rules. We really, based on what we came in after, we did not want to be tripped up with governance being a problem. We didn't dip into administration. We would -- I would err on the sound of caution. And I would ask the board members to do likewise. And quite frankly, I talked to board members that were there before because the transition board did hold it together. But we had to come in as the new board and really try to make things happen. Getting in such a seat, the big issue was remaining and knowing that we were doing the work of SACSCOC, making sure that we were in doing our governments role, and not stepping into administration knowing where it might have opinion, but knowing that wasn't our road. I had communications with the President of SACSCOC, Dr. Belle Wheelan, made sure that we were doing the, being the straight and narrow. Once I called her -- and she said I'm glad you called me because I didn't want to have to beat you over the head later. So, we stayed the course. And thus far, that's where we are. It's a longer story, but that is the highlights.

SENATOR SCOTT: I know that your request is a tremendous request. You want to move on the university forward, capital projects that we probably should have taken care of a long time ago. And even the commitment from the school itself to go into a fundraising mode to be able to pay some of that cost that came with the dormitories and others that are out there. I know that in many cases, some of the conversation between you and others, such as myself, until these things appear to be moving in the right direction and before to be given back to the board, could be some kind of problematic. Share a little input on that, because

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everybody information -- all the information not for everybody. Talk a little bit about that and where it put you as the leader, the chair on the board -- budgeting and those kinds of issues and trying to turn the corner. And also trying to change that environment of the school.

MR. JENKINS: Well, one of the things that the president came to us with was he needed to make certain that he got a good physical person. I'm a retired CFO from a state agency. I didn't have a bad audit for 28 years. So being in a leadership role there, I wasn't going to do that either at South Carolina State. But when the president came and said these are the things we need to do, these are the priorities and here's how we might do it. We just gave him all the support. We shared our opinions. I shared mine. In a -- again, in a governance role. But from -- and for the dollars that we were requesting, you know, we you have a process and we've started talking to folks about the public/private partnership. So, with that we believe that we can truly build dormitories through that process, but needing the General Assembly to help us with classrooms. We have the oldest buildings of public schools in the state. So, we're really in need of such. So, with that, itself, you know, those are the pieces that will help us attract new students and put us in a place where we can take care of students, that probably wouldn't get a chance to go school elsewhere.

SENATOR SCOTT: Thank you Mr. Jenkins.

MR. CHAIRMAN: Mr. President

PRESIDENT ALEXANDER: And thank you for what you've been doing at SC State. I would just -- well, I guess when you were before us last. Because it looks like you're here now, the owner of a consulting company; is that right?

MR. JENKINS: Yes.

PRESIDENT ALEXANDER: And that's been from 2009 and that continues to do that aspect?

MR. THOMPSON: I still have it. I do very little work in it now. I'm sort of retiring, retiring.

PRESIDENT ALEXANDER: There's nothing there -- or is there anything there that you do that directly or indirectly involved SC State?

MR. THOMPSON: Nothing

PRESIDENT ALEXANDER: Okay. Just wanted to get that on the record.

MR. JENKINS: Thank you, sir.

MR. CHAIRMAN: Favorable? All those in favor, signify by saying aye for favorable. (Ayes are heard.)

MR. CHAIRMAN: Against, none? (No reply is heard.)

MR. CHAIRMAN: Congratulations.

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MR. JENKINS: Thank you.

MR. CHAIRMAN: Thanks for your service.

MR. JENKINS: Thank you.

MR. CHAIRMAN: Now, we're up to at-large, seat 11, Robert S. Reese. Welcome, sir. ROBERT S. REESE, being duly sworn, testifies as follows:

MR. CHAIRMAN: Just give us your name and a brief statement why you're running.

MR. REESE: Okay. Good evening everyone on the board, Screening Commission. My name is Robert Reese. I was born and raised in Charleston, South Carolina. On October in 2019, I retired from the College of Charleston, Department of Public Safety, Campus Law Enforcement. Also served in the Marine Corp for eight years, and also with that Infantry Unit there. Why I want to serve, is basically I've been -- my mom is from Orangeburg area, it's a town called Bowman, South Carolina. So, it's a rural area, raised on a farm. So, I know about hard work. But she also instilled in us that it's good to have a college education. And I want to give back, with that in mind. And I think I want to start at South Carolina State because I heard good things, not only this evening, but what I've heard from the past about South Carolina State, it's a great institution. My wife used to be the general counsel there. Her name is Mercedes Pinckney Reese. So, I know a little bit about South Carolina State. And I know -- just to get -- I guess I'm the youngest one here. I graduated from Starr High School, graduated in 1984, so what I know about South Carolina State, they had a pretty good football team and they continue to have a football team, but I would see they grow a little beyond that. Also, I have a daughter who is in graduate school there, so I definitely have a vested interest in that. And also have a cousin, who's a freshman at South Carolina State. So, based on my 31 years serving at the College of Charleston, I have a little bit of background how a college works, how it runs. So, I want to give back, with that experience. Working at the College of Charleston, I think I can contribute a lot to South Carolina State.

MR. CHAIRMAN: Macey.

MS. WEBB: Thank you, sir. And once again for the record, can you please state your first and last name?

MR. REESE: First name is Robert, middle name is S. Reese.

MS. WEBB: All right. Thank you. And what is your mailing address, what is your home address?

MR. REESE: Mailing address is 313 Brickline Drive, Summerville, South Carolina 29483.

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MS. WEBB: All right. Thank you, sir. And when you had initially applied -- so you submitted this original application back in 2021.

MR. REESE: Yes, ma'am.

MS. WEBB: Did you have your address as 427 Elliston Street in Summerville, South Carolina?

MR. REESE: Yes, just following up, I did update that with you, I submitted that, and my new address is at 313 Brickline Drive, Summerville. And also, since then, I come out of retirement, also part-time with the Federal Courthouse in Charleston, with the federal side of the walled-in security there in Charleston, South Carolina.

MS. WEBB: Okay. So, I have your email stating that you did update your address. I don't have any documentation about your current employment. If you could just send me an email with your employers information?

MR. REESE: Yes.

MS. WEBB: Just at some point, that would be very helpful. I do have the updated address as 313 Brickline Drive, Summerville, South Carolina and that is correct?

MR. REESE: Yes.

MS. WEBB: All right. Thank you. And do you pay your four percent property tax at that new address?

MR. REESE: Yes, I do.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any new campaign contributions to any members of the General Assembly that you are aware of?

MR. REESE: No, ma'am.

MS. WEBB: All right. Thank you. And besides the changes that we just went over, are there any changes to your application that you would like the Commission to be made aware of?

MR. REESE: No, ma'am.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Reese for your willingness to serve.

MR. REESE: Yes, sir.

SENATOR SCOTT: After 31 years at the College of Charleston, why South Carolina State? And a alumnus of Southern Western University, why not that board for South Carolina State?

MR. REESE: Well, like I said earlier, I've got a vested interest at South Carolina State in my daughter, China Rae Reese, attends graduate school there. Also, again, a freshman, my cousin attends there also. But my

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mom graduated from Claflin, so I have a little background in HBCU, so that's why it kind of draw me back to there.

SENATOR SCOTT: South Carolina State is a whole different experience. Whole different experience than cousin, friends and others go, become a part of the Bulldog experience.

MR. REESE: Looking forward to that, sir.

SENATOR SCOTT: So, I wish you well on it. I'm more than sure that once you complete working there, it's a transformation change, in terms of how South Carolina State college does things.

MR. REESE: Yes, sir.

SENATOR SCOTT: Thank you.

MR. CHAIRMAN: Mr. President.

PRESIDENT ALEXANDER: Thank you. Good afternoon.

MR. REESE: Good afternoon, sir.

PRESIDENT ALEXANDER: Thank you for being here with us and for your year's of service in law enforcement. Where does your wife work?

MR. REESE: My wife currently is not working right now. Just -- I forgot to add one more thing. It's not that important, but my wife, we just had a brand new baby boy on Saturday.

PRESIDENT ALEXANDER: Congratulations.

MR. REESE: Thank you very much, so right now she's attending -- taking care of my daughter right now.

PRESIDENT ALEXANDER: Am I reading this correct, had she worked at South Carolina State?

MR. REESE: She has worked at South Carolina State.

PRESIDENT ALEXANDER: What was her employment?

MR. REESE: She was the general counsel for South Carolina State.

PRESIDENT ALEXANDER: Okay. And when did she terminate in that position?

MR. REESE: In 2000 -- I think 2020. She moved and got a job at the US Air Force Academy when she left South Carolina State.

PRESIDENT ALEXANDER: Okay. Thank you.

MR. CHAIRMAN: All those in favor for a favorable report, signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Against? (No reply is heard.)

MR. CHAIRMAN: Congratulations and I do want to thank you for your service in the Marine Corp, eight years, that's a long time with the Marines.

MR. REESE: Yes, sir.

MR. CHAIRMAN: For sure. Army's the best I could do.

MR. REESE: Thank you, sir.

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WINTHROP:

MR. CHAIRMAN: All right. Thank you. All right. That takes care of SC State. We're up to Winthrop, the 3rd Congressional District Seat 3. Rhonda S. Grant had applied from Seneca. She withdrew as of March 8th of this year. So, we will open that one back up whenever we do our next round of hearings. Now, up is the 4th Congressional District Seat 4. Edward R. Driggers, if you'll come on up. EDWARD R. DRIGGERS, being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll give me your name and a brief statement why you're wanting to be on the Winthrop report?

MR. DRIGGERS: Edward R. Driggers. I go by Ed. I have spent a career in public service. And as a result of that, I retired a few years ago and have had the opportunity to consider reappointment to the board of trustees at Winthrop, and have had enjoyed my time and my work with the university and believe that I continue to have something to offer to that institution. I am a lifelong resident of South Carolina. My wife is an undergraduate and graduate student of -- a graduate program, graduate in education. Spent 31 years in a public school system. I did my undergraduate work at the University of South Carolina. But I did my graduate work at Winthrop University in their executive MBA program while I was working full-time and entered into that program. It's been a joy. It's been my pleasure to serve. And with your consideration I would be honored to continue to serve.

MR. CHAIRMAN: Macey.

MS. WEBB: Thank you. Once again for the record, could you just please state your first and last name?

MR. DRIGGERS: Edward R. Driggers.

MS. WEBB: All right. And what is your home address?

MR. DRIGGERS: 5202 Edward Mosley Way, Greer.

MS. WEBB: And when you had initially submitted this application, which was back in 2021, your address was 522 Silver Ridge Drive in Greer, South Carolina?

MR. DRIGGERS: That is correct. I moved about five miles away, certainly still within the 4th Congressional District. But my wife and I decided to downsize, after our children had moved out. And we are in temporary housing at 5202, while we are looking for a permanent residence in the Greer community.

MS. WEBB: Okay. So, are you renting at that 5202?

MR. DRIGGERS: We are renting.

MS. WEBB: Okay. All right. Thank you for that clarification. And since filling out this application, have you made any new campaign

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contributions to any members of the General Assembly that you are aware of? MR. DRIGGERS: No.

MS. WEBB: All right. And are there any changes to your application, other than what we just discussed about your residence that you would like for members of the Commission to know about?

MR. DRIGGERS: I'm not positive at that time if I identified that I was beginning to do work as a consultant with Parker Poe Consulting, but I am doing that currently.

MS. WEBB: All right. Thank you. And just for the record, you did have your present employer as Parker Poe Consulting.

MR. DRIGGERS: Okay.

MS. WEBB: So, thank you for that.

MR. CHAIRMAN: Questions? Senator Scott.

SENATOR SCOTT: Thank you Mr. Driggers for your willingness to serve. We had a chance to meet through the new president. Part of that conversation was about branding or making some other kind of changes, in terms of, what's your thought? Winthrop's always been noted for being the school for teachers. There was a time when the status was to supplement teachers shortages. My conversation with him was very brief, why? Especially given the track record y'all have had to continue to grow teachers in South Carolina. Whether you were challenging us to help y'all to fulfill that capacity.

MR. DRIGGERS: Well, I certainly believe as a trustee of the university that would continue to be a priority of mine. As I stated earlier my wife did both her undergraduate and graduate work there to learn how and to improve being a teacher. It's a rich tradition of this state. Many people in my family and families across this state learned to be educators at that university. And I think that will continue to be a priority. I think what our president understands is that diversification is going to be absolutely necessary for us to continue in a new marketplace. And so, we have to look at new program areas as well. But there has been no discussion of diminishing our role of the responsibility as a university --

SENATOR SCOTT: I hope I'm not indicating that that's what's going to happen. I'm more concerned about loss of student population, those kinds of issues. Where do you see Winthrop going, in terms of getting the population back, increasing the amount of teachers, the teacher shortage? You know, what I'm simply saying, tell me how Winthrop becomes the star player for colleges in South Carolina in creating more teachers, especially teachers in the more diverse communities?

MR. DRIGGERS: I think one of the great advantages that Winthrop has is that we currently are funded for, at the federal level, funding for

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programs on understanding the systemic issue of teacher shortages, why are students not entering into the field. Why are students not -- why are teachers not being retained in the field? So, we are on the research side of that trying very desperately to understand what's happening out there in the marketplace for teachers? And with a 31-year teacher in my household, I've heard it all. I know the challenges that educators have in the classroom. But I know that they are committed. They're absolutely committed to the jobs that they do each and every day. And so, we have to understand this marketplace. Our new, our younger students, who are coming through today, what attracts them to certain professions. How can we encourage that, happily and incentivize that, if that's necessary. I think Winthrop has to be a leader in that because of the role that we've traditionally held in this state. And my personal belief is, I think that's how our trustees feel. And I certainly believe that our new president will become more aware and understanding of --

SENATOR SCOTT: We just need to know what tools we need to equip you with, so we can get that moving, because that's a big conversation piece.

MR. DRIGGERS: And it needs to be.

SENATOR SCOTT: Right. Your family is like my family, I come from a generation of teachers. And so, we've got schools that have had a setting, curriculum for teachers and we need to know what we can do to tool Winthrop and any other schools so we can continue to get young people at an early age to commit to going to the teaching field. And so, we're open to that. So, you got some thoughts about that? I'm really, really, interested in hearing those thoughts.

MR. DRIGGERS: Well, what we are learning is that, yes, attracting folks to the field is absolutely paramount. But one of our larger issues is the retention, is we are able to get students in and we're able to educate and train them to be classroom teachers. They get to the classroom and you lose them within that first to third year. And so, strategies have to be developed and whether those are economic strategies, whether those are mentoring type strategies, you know, how do we provide the support to those young teachers to get them over that hump? It's the hump that really is affecting us. Yeah, we get more students in our business administration program today than we get in our college of education. That's students making decisions about what they would like to do. And so, we have to provide various programs for them. But we get and we understand that this commitment to education has to be there. And we've just got to, we've got to be innovative. And innovation doesn't necessarily come from a single trustee or from a single president

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or from a single professor, that innovation has to come from current students and former students. We've got to reach out and have conversations with our young people about, you know, if this was not a choice, if you changed your major midway, help us understand why and what can we do to make some modifications in our programming, so that we can attract and retain.

SENATOR SCOTT: So, as a member of the Board, I'm looking to hear back on those answers, the rest of the Board is going in. You cannot school of teachers and education is getting a little tough. Thank you, so much.

MR. DRIGGERS: Yes, sir.

MR. CHAIRMAN: Representative Rose.

REPRESENTATIVE ROSE: Mr. Driggers, good afternoon. Mr. Driggers, I had an experience with Winthrop. I mean, you were on the Board back in 2020, correct?

MR. DRIGGERS: Correct.

REPRESENTATIVE ROSE: And I -- you don't know this about me, but I actually grew up playing tennis. I came to the University of South Carolina on a tennis scholarship. And I didn't know much about Winthrop when I first began my tennis career. But we had played Winthrop, you had star player from Brazil named Clayton Almeida, who was great guy. We battled on the tennis courts. But one thing that always struck me about Winthrop is that you guys had a legendary tennis program. In fact, one of the most decorated programs in the big south, your athletic conference, is history. And so, I started getting, you know, phone calls from former players that I knew from competition in the NCAA, that were saying, listen, Winthrop is cutting their men's and women's tennis programs. And they were coming to me for assistance or for some type of answers. And so, I had had no interaction with the Winthrop Board whatsoever. And but for this happening, I wouldn't have any interaction. But I reached out, specifically, you know -- the June -- there was a June 19, 2020 board meeting and that is actually the board meeting where the vote was taken. As I looked into this and had conversations, it was concerning to me that actually the day before, the board even voted, before you even voted. On June 18th, the athletic director told the tennis programs and all these student athletes that they were being cut and they needed to make decisions on where to go, that you would honor their scholarships or they could leave. I guess, can you tell me how -- I mean, you would agree that the board itself must vote to take action, correct?

MR. DRIGGERS: Absolutely.

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REPRESENTATIVE ROSE: And so, can you explain to me how a day before you guys vote, the athletic department, that the athletic director has been instructed and has notified coaches and players that they've already been eliminated without a board vote. How would that happen?

MR. DRIGGERS: Well, I can say it shouldn't have. I could say, obviously, prior to us taking a vote an ultimate vote on that issue, This is something that the Board had been engaged in for some time. It was not an issue that was taken lightly. There were many, many factors to consider in that particular issue. It was a recommendation that was coming to us from our interim president. There was buy-in from the athletic director, that we were informed that the athletic director supported that decision. So, the interim president and the athletic director were making a recommendation. It was being discussed and evaluated at the committee level of the board. And what occurred, actually on that date was a final vote. No, no one would have been authorized by the Board to have made any type of announcements relative to that because going into that meeting, that decision, the outcome could have been different

REPRESENTATIVE ROSE: What materials, I mean, I was surprised to learn, as I looked into this that no materials were actually on the agenda. I noticed in your resume you served in local government. I, prior to being here, served in local government. We would have agendas that thick, with a lot of materials, background information. I was shocked to learn, as I was looking into this, that there was no materials provided to the board. Were you aware of any materials at this June 19th board meeting that you were given?

MR. DRIGGERS: I was -- well, not particularly at that meeting, but I certainly was provided material prior to when it was presented to the committee. I probably received more information from constituency of the university that was not in support of that ultimate decision. And that material did not always balance with that, that we were receiving from the university. And there were a great deal of questions that needed to be asked in that. There was enormous amount of emotion in that -- in the arena of that discussion of what was taking place. So while that meeting was the conclusion and there was a final vote, there was indeed financial information. There was information provided to us relative to our program. And I can only say, this was, it was not an easy decision. When a university is faced with making financial cuts, we do have an obligation and a responsibility to look in many areas. And we have made cuts in many other areas.

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REPRESENTATIVE ROSE: So you aren't aware that the executive committee, which I understand is the president -- Let me ask you this, were you on the executive committee?

MR. DRIGGERS: No, sir.

REPRESENTATIVE ROSE: Okay. So, you aren't aware that the executive committee, which is the president and the subcommittee chairs, had already -- had made a decision prior to sending this to the sports committee to cut the men's and women's tennis program?

MR. DRIGGERS: No, sir. I'm not.

REPRESENTATIVE ROSE: You weren't aware of that? But you would agree that the sports committee would be the proper place to vent that, would you not?

MR. DRIGGERS: Yes, sir.

REPRESENTATIVE ROSE: But yet that wasn't done.

MR. DRIGGERS: It was discussed in the sports committee, the athletic committee, but I'm not aware that there was other discussion or any action taken by the executive committee.

REPRESENTATIVE ROSE: Well, let me ask you this, you're aware of a group of tennis alumni --

MR. DRIGGERS: Yes.

REPRESENTATIVE ROSE: Who started a massive campaign when this came to light, they found out, you know, I guess this really came out in June 18th, when the athletic director announced this, prior to the board vote. And they started this massive fundraising campaign, were you aware that they had secured close to \$800,000 in donations?

MR. DRIGGERS: I was advised that there were commitments made, but there was not verification of the commitments. That's the communication I received.

REPRESENTATIVE ROSE: And you were aware that, for example, the United States Tennis Association was willing to give a \$500,000 grant for the upkeep of tennis courts. You weren't made aware of that?

MR. DRIGGERS: I was never advised, in my capacity as a member of that board of trustees, that there was a \$500,000 commitment by a specific organization with that purpose.

REPRESENTATIVE ROSE: But you were aware at the September Board meeting there was a tennis alumni who's an attorney, who now lives in Charlotte, Julie Busha, I'm maybe mispronouncing her name. But she was the -- she spoke at your September meeting and implored the board to allow the opportunity for them to present their plan, to present their findings. And you were present for that meeting, correct?

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MR. DRIGGERS: I was.

REPRESENTATIVE ROSE: Why wouldn't the board, and here's the things. I actually was involved in this process where I was simply asking for these former student athletes to have the opportunity to come to their alma mater's board and present. I was told that they could only have two minutes to speak to the board. And these are individuals who have raised close to \$800,000 and could have presented to you and made you aware of this information that you were unaware of. I specifically made the request that they be given five minutes. I was wanting 10 minutes, give them 10 minutes to present a plan, they are raising money. And essentially was told no, these student athletes were told no. And so, you could, I hope you can understand my frustration --

MR. DRIGGERS: Absolutely.

REPRESENTATIVE ROSE: -- when there are people that care deeply about Winthrop athletics and have a degree that they have framed and put on the wall. And they are asking our elective board to just have the simple dignity to say, let us tell you about this grant that we have. Let us tell about these donors that are willing to contribute. And they were told no, unanimously by the board.

MR. DRIGGERS: Well, the no was a decision by the chair of the board.

REPRESENTATIVE ROSE: So, you as an individual member do not have the ability to make a motion to allow for simple -- or you have no means whatsoever to put something on the agenda?

MR. DRIGGERS: No, we do have the means to place on the agenda and I do believe we would have the ability to make either a statement or a motion to allow additional time. The question is, did I do that, no, sir, I did not.

REPRESENTATIVE ROSE: The you can understand -- let me ask you this, why would a board not want to know that a tennis alumni were raising and had grants upwards to \$800,000 and be able to ask questions and ascertain that. Why would they not want to do that? I mean, is that good governance?

MR. DRIGGERS: Well, I can't speak for the other 14 members of the board, obviously.

REPRESENTATIVE ROSE: Look, let me ask you this. Were you ever made aware that the president -- I guess he's now the former president. The president's office, through board members, actually came to these tennis alumni and told them they must take down their, Go Fund me page. They were acting as if they were Winthrop to which they replied, we were making it very clear we're not Winthrop, we are saying Winthrop tennis. Were you made aware of that?

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MR. DRIGGERS: I was aware of that, but not through the Board. I was made aware of that by Ms. Bouchard.

REPRESENTATIVE ROSE: Ms. Bouchard.

MR. DRIGGERS: Yeah.

REPRESENTATIVE ROSE: Did you do anything to kind of step in and say, hey, why will we not let tennis alumni raise money for their own program? I mean, did you do anything to --

MR. DRIGGERS: I did. I questioned that. I distinctly remember asking what is there that we don't know? There was concern on my individual part, as an individual trustee of the board. There was concern on my part of not all information making it to the entire board. I concur with you. I believe that there was more information at the executive committee level than there was at the full board level. But this was a time that I, individually, supported the recommendation of our president and of our athletic director that they had vetted this issue and I trusted that to be accurate.

REPRESENTATIVE ROSE: Are you aware of -- you know, one of the things that was presented was the cost of upkeep of tennis courts. Are you aware that no where was there quotes, specific quotes from companies or entities that came out and actually gave a physical quote, there was just a number given but no actual -- were you ever handed a document from somebody who does tennis courts that said, here's what it will cost?

MR. DRIGGERS: No, that number was provided to us by the administration.

REPRESENTATIVE ROSE: And you would be surprised to know that that number was never supported by an actual document. You never saw a document, correct?

MR. DRIGGERS: Never saw a document that supported that.

REPRESENTATIVE ROSE: Are there nice -- let me ask you this, are there nice tennis facilities public in Rock Hill? There are some nice tennis facilities, correct?

MR. DRIGGERS: Yes.

REPRESENTATIVE ROSE: So, do you think as a former -- being in local government, do you think your local government, it was their approach by Winthrop, who does a lot, I'm sure locally, economy of their students and the impact you have on the community. Do you think that local government would have allowed Winthrop for a year, or two years, or three years, or four years to have varsity tennis matches, NCAA tennis matches at their facilities? Do you think that would have been

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fruitful? Do you think, did the board ever ask local government or the parks to be able to use the tennis courts for this program?

MR. DRIGGERS: I am not aware if that question was asked.

REPRESENTATIVE ROSE: Would that have been something prudent to save money, rather fix up the courts?

MR. DRIGGERS: I certainly think so.

REPRESENTATIVE ROSE: And that wasn't ever analyzed?

MR. DRIGGERS: Not to my knowledge.

REPRESENTATIVE ROSE: Compounding my frustration, please understand that I got into this, I was getting calls for help. And I honestly, am baffled that I am here having to say that we couldn't allow tennis alumni -- I asked for 10 minutes, then I went down to five. I mean, the simple dignity that could have been extended by this board to allow people the opportunity to speak, these alumni to speak and present, and the lack of due diligence that was done to see if there was means to save this program, to me is quite shocking. This was all compounded by the fact that there were a key individuals that wanted to speak. Let me ask you this, are there board members that live out of state in Winthrop? MR. DRIGGERS: No.

REPRESENTATIVE ROSE: Are there board members -- let me ask you this. Are -- by your rules, this is in 2020, especially, but by your rules can board members attend virtually?

MR. DRIGGERS: We did have virtual meetings during Covid.

REPRESENTATIVE ROSE: Okay. And so you would agree, we're talking, right now, we're in 2020, so that was the height of the pandemic, correct? I was shocked to find out, there was a request and I have the email request, because I was cc'd on it. Again, I'm asking for a simple things from the board -- like letting people be heard and speak. But there is a gentleman, there was an email sent asking for tennis alumni to be able to address the Board virtually or at least be put on speaker. And individuals such as a former tennis player by the name of Keriyon Vall. Keriyon Vall is a former Winthrop student body president. Captain of the men's tennis team in 1997. He was voted the keynote speaker for Winthrop graduation in 2012. He lives in London, he's a very successful lawyer. He wanted the opportunity -- now, we know board members have the ability to attend virtually but he wanted the opportunity to be able to speak to the board. And he was rebuffed the opportunity. We were told, in writing, that he would have to present in person or he would not be able to be heard. I mean, do you think that's -- is that a good policy or is that fair in the midst of a pandemic?

MR. DRIGGERS: I was not involved in that decision, but no, I agree.

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REPRESENTATIVE ROSE: You didn't make a motion or anything to try to alleviate this --

MR. DRIGGERS: It was brought to the fore that that request was made.

REPRESENTATIVE ROSE: Oh, but there was a speaker, in person, that mentioned that, Julie Busha, she was able to -- she lives in Charlotte, she attended, and actually brought these concerns, did she not?

MR. DRIGGERS: I believe she brought her concerns during her remarks at the time of the meeting.

REPRESENTATIVE ROSE: I just -- I won't belabor the point at this point in time, you know. This isn't -- I just am shocked by the way the board treated alumni through this. I'm shocked by the lack of due diligence that was done in making this decision. And as I said, when I first started getting the phone calls, I didn't expect to encounter that. Had I dived into this and found that due diligence had been done, that we've explored all other alternatives using facilities, local facilities, getting quotes, hearing out a group of alumni who have raised close to a million dollars, asking those questions, not even allowing them to speak at these meetings or present their plan. I just felt it was really bad governance and that's my comments today.

MR. CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. Thank you, Mr. Driggers for being here. And Representative Rose, please don't feel slighted by no means. I've been elected since 2008 and Winthrop has been in my district the entire time. And I've been on that campus with other members of my delegation and they don't even recognize me. And Winthrop is -- the main campus is solely in my district. Mr. Driggers, I met with some students at Winthrop a few months ago. And their concerns, some African- American students and some LGBTQ+ students, and they do not feel safe on campus. They do feel safe because of the board has not made them safe. Can you elaborate on the relationship that the board has with the students, the African-American students, as well as the LGBTQ+ community?

MR. DRIGGERS: As a board, we don't typically interact with our students. It could be perceived in a negative way. Others may believe that that is absolutely essential, but I don't -- I, as an individual member, do not interact with the students on campus. Now, that doesn't mean that when I'm there, that I don't stop and talk with folks and ask them how they're doing and those types of things. But I don't survey the students to that degree. Information is funneled to us, through various means, typically through our dean of students of issues and concerns that are happening at our campus community. We are made aware. We believe

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we are made aware of all of those incidents that there could be any concern about, you know, a student feeling safe and secure, I would be the first to say, absolutely. I had two daughters that attended, you know, university campuses and I would have never wanted my children to feel unsafe on a university campus, whether it's a private university or a state supported university, in- state, out-of-state, no matter where it is. Students need to feel safe. I know that there have been changes to staff positions, to help with that. That some of the concerns of those students were being addressed more as an individual of the campus community. And changes were made in regard to who that was, and who that reporting, and who had administration was being handled by. And so, yes, we were aware that there were some concerns. And we have attempted to make modifications and changes to address those concerns. Has every student -- is where we would like for them to be. I would have to imagine not. When our former president made a decision to leave the university, we had students that were very upset with the Board of Trustees that, that was happening. I mean, we, it is not unusual in a campus environment that decision-makers get cast for blame, when decisions are made that one doesn't individually support or they do not agree with. For us, that comes with our territory. But we do, very much, try to be sensitive to those issues and concerns. If I were to ever be informed that someone says, you know, I've reported an incident, it has not been handled. I would be a trustee that would be inquiring through our administration, what is the status of this, what's happening, has it been looked into. I may not go so far as to say I agree or I disagree with the action. But I certainly would be one that would say, please let me know that this has been addressed.

REPRESENTATIVE KING: My next question is, the relationship that the college should have with the local delegation. What is your take on the relationship that the college should have with their local delegation or legislative delegation?

MR. DRIGGERS: It is a -- it has been a point of conversation with our new president, who arrived in July. There is a list that we've provided that says these are constituencies of our university that we need to make sure that there's some face-time with, with the president of the university and what's happening. I can assure you I doubled checked that. Our legislative delegation is a part of that. And that will be happening. You should have received an invitation to the inauguration of our new president on April 14th. I inquired about that personally and I was assured that those invitations were sent to our delegation.

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REPRESENTATIVE KING: Well, I will say up under the leadership of former Representative Gary Simrill, I have now been included. I'm the only African-American legislator that represents York County. I solely represent the campus, the main campus of Winthrop. And I, in the time that I've been there, as a representative, I have totally been disrespected. And I've gone to the board, made them aware. I've been at functions where I am sitting beside my other members of the delegation and I will be the only one that would not be recognized. And so, I've worked and fought for Winthrop down here at the General Assembly, but I feel like I've been disrespected. But I digress, I mean, but ...

MR. DRIGGERS: May I say, may I invite you to be my personal guest?

REPRESENTATIVE KING: Sure.

MR. DRIGGERS: At my next visit to campus, I would be honored. If you and I could meet on that campus?

REPRESENTATIVE KING: Most definitely, I have no problem with that, Mr. Driggers. But I do still have an issue when I have students. I met with about 50 students, they invited me. I didn't know anything about it, that they felt unsafe. And I would love to have more conversations with you about that personally. That's if you have the time?

MR. DRIGGERS: I would welcome. I would welcome that opportunity.

REPRESENTATIVE KING: Mr. Chair, I don't know if others have questions.

MR. CHAIRMAN: Let me see, any other questions? Representative King.

REPRESENTATIVE KING: Mr. Chair, I would like to make a motion that -- to give us a little more time to make a motion to carry it over.

MR. CHAIRMAN: There's a motion to carry it over.

REPRESENTATIVE ROSE: Second.

MR. CHAIRMAN: There's a second. All those in favor, we need to raise our hands. All in favor of carrying over, please raise your hands?
(Hands are raised)

MR. CHAIRMAN: Okay. All right. We will carry this over, Macey.

MS. WEBB: The hands carried it over.

MR. CHAIRMAN: I think it was, yes. Macey, explain to Representative.

MS. WEBB: All right. Just for clarification for the court reporter and for the record. We have now just made a unanimous motion to carry you over. So, this the similar situation that we had with the USC Trustees

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during the last screening. So, with you being an incumbent, you continue to serve in your seat until we call you back to appear. And you don't have to physically come in and appear the Commission at that time. At sometime later, the Commission will decide.

MR. DRIGGERS: Thank you.

MR. CHAIRMAN: Thank you. All right. That ends our proceedings tonight. Tomorrow morning at 10:30 we have three candidates; is that correct?

MS. WEBB: Yes, three candidates for tomorrow morning. And just for clarification, also for anyone who still might be tuning in, please do not get any vote commitments or solicit any commitments until you have been released from me, which will definitely be a few days from now.

MR. CHAIRMAN: I want to personally thank the Commission for your service. A long day, but I feel like we got a lot accomplished and so I'll see you tomorrow, hopefully a little before 10:30. We're adjourned. (There being nothing further, proceeding was adjourned at 7:40 p.m.)

**COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

SCREENING HEARINGS

TRANSCRIPT OF PUBLIC HEARINGS

Date: Tuesday, March 28, 2023
Time: 10:30 a.m.
Location: 110 Blatt Building
1105 Pendleton Street
Columbia, South Carolina 29201

APPEARANCES:

Chairman: William R. Whitmire

Senate Members:

Thomas C. Alexander

John L. Scott

Daniel B. "Danny" Verdin, III

Richard A. "Dick" Harpootlian

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House Members:

John King

Seth Rose

Timothy A. "Tim" McGinnis

Committee Staff:

Macey Webb, Esquire

MR. CHAIRMAN: Good morning, we're going to get started this morning. The Senators and the President have meetings at 11:00, so we need to be fairly quick with this. So, we'll do our best. First up is the Medical University of South Carolina, 3rd Congressional District. Richard M. Christian, if you come on up, I'll swear you in. Good morning, sir.

MEDICAL UNIVERSITY OF SOUTH CAROLINA:

MR. CHRISTIAN: Good morning.

MR. CHAIRMAN: If you'll raise your right hand? RICHARD M. CHRISTIAN, JR., being duly sworn, testifies as follows:

MR. CHAIRMAN: If you'll state your name and a brief statement, why you're running for the Board.

MR. CHRISTIAN: I'm Richard M. Christian. I'm from Greenwood. I practice orthopedic surgery for the last 30 years there, born and raised there. I took Dr. Stanley Baker's seat on the board and I've been on the board since 2018. It's my pleasure to be in front of you and I appreciate the opportunity to be on the Board.

MR. CHAIRMAN: Macey?

MS. WEBB: All right. And thank you and for the record, once again, can you please state your first and last name?

MR. CHRISTIAN: Richard Christian.

MS. WEBB: All right. And what is your home address?

MR. CHRISTIAN: 512 Sparrow Road, Greenwood.

MS. WEBB: Thank you and do you pay your four percent personal property tax at that address?

MR. CHRISTIAN: I do.

MS. WEBB: All right. Thank you. And since submitting your application, have you made any new campaign contributions to any members of the General Assembly that you're aware of?

MR. CHRISTIAN: I have not.

MS. WEBB: All right. Thank you. And are there any changes to your application that you would like for any of the Commission members to be made aware of? MR. CHRISTIAN: No.

MS. WEBB: All right. Thank you.

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MR. CHAIRMAN: Representative King?

REPRESENTATIVE KING: Thank you, Mr. Chair. Can you give me what is the biggest weakness of the institution?

MR. CHRISTIAN: Well, I'm not sure that I think that we have a single weakness. I think anybody that does as much business as we do, there are definitely issues that we have and that try to amend. But as far as any weakness I think, you know, being a proponent of the school, I'm not going to say that I think that we have any true weaknesses.

REPRESENTATIVE KING: Well, I would say that you do have a weakness there that I have acknowledged throughout this hearing, is the number of African-Americans students that you all accept into your program. And I've spoken about this, pretty much, with all of the members of the board. But I'm interested in seeing what you all would do to work with into bridge programs with some of the HBCUs in this state, especially South Carolina State, who is of a public HBCU.

MR. CHRISTIAN: I think that the accreditations of the schools are very stringent on what we can do and what we can't do. So, I think we are 10 percent African-Americans --

REPRESENTATIVE KING: Are you telling me that the accreditations says you can only have 10 percent African-Americans?

MR. CHRISTIAN: Well, they -- no. I'm telling you that they have to go through a process of, you know, how well they have done in college and how well they've done on other scores, what they've done outside of the school. And then what they're interview is like. So, I think we follow the laws of the accrediting schools that we have to. And I think it has to do with the number of applications that we have. If we have, you know, 10 percent African-Americans that give us applications, then we, you know -- I just think, I know that there's a, you know, 4,000 applications for 160 spots. We have, I always --

REPRESENTATIVE KING: I appreciate your answer.

MR. CHRISTIAN: We always acknowledge, I mean, we have the highest male rate, you know, that we have in medical school.

REPRESENTATIVE KING: Well, I appreciate your answer. We just disagree on -- I think the college could do more in reference to, and you being a board member could be my voice there to say in the recruiting process to recruit at some of the HBCUs to start a bridge program without, I'm not going to prolong my questions. I think you may have questions from other people. Thank you.

MR. CHAIRMAN: Senator Scott?

SENATOR SCOTT: Thank you for your willingness to serve. I want to make sure I understand your answer.

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MR. CHRISTIAN: Okay.

SENATOR SCOTT: And I know that the MUSC does have a bridge program. And I think -- and I can't speak for other people, but I think the goal is to keep some of the best and brightest home. But also having a very diverse community. Because at the same time MUSC is really changing. You're no longer a school who operates in the large urban area of Charleston. You are now also operating in rural communities of South Carolina, Fairfield County, Marion County, just to name a few. The goal too, also, is to make sure that we are able to get some of these young people to come back and serve in some of the rural communities. They attend med school, either through your bridge program, which says they've met the minimum qualification. The goal is not to educate the large percentage of folk from outside of South Carolina. Those days of, are gone as we compete with those in the health care industry. I kind of think that's the direction that we're moving into, especially if you get the schools that operate in the sixteen different counties, to be able to maintain, not only just doctors and also nurses and other health care providers. Right there at the base, you've got Claflin College, who's called TITAN, The Institute of Teaching and Nursing, as y'all coming to Orangeburg. So, just want you to be a lot more aware of what is surrounding you, as you come into these communities, not in Columbia. So, you're a big competitive market in Columbia. And so, the question is, do I educate these young folk and they come in large urban and then they leave me to go some place else. So, we poured a lot of resources in there, of course, they spent their dollars to do it too. But the human resource, knowledge base of the community, we can help make it more healthy. I think that's the real conversation, not just to open competitiveness. We got 4,000 applications, but it's all in how you sort through those applicants in order for them be a part of your school.

MR. CHRISTIAN: And I totally agree. There's lot of times that I have students from the PA school, here in Charleston to come up. They're mentoring other people. And you know that these people would be great doctors, but they can't qualify or they can't test well enough to get into medical school and it is an issue. But we're held by the board to be able to find the best people that we can find. And I'm totally with you. I think one of the things that we do here in South Carolina, especially with the Medical University, is we try and get people in the rural areas. And 75 percent of the people that -- or 75 percent of the students that get their GME, we retain in the state. I think Greenwood is a rural area. I'm glad I don't live in Columbia, you know. I had to drive in, you know. I wouldn't want to do that. So, if I have anybody that I can talk into

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saying, I think Greenwood is a great area, you know, it has everything. It's an hour from Columbia. It's an hour from Greenville. And I do think that we need all these bridge programs. I mean, we have a huge nursing shortage. And we've done everything that we can entice these people. In Greenwood, we have a bridge program with Lander. So, we have assumed taking over their tuition and we're letting them work now in the hospital, hoping that we can retain some of these people. So, we're trying to do everything that we can do. I mean, our goal is to take care of the people of South Carolina. And the only way that we can take care of the people of South Carolina is to have the areas that we can cover, so we can know what's needed in that area. And we are statewide. And we're statewide because we feel like that we can provide care in that area. And it's not something that we're trying to take over the state, but I would think that, you know, we have a crunch in Charleston for beds. We need other places to be able to put -- you know, we take, we try to take care of the sickest of the sickest in Charleston because that's where the nationally ranked specialists are. So, we have to have these other areas that we can, you know, help the people and, you know, 50 percent of the sickest people in South Carolina are taken care of in Charleston. And I totally agree. I mean health has changed completely in the thirty- something years that I've been doing it. And it's a hard, you have a hard time getting people to -- I mean, trying to recruit a young orthopedist to come to Greenwood is a hard thing. They all want to go to Greenville. They all want to work from 9:00 to 5:00 or whatever, which is not how it works. And so, I'm for any way that we can entice people, you know. All we want is the most qualified, best applicants that we can have.

SENATOR SCOTT: Thank you.

MR. CHAIRMAN: Anybody else? Is there a motion?

PRESIDENT ALEXANDER: Mr. Chairman, I would move that favorable. I have questions, but I think that for the second time I will do that in another time. So, I would move for favorable.

MR. CHAIRMAN: There's a motion for favorable. All those in favor signify by saying aye? (Ayes are heard.)

MR. CHAIRMAN: Opposed, no? (A hand is raised.)

MR. CHAIRMAN: One no is noted. You're reported out favorable. Next up is the 4th Congressional District, Thomas L. Stevenson. You come on up, sir and welcome, if you'll raise your right hand, I'll swear you in. THOMAS L. STEPHENSON, being duly sworn, testifies as follows:

MR. CHAIRMAN: Just give your name and a brief statement.

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MR. STEPHENSON: Thomas L. Stevenson. I am a semi- retired lawyer in Greenville. Went to high school in Greenville, went to college down here. And spent my entire career in Greenville. And my privilege to serve on the Board of MUSC, which I think is perhaps the best agency in the state.

MR. CHAIRMAN: Macey?

MS. WEBB: All right. Thank you. And once again for the record, can you please state your first and last name?

MR. STEPHENSON: Thomas Stevenson.

MS. WEBB: All right. And what is your home address?

MR. STEPHENSON: 305 Crescent Avenue in Greenville.

MS. WEBB: All right. And do you pay your four percent property tax there?

MR. STEPHENSON: I do.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any campaign contributions to any members of the General Assembly that you're aware of?

MR. STEPHENSON: I was asked that yesterday. I don't recall any. I usually give to Senator Turner, who's my senator and Representative Bannister, who's my House Representative.

MS. WEBB: Okay.

MR. STEPHENSON: I could have.

MS. WEBB: Okay. All right. And then are there any other changes with your application that you like for the members of the Commission to be made aware of?

MR. STEPHENSON: None.

MS. WEBB: All right. Thank you.

MR. CHAIRMAN: Questions? None?

PRESIDENT ALEXANDER: Mr. Chairman, again for the sake of time, I've got questions about their expansions and things, but I'm going to withhold those. And be a contact person that would --

MR. STEPHENSON: Y'all going to let me off easy, huh?

SENATOR HARPOOTLIAN: Tommy, you want some questions?

SENATOR SCOTT: Well, since you're there.

MR. CHAIRMAN: Move for favorable, all those in favor, signify by saying aye. (Ayes are heard.)

MR. CHAIRMAN: Opposed? (No reply is heard.)

MR. CHAIRMAN: Congratulations.

MR. STEPHENSON: Thank you.

MR. CHAIRMAN: Because the Senators are on a real short schedule, we're going to take up the issue we had last night with Mr. --

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PRESIDENT ALEXANDER: Can we finish this last one, this last one?

SC STATE:

MR. CHAIRMAN: You want to do it real quick? Okay. I'll just, we'll do it. All right. SC State, 7th Congressional District, Starlee, I hope I'm pronouncing that right, Alexander. Welcome, if you'll raise your right, I'll swear you in. STARLEE ALEXANDER, being duly sworn, testifies as follows:

MR. CHAIRMAN: Welcome and give your name and a brief statement.

MS. ALEXANDER: My name is Starlee Alexander. It's a pleasure to be here with you today, after being delayed in the airport last night until 12:00 o'clock, but I'm here. I have served on the Board of Trustees since 2018. I'm a proud graduate of Florida A&M University. And I have a State Farm Insurance Agency in Florence, South Carolina. I'm honored to be on the board and would like to continue to serve on the board to help with the underscoring and the recent accomplishments and achievements that the university has started. And I would like to be a part of that. I feel that the HBCUs and South Carolina State is a special institution with regard to carrying on family legacies and the quality of education for our students. I am proud and I would like to accomplish more this term with the school and the university to continue the great achievements. Thank you.

MS. WEBB: I thank you and once again for the record, will you please state your first and last name?

MS. ALEXANDER: Starlee Alexander.

MS. WEBB: All right. And what is your home address?

MS. ALEXANDER: 1646 Harris Court, Florence, South Carolina.

MS. WEBB: All right. And do you pay your four percent property tax there?

MS. ALEXANDER: Yes, I do.

MS. WEBB: All right. Thank you. And since submitting this application, have you made any campaign contributions to any members of the General Assembly that you are aware of?

MS. ALEXANDER: No, I have not.

MS. WEBB: All right. And are there any changes to your application that you would like for members of the Commission to be made aware of?

MS. ALEXANDER: No, not at this time.

MS. WEBB: Thank you.

MR. CHAIRMAN: Any questions? Do I have a motion?

SENATOR SCOTT: For favorable.

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MR. CHAIRMAN: For favorable. All those in favor, signify by saying aye? (Ayes were heard.)

MR. CHAIRMAN: Opposed? (No reply was heard.)

MR. CHAIRMAN: Congratulations.

MS. ALEXANDER: Thank you.

MR. CHAIRMAN: Thank you for serving. All right. Now, we'll go back to the carry over from last night. And that was Winthrop 4th Congressional District, Edward Driggers. Any of the members have any comments right now?

PRESIDENT ALEXANDER: Mr. Chairman?

MR. CHAIRMAN: Yes, sir.

PRESIDENT ALEXANDER: I think the dialog last night was helpful, that and carrying it over. But I think with further consideration I would move that Mr. Edward Driggers for the 4th District, for the seat at Winthrop, would be found qualified.

MR. CHAIRMAN: Okay. We will take a, raising our hands for the -- since there's probably some folks that may have an issue on that. So, all those in favor for a favorable, please raise your right hand? (Hands are raised.)

MR. CHAIRMAN: Five, is that correct? All those against? (Hands are raised.)

MR. CHAIRMAN: Two. Okay. So Edward Driggers is reported out favorable with a minority decision on that. That is all we have. I thank you members of the Commission for your hard work. And I appreciate you coming in on Monday. So, I guess we are done until next year, maybe, I don't -- no commitments by anybody yet. So, stay safe.

REPRESENTATIVE KING: I have a question.

MR. CHAIRMAN: All right.

REPRESENTATIVE KING: Because I was asked by one of the candidates, they can, you know, acknowledge that they are running, they just can't get any commitments, am I correct?

MS. WEBB: They can give out, like, information and say, yes, I am running for the seat.

REPRESENTATIVE KING: Correct. Okay.

MS. WEBB: Personal information, but they cannot solicit a vote from members until they are officially released.

REPRESENTATIVE KING: They can just say that they are running, that's it. Okay.

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MR. CHAIRMAN: Anything else? Okay. We're adjourned. Thank you, Mr. President, Senators. Thank you, Representatives. (There being nothing further, the proceeding concluded at 10:54 a.m.)

*The report was entered as received.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:57 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

Wednesday, April 19, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Philippians 4:13

Paul declares in Philippians: "I can do all things through him who strengthens me."

Please join me as we bow in prayer: O God almighty, we give You praise this day, and we offer our heartfelt thanksgiving for each Senator and staff member who does his or her best for the people of South Carolina. Clearly, the challenges confronting these leaders continue. And that is why, Lord, we ask that You strengthen all who serve here in the Senate of South Carolina, for in this day and time the need for wise and caring leadership is greater than ever. And we also ask that You embrace in Your care the many who serve around the globe doing all they can to bring about peace and harmony. Truly, keep all of Your servants strong and safe. In Your blessed name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Cromer
Davis	Fanning	Gambrell
Garrett	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial Appointment, Abbeville County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tiffani S. Tyner, 103 Livingston St., Abbeville, SC 29620-1629

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5118

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-63-10 et seq.

SUBJECT: Vital Statistics

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 19, 2023

Doctor of the Day

Senator SHEALY introduced Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MATTHEWS, at 11:53 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator MALLOY, at 12:07 P.M., Senator SCOTT was granted a leave of absence for today.

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RECALLED

S. 695 -- Senator McElveen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEW BRIDGE OVER PINE TREE CREEK JUST SOUTH OF CAMDEN IN KERSHAW COUNTY "PINE TREE HILL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 713 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME PINCKNEY STREET IN THE CITY OF YORK IN YORK COUNTY "DR. MARTIN LUTHER KING, JR. BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49/SOUTH CONGRESS STREET AND ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 741 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MR. JOSEPH REYNOLDS, SR.

sr-0374km-hw23.docx : 79278a00-bea1-439b-8ee8-26d02643e905

The Senate Resolution was adopted.

S. 742 -- Senator Rankin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR FRANK W. MOORHEAD, EDUCATOR AND COACH, UPON HIS INDUCTION INTO THE SOUTH

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CAROLINA BASKETBALL COACHES ASSOCIATION HALL OF FAME.

lc-0217dg-rm23.docx : 94a3d8cd-b37f-4910-93b1-0be4b3e06a2a

The Senate Resolution was adopted.

S. 743 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, TITLE 63, BY ADDING CHAPTER 23 SO AS TO ENACT THE PARENTAL BILL OF RIGHTS; BY ADDING SECTION 63-23-110 SO AS TO PROVIDE THAT PARENTS HAVE FUNDAMENTAL RIGHTS REGARDING THE UPBRINGING, EDUCATION, AND CARE OF THEIR CHILDREN; BY ADDING SECTION 63-23-120 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 63-23-130 SO AS TO PROVIDE THAT THE GOVERNMENT CANNOT INFRINGE ON FUNDAMENTAL RIGHTS OF PARENTS WITHOUT A COMPELLING STATE INTEREST THAT IS NARROWLY TAILORED AND THAT CANNOT BE ACHIEVED BY A LESS INTRUSIVE MEANS; BY ADDING SECTION 63-23-140 SO AS TO PROVIDE FUNDAMENTAL RIGHTS OF PARENTS; BY ADDING SECTION 63-23-150 SO AS TO REQUIRE THAT SCHOOL DISTRICTS SHOULD CREATE PARENTAL INVOLVEMENT POLICIES; BY ADDING SECTION 63-23-160 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM SOLICITING OR PROVIDING HEALTH CARE SERVICES TO CHILDREN WITHOUT WRITTEN PARENTAL CONSENT; BY ADDING SECTION 63-23-170 TO PROVIDE THAT THE PROVISIONS CONTAINED IN THIS CHAPTER SUPERSEDE ANY MATTER TO THE CONTRARY CONTAINED IN A STATE OF EMERGENCY; BY ADDING SECTION 63-23-180 TO PROVIDE FOR A CAUSE OF ACTION FOR VIOLATIONS OF THIS CHAPTER; AND BY AMENDING SECTION 63-5-340, RELATING TO A MINOR'S CONSENT TO HEALTH SERVICES, SO AS TO RAISE THE AGE AT WHICH A MINOR MAY CONSENT TO HEALTH SERVICES.

sr-0088jg23.docx : 973155ee-20c6-429b-a2b9-c94946340de9

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 744 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO OFFICE OF

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STATE FIRE MARSHAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0325wab-dbs23.docx : b3e51edb-052e-4af7-baaa-79276f48e0d8

Read the first time and ordered placed on the Calendar without reference.

S. 745 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO BARBER SCHOOLS, MANAGERS, TEACHERS AND INSTRUCTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5154, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0324wab-rt23.docx : 2ded5a54-f1f5-4380-b8e4-d25330066df3

Read the first time and ordered placed on the Calendar without reference.

H. 4336 -- Reps. Ligon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE MAX AND SANDRA DORSEY OF CHESTER COUNTY ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY

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AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF HAPPINESS TOGETHER.

lc-0125ha-gm23.docx : 03320857-8d01-473a-96de-8eedd8347ac9

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4337 -- Reps. Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR EXTRAORDINARY EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO CONGRATULATE D'YANNA DANIELS OF THE FORT JACKSON CHILDREN AND YOUTH SERVICES BOYS & GIRLS CLUBS ON BEING NAMED 2023 SOUTH CAROLINA BOYS & GIRLS CLUBS MILITARY YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.

lc-0329wab-wab23.docx : 5839c8d1-ae38-46e8-8273-8629e7b26003

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 126 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CHARTER

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SCHOOL ACCOUNTABILITY ACT"; BY AMENDING SECTION 59-40-30, RELATING TO THE INTENT OF THE GENERAL ASSEMBLY IN THE CHARTER SCHOOLS ACT, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS CONCERNING CHARTER SCHOOLS, SO AS TO REVISE DEFINITIONS; BY AMENDING SECTION 59-40-55, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO INCLUDE PROVISIONS CONCERNING GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-75, AS AMENDED, RELATING TO THE REMOVAL OF CHARTER SCHOOL GOVERNING BODY MEMBERS AND SPONSORS, SO AS TO REMOVE REFERENCES TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT AND MAKE CERTAIN PROVISIONS APPLICABLE TO SPONSORS; BY AMENDING SECTION 59-40-115, RELATING TO THE TERMINATION OF SPONSOR CONTRACTS BY CHARTER SCHOOLS, SO AS TO REVISE CRITERIA FOR VOLUNTARY TERMINATIONS AND PROVIDE PROCEDURES AND REQUIREMENTS FOR TRANSFERS TO OTHER SPONSORS; BY AMENDING SECTION 59-40-150, RELATING TO DUTIES OF THE STATE DEPARTMENT OF EDUCATION CONCERNING CHARTER SCHOOLS, SO AS TO INCLUDE PROVISIONS CONCERNING CHARTER SCHOOL SPONSORS; AND BY AMENDING SECTION 59-40-180, RELATING TO THE PROMULGATION OF REGULATIONS CONCERNING CHARTER SCHOOLS BY THE DEPARTMENT, SO AS TO PROVIDE REQUIREMENTS CONCERNING SPONSORS AND REVISE OTHER REQUIREMENTS.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 542 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT"; AND BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING

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AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 601 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1, CHAPTER 73, TITLE 39 SO AS TO TRANSFER THE AUTHORITY TO EXECUTE THE STATE COMMODITY CODE TO THE SOUTH CAROLINA ATTORNEY GENERAL; BY AMENDING SECTION 39-73-310, RELATING TO THE AUTHORITY OF THE ADMINISTRATOR TO INVESTIGATE, THE PUBLICATION OF INFORMATION, POWERS AND PROCEDURES, AND COURT ORDERS TO COMPEL COMPLIANCE, SO AS TO PROVIDE GUIDELINES FOR THE ENFORCEMENT OF COMPLIANCE; BY AMENDING SECTION 39-73-315, RELATING TO ACTION BY THE ADMINISTRATOR TO PREVENT VIOLATION OR IMMINENT VIOLATION, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY ISSUE CEASE AND DESIST ORDERS AND TO PROVIDE GUIDELINES FOR THE ISSUANCE AND ENFORCEMENT; BY AMENDING SECTION 39-73-320, RELATING TO LEGAL, EQUITABLE, AND SPECIAL REMEDIES AVAILABLE TO A COURT FOR ENFORCEMENT, AND SECTION 39-73-325, RELATING TO PENALTIES FOR WILFUL VIOLATION, SO AS TO PROVIDE GUIDELINES FOR ACTIONS TAKEN UPON VIOLATION OF THIS CHAPTER; BY AMENDING SECTION 39-73-350, RELATING TO APPLICABILITY OF SECTIONS 39-73-20, 39-73-50, AND 39-73-60 TO PERSONS WHO SELL, BUY, OR OFFER TO SELL OR BUY COMMODITIES IN THIS STATE, SO AS TO PROVIDE GUIDELINES FOR APPLICABLE RADIO AND TELEVISION COMMUNICATIONS; BY AMENDING SECTION 39-73-360, RELATING TO JUDICIAL REVIEW, SO AS TO PROVIDE GUIDELINES; BY ADDING SECTION 39-73-375 SO AS TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL MAY RETAIN ALL FINES AND PENALTIES COLLECTED PURSUANT TO THIS CHAPTER; BY ADDING SECTION 39-73-400 SO AS TO PROVIDE A SEVERABILITY CLAUSE; AND BY REPEALING SECTION 39-73-355 RELATING TO

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ADMINISTRATIVE PROCEEDINGS, NOTICE, HEARING, AND ORDER.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 610 -- Senators Cromer, Shealy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Ordered for consideration tomorrow.

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Message from the House

Columbia, S.C., April 19, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 738 -- Senator K. Johnson: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE CLARENDON COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS.

On motion of Senator K. JOHNSON.

THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4300, THE GENERAL APPROPRIATIONS BILL.

**AMENDED, READ THE THIRD TIME
RETURNED TO THE HOUSE**

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE

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FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Amendment No. 15

Senator FANNING proposed the following amendment (DG TEACHER BONUS), which was not adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 588, proviso 118.19, after line 4, by adding an appropriately lettered subsection to read:

/ () Of any excess funds collected above the amount identified in subsection (A), and after all the items in subsection (B) are fully funded, there is appropriated \$160,000,000 to the Department of Education to provide a supplemental payment for teacher retention. Funds appropriated for the Teacher Retention Supplement must be allocated to school districts and approved charter school authorizers for the sole purpose of providing retention supplements to teachers in an amount not to exceed \$2,500 for a full-time teacher and proportionately for part-time teachers. Teacher is defined as any person: (1) who is employed either full-time or part-time in school year 2023-24; (2) whose base salary is paid from state, local, or federal funds or a combination thereof; and (3) who is recorded in the Professional Certified Staff (PCS) system in Position Codes 03, 04, 05, 06, 07, 08, 09, 10, 11, 17, 18, and 23. The supplement must be paid in two equal installments based on verified PCS data. Teachers who are continuously employed from the beginning of the school year until November 30 are eligible to receive one-half of the supplement, and teachers who are continuously employed in the districts from the beginning of the school year until May 1 shall receive the second installment. In the event this appropriation for teacher supplemental payment is insufficient to fully fund the designated \$2,500 sum amount, the amount shall be reduced to an equal supplemental payment for full-time teachers, and proportionally for part-time teachers. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FANNING explained the amendment.

Senator BENNETT spoke on the amendment.

The question was the adoption of the amendment.

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The amendment was not adopted.

Motion Adopted

Senator HUTTO asked unanimous consent to withdraw Amendment No. 12.

Amendment No. 18

Senators HUTTO, MARTIN and McELVEEN proposed the following amendment (SM DEAR PROCESSING), which was adopted (#11):

Amend the bill, as and if amended, Part IB, Section 47, DEPARTMENT OF NATURAL RESOURCES, page 396, after line 34, by adding an appropriately numbered new proviso to read:

/ (DNR: Deer Processing Pilot Program) Funds appropriated to the Department of Natural Resources for the Pilot Deer Donation Program shall be used for the creation and implementation of a deer processing pilot program. This program shall be designated to incentivize the harvesting of antlerless deer in areas that are having impacts on the agriculture sector of the state's economy. The grants to processors will allow hunters to deliver antlerless deer to the processors without a processing fee if the deer is to be donated as established by the department in the grant. The department is authorized to create a program and provide grants year-round to deer processors in this State. Grants shall only be provided to deer processors who agree to donate the processed meats to non-profit organizations. The department shall establish a fee structure to be paid to cooperating deer processors before awarding grants. The department may contract with vendors without competition. A report shall be provided by the department to the Chairmen of the Senate Finance and House Ways and Means Committees by June 30, 2023, on the implementation of the pilot program and the grants awarded. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Amendment No. 16

Senator SENN proposed the following amendment (AM SHORT TERM RENTALS), which was adopted (#12):

Amend the bill, as and if amended, Part IB, Section 113, AID TO SUBDIVISIONS - STATE TREASURER, page 483, after line 17, by adding an appropriately numbered new proviso to read:

/ (AS-TREAS: Short-term Rentals Prohibition) A political subdivision that receives money pursuant to this act may not expend any funds, regardless of the source of funds, to enact or enforce an ordinance that prohibits short-term rentals at properties assessed at the 6% rate. The State Treasurer shall withhold the political subdivision's portion of the Local Government Fund if a political subdivision violates this provision or enacts any such ordinance. For purposes of this provision, "short-term rental" means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for residential use for any period of time greater than three consecutive days. The provisions of this proviso only apply to municipalities with a population between 1,800 and 4,400 people per the most recent U.S. Census Bureau population estimates as of July 1, 2023, which are located within counties having accommodations tax revenue above \$18 million, but less than \$20 million per most recent S.C. Department of Revenue reporting as of July 1, 2023. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Recorded Vote

Senator HUTTO desired to be recorded as abstaining from the vote on the adoption of the amendment.

Amendment No. 17

Senator DAVIS proposed the following amendment (AM ELECTRICITY MARKET REFORM), which was adopted (#13):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 538, proviso 117.150, lines 1 - 3, by striking the proviso in its entirety, and inserting:

/ 117.150. (GP: Electricity Market Reform) The Electricity Market Reform Measures Study Committee shall issue a report on its work to

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the General Assembly no later than January 31, ~~2023~~ 2024; however, nothing in this provision prohibits the committee from continuing to meet past January 31, ~~2023~~ 2024 and issue additional reports pursuant to Act 187 of 2020. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Motion to Ratify Adopted

At 11:12 A.M., Senator SETZLER asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 60.1 of Part 1B was out of order inasmuch as it was not germane to the Bill.

60.1 (PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 1.61 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1.61 (SDE: School Leadership) Of the funds appropriated to and retained by the Department for Professional Development, \$400,000 shall be used to contract with a non-profit statewide K-12 professional association located in South Carolina whose membership provides for the development and support of current and future school leaders. The provider must specialize in multiple assessments, executive coaching,

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and leadership development that provides the skills necessary for a progressive career path in school leadership.

The PRESIDENT took the Point of Order under advisement and it was subsequently withdrawn.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 1.87 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1.87 (SDE: Charter School Management Organizations) A person paid or employed by an Education Management Organization (EMO) or a Charter Management Organization (CMO) shall not be allowed to serve on the board of any charter school sponsored by a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning if the EMO or CMO is contracted to provide any services to the charter school. Any school violating this provision shall have fifty percent of all appropriated state funds withheld until the school becomes compliant with this provision. A person paid or employed by an Education Management Organization (EMO) or a Charter Management Organization (CMO) shall not be allowed to serve on the board of any authorizer's board of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning. Any authorizing board violating this provision shall have fifty percent of all appropriated state funds retained for operations withheld until the authorizer and its board becomes compliant with this provision.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 72.1 of Part 1B was out of order inasmuch as it was not germane to the Bill.

72.1 (PSC: Law Enforcement Officers) The Public Service Commission shall be authorized to hire law enforcement officers commissioned by the Governor. The commission may remove a law enforcement officer if it finds that the law enforcement officer is unfit for the position. Each law enforcement officer shall execute a bond with a licensed surety company in the amount of not less than ten thousand

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dollars. The bond may be individual, schedule, or blanket, and shall be approved by the Attorney General. The premiums on the bonds shall be paid by the commission from authorized funds.

The PRESIDENT sustained the Point of Order.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 73.7 of Part 1B was out of order inasmuch as it was not germane to the Bill.

73.7 (ORS: Agency Head Salary Commission Purview) The Executive Director of the Office of Regulatory Staff shall be under the purview of the Agency Head Salary Commission and subject to all provisions related to the agency heads covered by commission.

The PRESIDENT sustained the Point of Order.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 104.1 of Part 1B was out of order inasmuch as it was not germane to the Bill.

104.1 (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures, or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to any acquisition.

The PRESIDENT sustained the Point of Order.

Motion Adopted

Having voted on the prevailing side, Senator DAVIS moved to reconsider the vote whereby Amendment No. 16 was adopted.

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Amendment No. 16

Senator SENN proposed the following amendment (AM SHORT TERM RENTALS), which was carried over:

Amend the bill, as and if amended, Part IB, Section 113, AID TO SUBDIVISIONS - STATE TREASURER, page 483, after line 17, by adding an appropriately numbered new proviso to read:

/ (AS-TREAS: Short-term Rentals Prohibition) A political subdivision that receives money pursuant to this act may not expend any funds, regardless of the source of funds, to enact or enforce an ordinance that prohibits short-term rentals at properties assessed at the 6% rate. The State Treasurer shall withhold the political subdivision's portion of the Local Government Fund if a political subdivision violates this provision or enacts any such ordinance. For purposes of this provision, "short-term rental" means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for residential use for any period of time greater than three consecutive days. The provisions of this proviso only apply to municipalities with a population between 1,800 and 4,400 people per the most recent U.S. Census Bureau population estimates as of July 1, 2023, which are located within counties having accommodations tax revenue above \$18 million, but less than \$20 million per most recent S.C. Department of Revenue reporting as of July 1, 2023. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSSEN spoke on the amendment.

Senator CAMPSSEN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 17; Nays 18

AYES

Adams	Alexander	Campsen
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	Johnson, Michael	Kimbrell
Massey	McElveen	Reichenbach
Williams	Young	

Total--17

2283

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NAYS

Bennett	Cash	Climer
Fanning	Gustafson	Loftis
Martin	Matthews	McLeod
Peeler	Rankin	Rice
Sabb	Senn	Shealy
Talley	Turner	Verdin

Total--18

The amendment failed to be laid on the table.

The question then was the adoption of the amendment.

On motion of Senator CAMPSSEN, the amendment was carried over.

Amendment No. 22

Senator CLIMER proposed the following amendment (4300R008.JG.WC.DOCX), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 109, DEPARTMENT OF REVENUE, page 479, proviso 16, line 29, by inserting:

/ For the current fiscal year, the Department of Revenue may not expend any funds for the purpose of enforcing a state statute that is associated with the admissions taxes for agratourism in the State. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CLIMER, with unanimous consent, the amendment was withdrawn.

Amendment No. 20

Senator HEMBREE proposed the following amendment (SM ORGANIZATIONS RECEIVING APPROPRIATIONS REPORT), which was adopted (#14):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 493, proviso 117.21, line 17, by striking: ~~For the purposes of this paragraph, "nonprofit organization" means an organization recognized by the South Carolina Department of Revenue~~

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~~and the United States Internal Revenue Service as exempt from federal and state income taxation pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d). Each nonprofit organization that receives a contribution from an entity that receives an appropriation in this act shall submit to the Executive Budget Office and the Revenue and Fiscal Affairs Office, by the end of this fiscal year, a detailed statement explaining the nature and function of the nonprofit organization, including programming descriptions; staffing information, including full and part time positions and the number of positions available versus positions filled; salaries for each position and any supporting documentation; and other information detailing the use of appropriated funds expended by the organization, as well as a detailed statement explaining the use that was made of the contribution. The statements must be available at the Executive Budget Office and the Revenue and Fiscal Affairs Office for public inspection and must be provided to a member of the General Assembly upon request. A contribution must not be made to an organization until it agrees in writing to allow the State Auditor to audit or cause to be audited the contributed funds. /~~

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 493, proviso 117.21, line 14, by inserting after “were spent”:

/, including an accounting of funds provided to subgrantees and affiliated nonprofits /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the adoption of the amendment.

Amendment No. 21

Senators YOUNG, SETZLER, RANKIN and GROOMS proposed the following amendment (AM PROSTATE CANCER SCREENING), which was adopted (#15):

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Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 546, after line 23, by adding an appropriately numbered new proviso to read:

/ (GP: Prostate Cancer Study Committee) (A) For the current fiscal year, there shall be established the South Carolina Prostate Cancer Study Committee. The study committee shall address, but is not limited to, addressing the following initiatives:

(1) the best methods to ensure timely screening, accurate diagnosis, and treatment of prostate cancer;

(2) the need for and viability of a continuum of care for those diagnosed with and in remission from prostate cancer;

(3) reviewing and evaluating best practices for education and awareness about prostate cancer;

(4) identifying areas in South Carolina with a high incidence of prostate cancer or poor outcomes;

(5) researching the latest and proven methods for screening, diagnosing, and treating prostate cancer; and

(6) reviewing current efforts to promote prostate cancer awareness and screening in South Carolina and how best to improve those efforts.

(B) In addition to two Senators appointed by the President of the South Carolina Senate and two members of the House of Representatives as appointed by the Speaker of the South Carolina House of Representatives, the committee shall consist of:

(1) one Urology or Oncology Specialist from the MUSC School of Medicine;

(2) one Urology or Oncology Specialist from the University of South Carolina School of Medicine;

(3) three Urology or Oncology Specialists who are not affiliated with the MUSC School of Medicine or the University of South Carolina School of Medicine appointed jointly by the President of the Senate and the Speaker of the House of Representatives upon recommendation of the South Carolina Hospital Association;

(4) three Urology or Oncology Specialists who are not affiliated with the MUSC School of Medicine or the University of South Carolina School of Medicine appointed jointly by the President of the Senate and the Speaker of the House of Representatives upon recommendation of the South Carolina Medical Association;

(5) the Director of the Hollings Cancer Center or his designee;

(6) the Director of the South Carolina Office of Rural Health or his designee;

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(7) the Director of the South Carolina Center for Rural and Primary Healthcare or his designee;

(8) the Director of Clemson Rural Health or his designee;

(9) the Dean of the Arnold School of Public Health or his designee;

(10) one representative from the American Cancer Society;

(11) one patient advocate, to be appointed by the Chairman of the Senate Finance Committee; and

(12) one patient advocate, to be appointed by the Chairman of the House Ways and Means Committee.

No member of the study committee shall be entitled to any compensation or reimbursement.

(C) From the membership of the committee, a chairman shall be appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

(D) Any administrative services or support for the study committee shall be provided by staff of the General Assembly.

(E) No later than January 15, 2024, the study committee shall provide the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee with a report on its findings and recommendations on the initiatives contained in this provision. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

RECESS

At 12:15 P.M., on motion of Senator MARTIN, the Senate recessed from business until 1:30 P.M.

At 1:34 P.M., the Senate resumed.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams

Alexander

Allen

Bennett

Campsen

Cash

Corbin

Davis

Gambrell

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Garrett	Grooms	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

Amendment No. 16

Senator SENN proposed the following amendment (AM SHORT TERM RENTALS), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 113, AID TO SUBDIVISIONS - STATE TREASURER, page 483, after line 17, by adding an appropriately numbered new proviso to read:

/ (AS-TREAS: Short-term Rentals Prohibition) A political subdivision that receives money pursuant to this act may not expend any funds, regardless of the source of funds, to enact or enforce an ordinance that prohibits short-term rentals at properties assessed at the 6% rate. The State Treasurer shall withhold the political subdivision's portion of the Local Government Fund if a political subdivision violates this provision or enacts any such ordinance. For purposes of this provision, "short-term rental" means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for residential use for any period of time greater than three consecutive days. The provisions of this proviso only apply to municipalities with a population between 1,800 and 4,400 people per the most recent U.S. Census Bureau population estimates as of July 1, 2023, which are located within counties having accommodations tax revenue above \$18 million, but less than \$20 million per most recent S.C. Department of Revenue reporting as of July 1, 2023. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Point of Order

Senator CAMPSSEN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

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Senator SENN spoke on the Point of Order.
Senator CAMPSSEN spoke on the Point of Order.
Senator SENN spoke on the Point of Order.
Senator CAMPSSEN spoke on the Point of Order.
Senator SENN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Decision of the PRESIDENT

The PRESIDENT took up the Point of Order raised by Senator MARTIN that Proviso 72.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 72.1 was ruled out of order.

Decision of the PRESIDENT

The PRESIDENT took up the Point of Order raised by Senator MARTIN that Proviso 73.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 73.7 was ruled out of order.

Decision of the PRESIDENT

The PRESIDENT took up the Point of Order raised by Senator MARTIN that Proviso 104.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 104.1 was ruled out of order.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 117.168 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.168. (GP: Millage Calculation) For Fiscal Year 2023-2024, a municipality is allowed an additional and permanent adjustment to its general operating millage rate increase limitation for population

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growth, calculated pursuant to Section 6-1-320, for any increase that would have been allowed in Fiscal Year 2021-2022 but was not known because of the delayed release of the 2020 Census. This adjustment must be calculated using the July 1, 2020, census population estimates, as originally published based on the 2020 Census, instead of the July 1, 2019 population estimates based on the 2010 Census.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 117.171 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.171. (GP: Athletic Admissions Revenue) For the current fiscal year, revenue derived from the provisions of Section 12-21-2420 from admissions to an athletic event of an accredited college or university shall be retained by the college or university if use of the revenue is limited exclusively to supporting the college or university's student athletes through the provision of student aid, scholarship, and/or related financial support.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 3.5 of Part 1B was out of order inasmuch as it was not germane to the Bill.

3.5. (LEA: Disclosure of Winner Information) Pursuant to Section 30-4-40, the South Carolina Freedom of Information Act, the Lottery Board of Commissioners is prohibited from disclosing a winner's name, address, telephone number, date of birth, social security number, electronic address, and any copy of the forms of identification provided to the board unless consent is given by the winner. In response to a request, the board only may allow the release of the date of the claim and draw, game played, amount of prize won, retailer location where the ticket was sold, and the hometown of the winner.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

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Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 48.2 of Part 1B was out of order inasmuch as it was not germane to the Bill.

48.2. (SGC: Collection of Fees for Consortium Programs and Events) The South Carolina Sea Grant Consortium shall generate funds to support programs and outreach events including the state's Clean Marina Program through the collection of registration fees that do not exceed the direct cost of the associated program.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 88.6 of Part 1B was out of order inasmuch as it was not germane to the Bill.

88.6. (SPA: Distribution Facility) The Navy Base Intermodal Facility owned by the State Ports Authority shall be considered a distribution facility for the purpose of sales tax exemptions associated with the purchase of equipment and construction materials.

The PRESIDENT took the Point of Order under advisement and it was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 60.5 of Part 1B was out of order inasmuch as it was not germane to the Bill.

60.5.(PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of support provided to solicitors' offices below the level provided in the prior fiscal year, the State Treasurer shall withhold the county's State Aid to Subdivision funding by a corresponding amount. ~~the~~ The Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

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The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 113.3 of Part 1B was out of order inasmuch as it was not germane to the Bill.

113.3. (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to ~~any amounts~~ the salary and other benefits presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees.

The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these officials' budgets must be made in consultation with the affected official.

Of the amount appropriated in Part IA, Section 113 for Aid Cnty-Magistrates, a salary supplement of five thousand dollars per full-time magistrate and one thousand two hundred and fifty dollars per part-time

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magistrate shall be provided. These amounts shall be distributed quarterly, and the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation. The salary supplement shall not disqualify each magistrate for salary increases that they might otherwise receive from county funds in the future.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 82.17 of Part 1B was out of order inasmuch as it was not germane to the Bill.

82.17. (DMV: Authorized to Charge a Witness Fee) In the current fiscal year, the Department of Motor Vehicles is authorized to charge a witness fee of \$100 an hour, up to \$1,000 a day, for each employee testifying in matters which do not involve the department as a party. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and depositing into a designated revenue account. The department is authorized to receive, expend, retain, and carry forward these funds.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 117.183 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.183. (GP: Life Scholarship Retention) For the current fiscal year, of the funds allocated to the Commission on Higher Education for Life Scholarships, no monies shall be withheld from a student otherwise eligible for their second year of Life Scholarship funding based solely upon a grade earned in a dual enrollment class.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

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Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 117.182 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.182. (GP: Land Acquisitions) Prior to entering into contracts to utilize funds appropriated or authorized by the General Assembly to acquire interests in land for natural resource protection and rural land preservation, including conservation easements, the Department of Natural Resources, Department of Parks, Recreation and Tourism, Office of Resilience, and Forestry Commission (Resource Agencies) shall coordinate and collaborate with the SC Conservation Bank to maximize the most cost effective options available for the acquisition with the greatest public benefit. The Conservation Bank shall coordinate with the Resource Agency to ensure that the funds are used for projects that support the agency's objectives, the state's broader conservation objectives, and that demonstrate a satisfactory degree of financial leverage, partnerships, and other indicators of quality as determined by the Bank and Resource Agency.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 117.180 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.180. (GP: COVID-19 Proof of Vaccination Restriction - Institutions) For the current fiscal year, state-supported institutions of higher learning that receive funds appropriated or authorized through the general appropriations act shall be restricted from requiring proof of COVID-19 vaccination, the wearing of a face mask, or a COVID-19 diagnostic test result, for any student as a condition of enrollment, attendance at on-campus instruction, use of facilities, or residence on campus. The COVID-19 diagnostic test result shall also extend to a COVID-19 antibody test. In instances of off-campus learning events for which third party program providers require proof of vaccination, the third party requirements shall apply.

The PRESIDENT took the Point of Order under advisement and was subsequently withdrawn.

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Amendment No. 24

Senator MASSEY proposed the following amendment (SA\4300C009.JN.SA23.DOCX), which was adopted (#16):

Amend the bill, as and if amended, Part IA, Section 80, DEPARTMENT OF CONSUMER AFFAIRS, page 195, lines 14-15, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	50,000	0
and		
INSERTING:	0	0
(0.00)	(0.00)/	

Amend the bill further, as and if amended, Part IA, Section 80, DEPARTMENT OF CONSUMER AFFAIRS, page 196, lines 4-5, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	45,000	45,000
and		
INSERTING:	0	0
(0.00)	(0.00)/	

Amend the bill further, as and if amended, Part IA, Section 80, DEPARTMENT OF CONSUMER AFFAIRS, page 196, line 18, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	1,102,232	403,762
and		
INSERTING:	1,064,232	385,762/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Motion Adopted

Senator PEELER asked unanimous consent, that no further amendments be placed on the desk after 2:45 P.M. with the exception of the technical and balancing amendment, which would be adopted upon certification by the Clerk.

Amendment No. 25

Senator CAMPSSEN proposed the following amendment (SA\4300C010.JN.SA23.DOCX), which was adopted (#17):

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Amend the bill, as and if amended, Part IB, Section 62, STATE LAW ENFORCEMENT DIVISION, page 420, after line 11, by adding an appropriately numbered new proviso to read:

/ (SLED: Human Trafficking) The State Law Enforcement Division is authorized to receive grant funding for the purposes of hiring human trafficking agents. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

On motion of Senator CLIMER, with unanimous consent, Amendment No. 23 was withdrawn.

On motion of Senator MALLOY, with unanimous consent, all his Points of Order were withdrawn.

Amendment No. 26

Senator SETZLER proposed the following amendment (AM ATHLETIC ADMISSIONS REVENUE), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 544, proviso 117.171, lines 13 - 16, by striking the proviso in its entirety, and inserting:

/ (GP: Athletic Admissions Revenue) For the current fiscal year, revenue derived from the provisions of Section 12-21-2420 from admissions to an athletic event of an accredited college or university shall be remitted to the Department of Revenue pursuant to Section 12-21-2420. Thereafter, the Department of Revenue shall allocate the same amount to the college or university so long as the use of the revenue is limited exclusively to supporting the college or university's student-athletes through the provision of student aid, scholarship, and/or related financial support. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

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Amendment No. 27

Senators DAVIS and HEMBREE proposed the following amendment (SM HEALTHCARE), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 361, after line 23, by striking:

/ (DHHS: Health care) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall partner with safety net providers to ensure that high quality reproductive health care is incorporated into primary care services and practice and available to all safety net patients. The department shall allocate up to \$7,500,000 to ensure that patients eligible for Medicaid and other safety net patients are served by participating providers. In order to administer the program, the department shall partner with a non-profit to administer the program. The department may leverage any and all available federal funds to implement this program. /

Amend the bill further, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 361, after line 23, by inserting:

/ (DHHS: Health care) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall partner with safety net providers to ensure that high quality reproductive health care is incorporated into primary care services and practice and available to all safety net patients. The department shall allocate up to \$7,500,000 to ensure that patients eligible for Medicaid and other safety net patients are served by participating providers. In order to administer the program, the department shall partner with a non-profit to administer the program. The department may leverage any and all available federal funds to implement this program. For the purposes of this section, high quality reproductive health care does not include abortion services. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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Amendment No. 28

Senator CLIMER proposed the following amendment (4300R009.JG.WC.DOCX), which was adopted (#19):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 543, proviso 165, line 19, by inserting:

/ credential. Registered Apprenticeships are industry-vetted and approved and validated by the U.S. Department of Labor. *With respect to occupational licensure for registered apprenticeships, the Department of Labor, Licensing and Regulation shall administer and enforce the regulations and direct all inspections and investigations related to issuing licenses for occupations regulated by the Department of Labor, Licensing and Regulation.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Amendment No. 29

Senator PEELER proposed the following amendment (AM BALANCING), which was adopted (#21):

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 6, line 16, by:

COLUMN 7

/ STRIKING: 1,000,000

and

INSERTING: 963,000 /

Amend the bill further, as and if amended, Part IA, Section 106, STATEWIDE EMPLOYEE BENEFITS, page 245, line 7, by:

COLUMN 7 COLUMN 8

/ STRIKING: 121,522,000 121,522,000

and

INSERTING: 121,436,000 121,436,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

There being no further amendments, in accordance with Rule 16, the Senate proceeded to vote on each section of the Bill.

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**The Senate proceeded to Sect. 1, Part 1A and Part 1B,
Department of Education.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Fanning	McLeod
---------	--------

Total--2

Section 1, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 1A, Part 1B, Department of
Education-EIA.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Fanning	McLeod
---------	--------

Total--2

Section 1A, Part 1B, was adopted.

The Senate proceeded to Sect. 3, Part 1A and Part 1B, Lottery Expenditure Account.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

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Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 3, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 4, Part 1A, Education Oversight Committee.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Martin

Total--1

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ABSTAIN

Johnson, Kevin

Total--1

Section 4, Part 1A, was adopted.

The Senate proceeded to Sect. 5, Part 1A and Part 1B, Wil Lou Gray Opportunity School.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 5, Part 1A and Part 1B, was adopted.

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The Senate proceeded to Sect. 6, Part 1A and Part 1B, School for the Deaf and Blind.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 6, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 7, Part 1A and Part 1B, John de la Howe School.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Garrett

Total--1

Section 7, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 8, Part 1A and Part 1B, Education Television Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews

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McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 8, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 9, Part 1A and Part 1B, Governor's School for Arts and Humanities.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

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NAYS

Total--0

Section 9, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 10, Part 1A and Part 1B,
Governor's School for Science and Mathematics.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 10, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 11, Part 1A and Part 1B,
Commission on Higher Education.**

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 11, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 12, Part 1A, Higher Education Tuition Grants.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 12, Part 1A, was adopted.

The Senate proceeded to Sect. 13, Part 1A, The Citadel.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

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NAYS

Total--0

Section 13, Part 1A, was adopted.

The Senate proceeded to Sect. 14, Part 1A, Clemson University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 14, Part 1A, was adopted.

The Senate proceeded to Sect. 15, Part 1A and Part 1B, Charleston University.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Senn

Total--1

Section 15, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 16, Part 1A, Coastal Carolina University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 16, Part 1A, was adopted.

The Senate proceeded to Sect. 17, Part 1A, Francis Marion University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 17, Part 1A, was adopted.

The Senate proceeded to Sect. 18, Part 1A and Part 1B, Lander University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

Section 18, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 19, Part 1A, S.C. State University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 19, Part 1A, was adopted.

**The Senate proceeded to Sect. 20A-H, Part 1A and Part 1B,
University of South Carolina.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0; Abstain 3

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

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Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

ABSTAIN

Davis	Harpootlian	McElveen
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Total--3

Section 20A-H, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 21, Part 1A, Winthrop University.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews

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McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 21, Part 1A, was adopted.

The Senate proceeded to Sect. 23, Part 1A and Part 1B, Medical University of South Carolina.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 7; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Matthews	McElveen	McLeod
Peeler	Rankin	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--35

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NAYS

Climer	Corbin	Kimbrell
Martin	Massey	Reichenbach
Rice		

Total--7

ABSTAIN

Senn

Total--1

Section 23, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 24, Part 1A, Area Health Education Consortium.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

WEDNESDAY, APRIL 19, 2023

NAYS

Total--0

Section 24, Part 1A, was adopted.

The Senate proceeded to Sect. 25, Part 1A and Part 1B, Technical and Comprehensive Education Board.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 25, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 26, Part 1A, Archives and History.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Campsen

Total--1

Section 26, Part 1A, was adopted.

The Senate proceeded to Sect. 27, Part 1A and Part 1B, State Library.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 5

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

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Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Climer	Corbin	Kimbrell
Reichenbach	Rice	

Total--5

Section 27, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 28, Part 1A and Part 1B, Arts Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 28, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 29, Part 1A and Part 1B, State Museum Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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Section 29, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 30, Part 1A and Part 1B, Confederate Relic Room and Military Museum.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 30, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 32, Part 1A and Part 1B, Vocational Rehabilitation.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 32, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 33, Part 1A and Part 1B,
Department of Health and Human Services.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 9; Abstain 6

AYES

Adams	Alexander	Allen
Bennett	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Loftis
Malloy	Matthews	McElveen
McLeod	Peeler	Rankin
Sabb	Setzler	Shealy

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Stephens	Talley	Turner
Williams		

Total--28

NAYS

Cash	Climer	Corbin
Kimbrell	Martin	Massey
Reichenbach	Rice	Verdin

Total--9

ABSTAIN

Campsen	Cromer	Davis
Jackson	Senn	Young

Total--6

Section 33, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 34, Part 1A and Part 1B,
Department of Health and Environmental Control (DHEC).**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 1; Abstain 7

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--35

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NAYS

Martin

Total--1

ABSTAIN

Campsen
Hutto
Young

Cromer
Senn

Davis
Setzler

Total--7

Section 34, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 35, Part 1A and Part 1B,
Department of Mental Health.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams
Bennett
Climer
Davis
Garrett
Harpootlian
Jackson
Kimbrell
Martin
McElveen
Rankin
Sabb
Shealy
Turner
Young

Alexander
Campsen
Corbin
Fanning
Grooms
Hembree
Johnson, Kevin
Loftis
Massey
McLeod
Reichenbach
Senn
Stephens
Verdin

Allen
Cash
Cromer
Gambrell
Gustafson
Hutto
Johnson, Michael
Malloy
Matthews
Peeler
Rice
Setzler
Talley
Williams

Total--43

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NAYS

Total--0

Section 35, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 36, Part 1A and Part 1B,
Department of Disabilities and Special Needs (DDSN).**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Allen

Total--1

Section 36, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

The Senate proceeded to Sect. 37, Part 1A and Part 1B, Alcohol and Other Drug Abuse Services.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0; Abstain 2

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

ABSTAIN

Allen	Senn
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Total--2

Section 37, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 38, Part 1A and Part 1B, Department of Social Services.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0; Abstain 4

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AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

ABSTAIN

Allen	Harpootlian	Hutto
Talley		

Total--4

Section 38, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 39, Part 1A and Part 1B, Commission for the Blind.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson

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Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 39, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 40, Part 1A and Part 1B,
Department on Aging.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

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Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 40, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 41, Part 1A and Part 1B,
Department of Children's Advocacy.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 41, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

The Senate proceeded to Sect. 42, Part 1A and Part 1B, Housing Finance and Development.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Davis

Total--1

Section 42, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 43, Part 1A and Part 1B, Forestry Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

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AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Campsen

Total--1

Section 43, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 44, Part 1A and Part 1B,
Department of Agriculture.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0; Abstain 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian

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Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

ABSTAIN

Davis	Hutto
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Total--2

Section 44, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 45, Part 1A and Part 1B, Clemson University - PSA.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice

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Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 45, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 46, Part 1A, S. C. State University-PSA.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Senn

Total--1

Section 46, Part 1A, was adopted.

**The Senate proceeded to Sect. 47, Part 1A and Part 1B,
Department of Natural Resources.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Senn

Total--1

Section 47, Part 1A and Part 1B, was adopted.

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The Senate proceeded to Sect. 48, Part 1A and Part 1B, Sea Grants Consortium.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 48, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 49, Part 1A and Part 1B, Department of Parks, Recreation and Tourism.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 49, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 50, Part 1A and Part 1B,
Department of Commerce.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 4; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens

WEDNESDAY, APRIL 19, 2023

Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Climer	Corbin	Kimbrell
Martin		

Total--4

ABSTAIN

Davis

Total--1

Section 50, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 51, Part 1A, Jobs-Economic Development Authority (JEDA).

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

WEDNESDAY, APRIL 19, 2023

NAYS

Scott

Total--1

ABSTAIN

Climer

Total--1

Section 51, Part 1A, was adopted.

The Senate proceeded to Sect. 52, Part 1A and Part 1B, Patriots Point Development Authority.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Campsen

Total--1

Section 52, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 53, Part 1A and Part 1B, S. C. Conservation Bank.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 53, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

The Senate proceeded to Sect. 54, Part 1A and Part 1B, Rural Infrastructure Authority.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Davis

Total--1

Section 54, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 57, Part 1A and Part 1B, Judicial Department.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

WEDNESDAY, APRIL 19, 2023

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Allen	Campsen	Hembree
Matthews	Senn	

Total--5

Section 57, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 58, Part 1A and Part 1B, Administrative Law Court.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 31; Nays 0; Abstain 12

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Jackson

WEDNESDAY, APRIL 19, 2023

<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
McLeod	Peeler	Reichenbach
Rice	Shealy	Stephens
Talley	Turner	Verdin
Williams		

Total--31

NAYS

Total--0

ABSTAIN

Allen	Campsen	Hembree
Hutto	Malloy	Matthews
McElveen	Rankin	Sabb
Senn	Setzler	Young

Total--12

Section 58, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 59, Part 1A and Part 1B, Attorney General's Office.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 0; Abstain 8

AYES

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Setzler	Shealy	Stephens

WEDNESDAY, APRIL 19, 2023

Talley	Turner	Verdin
Williams	Young	

Total--35

NAYS

Total--0

ABSTAIN

Allen	Bennett	Hembree
Hutto	Malloy	Rankin
Sabb	Senn	

Total--8

Section 59, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 60, Part 1A and Part 1B, Prosecution Coordination.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Reichenbach	Rice
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

WEDNESDAY, APRIL 19, 2023

NAYS

Total--0

ABSTAIN

Allen	Hembree	McElveen
Sabb	Senn	

Total--5

Section 60, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 61, Part 1A and Part 1B, Indigent Defense.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0; Abstain 6

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Grooms
Gustafson	Harpootlian	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Allen	Garrett	Hembree
Hutto	McElveen	Senn

Total--6

Section 61, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 62, Part 1A and Part 1B, State Law Enforcement Division (SLED).

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0; Abstain 4

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

ABSTAIN

Allen	Hutto	Senn
Setzler		

Total--4

WEDNESDAY, APRIL 19, 2023

Section 62, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 63, Part 1A and Part 1B,
Department of Public Safety.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0; Abstain 6

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

ABSTAIN

Allen	Hutto	Matthews
Sabb	Senn	Setzler

Total--6

Section 63, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

The Senate proceeded to Sect. 64, Part 1A and Part 1B, Law Enforcement Training Council.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0; Abstain 3

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

ABSTAIN

Allen	Hutto	Senn
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Total--3

Section 64, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 65, Part 1A and Part 1B, Department of Corrections.

WEDNESDAY, APRIL 19, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0; Abstain 6

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McLeod	Peeler	Rankin
Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

ABSTAIN

Allen	Harpootlian	Hutto
McElveen	Sabb	Senn

Total--6

Section 65, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 66, Part 1A and Part 1B,
Department of Probation, Parole and Pardon Services.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 10

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer

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Corbin	Cromer	Davis
Fanning	Gambrell	Grooms
Gustafson	Harpootlian	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Matthews	McLeod	Peeler
Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--33

NAYS

Total--0

ABSTAIN

Allen	Garrett	Hembree
Hutto	Malloy	McElveen
Rankin	Sabb	Senn
Young		

Total--10

Section 66, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 67, Part 1A and Part 1B,
Department of Juvenile Justice.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews

WEDNESDAY, APRIL 19, 2023

McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Allen	Hembree	Hutto
McElveen	Senn	

Total--5

Section 67, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 70, Part 1A and Part 1B, Human Affairs Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler

WEDNESDAY, APRIL 19, 2023

Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 70, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 71, Part 1A and Part 1B, Minority Affairs Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

Section 71, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 72, Part 1A and Part 1B, Public Service Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0; Abstain 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

ABSTAIN

Hutto	Rankin
-------	--------

Total--2

Section 72, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 73, Part 1A and Part 1B, Office of Regulatory Staff.

WEDNESDAY, APRIL 19, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0; Abstain 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

ABSTAIN

Davis	Rankin
-------	--------

Total--2

Section 73, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 74, Part 1A and Part 1B, Workers' Compensation Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 0; Abstain 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer

WEDNESDAY, APRIL 19, 2023

Corbin	Cromer	Fanning
Gambrell	Grooms	Gustafson
Harpootlian	Jackson	<i>Johnson, Kevin</i>
Kimbrell	Loftis	Martin
Massey	McLeod	Peeler
Reichenbach	Rice	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Davis	Garrett
Hembree	Hutto	<i>Johnson, Michael</i>
Malloy	Matthews	McElveen
Rankin	Sabb	Setzler
Young		

Total--13

Section 74, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 75, Part 1A and Part 1B, State Accident Fund.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 0; Abstain 11

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	Kimbrell
Loftis	Martin	Massey
McElveen	McLeod	Peeler

WEDNESDAY, APRIL 19, 2023

Reichenbach	Rice	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--32

NAYS

Total--0

ABSTAIN

Allen	Davis	Hutto
<i>Johnson, Michael</i>	Malloy	Matthews
Rankin	Sabb	Senn
Setzler	Young	

Total--11

Section 75, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 78, Part 1A and Part 1B,
Department of Insurance.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Shealy	Stephens

WEDNESDAY, APRIL 19, 2023

Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Climer	Hutto	Malloy
Senn	Setzler	

Total--5

Section 78, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 79, Part 1A and Part 1B, Board of Financial Institutions.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

WEDNESDAY, APRIL 19, 2023

NAYS

Total--0

ABSTAIN

Climer

Total--1

Section 79, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 80, Part 1A and Part 1B,
Department of Consumer Affairs.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 3; Abstain 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Loftis
Malloy	Martin	Matthews
McElveen	McLeod	Peeler
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Climer	Kimbrell	Massey
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Total--3

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Rankin

Reichenbach

Total--2

Section 80, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 81, Part 1A and Part 1B, Labor, Licensing and Regulation (LLR).

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 10

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--33

NAYS

Total--0

ABSTAIN

Allen	Davis	Harpootlian
Hutto	Malloy	Rankin
Sabb	Senn	Setzler
Young		

Total--10

Section 81, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

**The Senate proceeded to Sect. 82, Part 1A and Part 1B,
Department of Motor Vehicles.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Abstain 7

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--36

NAYS

Total--0

ABSTAIN

Allen	Davis	Hutto
Malloy	Matthews	McElveen
Young		

Total--7

Section 82, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 83, Part 1A and Part 1B,
Department of Employment and Workforce (DEW).**

WEDNESDAY, APRIL 19, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	McElveen	McLeod
Peeler	Reichenbach	Rice
Senn	Shealy	Stephens
Talley	Turner	Verdin
Williams		

Total--34

NAYS

Total--0

ABSTAIN

Allen	Davis	Hutto
Malloy	Matthews	Rankin
Sabb	Setzler	Young

Total--9

Section 83, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 84, Part 1A and Part 1B,
Department of Transportation.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Abstain 7

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer

WEDNESDAY, APRIL 19, 2023

Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--36

NAYS

Total--0

ABSTAIN

Campsen	Davis	Hutto
Matthews	Senn	Setzler
Young		

Total--7

Section 84, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 85, Part 1A and Part 1B, Infrastructure Bank Board.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy

WEDNESDAY, APRIL 19, 2023

Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 85, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 86, Part 1A and Part 1B, County Transportation Funds.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

WEDNESDAY, APRIL 19, 2023

NAYS

Total--0

ABSTAIN

Campsen

Total--1

Section 86, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 87, Part 1A and Part 1B, Division of Aeronautics.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Massey

Total--1

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Senn

Total--1

Section 87, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 88, Part 1B, Ports Authority.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Senn

Total--1

Section 88, Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

**The Senate proceeded to Sect. 91, A-E, Part 1A and Part 1B,
Legislative Department.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 91A-E, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 92, A and C, Part 1A and Part 1B,
Governor's Office.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

WEDNESDAY, APRIL 19, 2023

Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Senn

Total--1

Section 92, A and C, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 92D, Part 1A and Part 1B, Office of Resilience.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen

WEDNESDAY, APRIL 19, 2023

McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Campsen

Total--1

Section 92D, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 93, Part 1A and Part 1B,
Department of Administration.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

WEDNESDAY, APRIL 19, 2023

Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 93, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 94, Part 1A and Part 1B, Office of Inspector General.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

ABSTAIN

Senn

Total--1

Section 94, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 96, Part 1A and Part 1B, Secretary of State.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 96, Part 1A and Part 1B, was adopted.

WEDNESDAY, APRIL 19, 2023

The Senate proceeded to Sect. 97, Part 1A and Part 1B, Comptroller General.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Massey	Senn
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Total--2

Section 97, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 98, Part 1A and Part 1B, State Treasurer.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

WEDNESDAY, APRIL 19, 2023

Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Malloy

Total--1

Section 98, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 99, Part 1A, Retirement System Investment Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews

WEDNESDAY, APRIL 19, 2023

McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 99, Part 1A, was adopted.

The Senate proceeded to Sect. 100, Part 1A and Part 1B, Adjutant General.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

WEDNESDAY, APRIL 19, 2023

NAYS

Total--0

Section 100, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 101, Part 1A and Part 1B, Veterans Affairs.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 101, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 102, Part 1A and Part 1B, Election Commission.

WEDNESDAY, APRIL 19, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0; Abstain 4

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

ABSTAIN

Allen	Hutto	Malloy
Sabb		

Total--4

Section 102, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 103, Part 1A and Part 1B, Revenue and Fiscal Affairs.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

WEDNESDAY, APRIL 19, 2023

Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 103, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 104, Part 1A and Part 1B, State Fiscal Accounting Authority.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens

WEDNESDAY, APRIL 19, 2023

Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Massey

Total--1

ABSTAIN

Senn

Total--1

Section 104, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 105, Part 1A and Part 1B, State Auditor's Office.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

WEDNESDAY, APRIL 19, 2023

NAYS

Massey

Total--1

ABSTAIN

Senn

Total--1

Section 105, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 106, Part 1A and Part 1B, Statewide Employee Benefits.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

WEDNESDAY, APRIL 19, 2023

Section 106, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 107, Part 1A, Capital and General Reserve Fund.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 107, Part 1A, was adopted.

The Senate proceeded to Sect. 108, Part 1A and Part 1B, Public Employee Benefit Authority.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 8; Abstain 1

AYES

Adams	Alexander	Allen
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WEDNESDAY, APRIL 19, 2023

Bennett	Campsen	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Sabb
Senn	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--34

NAYS

Cash	Climer	Corbin
Kimbrell	Martin	Reichenbach
Rice	Verdin	

Total--8

ABSTAIN

Setzler

Total--1

Section 108, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 109, Part 1A and Part 1B, Department of Revenue.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 0; Abstain 8

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell

WEDNESDAY, APRIL 19, 2023

Loftis	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--35

NAYS

Total--0

ABSTAIN

Allen	Davis	Hutto
<i>Johnson, Kevin</i>	Malloy	Sabb
Setzler	Young	

Total--8

Section 109, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 110, Part 1A and Part 1B, State Ethics Commission.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0; Abstain 7

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler

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Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--36

NAYS

Total--0

ABSTAIN

Allen	Davis	Hutto
Malloy	Rankin	Sabb
Young		

Total--7

Section 110, Part 1A and Part 1B, was adopted.

**The Senate proceeded to Sect. 111, Part 1A and Part 1B,
Procurement Review Panel.**

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

ABSTAIN

Sabb

Total--1

Section 111, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 112, Part 1A and Part 1B, Debt Service.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 112, Part 1A and Part 1B, was adopted.

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The Senate proceeded to Sect. 113, Part 1A and Part 1B, Aid to Subdivisions - State Treasurer.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Davis

Total--1

Section 113, Part 1A and Part 1B, was adopted.

The Senate proceeded to Sect. 115, Part 1A, Tax Relief Trust Fund.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 115, Part 1A, was adopted.

The Senate proceeded to Sect. 117, Part 1B, General Provisions.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

Section 117, Part 1B, was adopted.

The Senate proceeded to Sect. 118, Part 1B, Statewide Revenue.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Massey

Total--1

Section 118, Part 1B, was adopted.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the third time, passed and ordered returned to the House with amendments.

Senator PEELER spoke on the Bill.

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HOUSE BILL RETURNED

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Senate proceeded to a consideration of the Joint Resolution.

The question then was third reading of the Joint Resolution.

The Resolution was read the third time, passed and ordered returned to the House with amendments.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator GUSTAFSON rose for an Expression of Personal Interest.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day and proceed directly to the Motion Period.

THE SENATE PROCEEDED TO THE MOTION PERIOD.

RECALLED

H. 3774 -- Reps. McCravy, G.M. Smith, Hiott, W. Newton, Pope, Yow, M.M. Smith, Hardee, J.E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B.L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B.J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE

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REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

On motion of Senator MASSEY, the Bill was recalled from the Committee on Medical Affairs.

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The Bill was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

SET FOR SPECIAL ORDER

H. 3774 -- Reps. McCravy, G.M. Smith, Hiott, W. Newton, Pope, Yow, M.M. Smith, Hardee, J.E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B.L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B.J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS

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TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Senator MASSEY moved to set the Bill for Special Order from the Rules Committee, which polled out favorably:

Poll of the Rules Committee
Polled 14; Ayes 10; Nays 4; Not Voting 3

AYES

Massey	Cromer	Malloy
Martin	Campsen	Corbin
Young	Grooms	Hembree
M. Johnson		

Total--10

NAYS

Allen	Sabb	McLeod
Harpootlian		

Total--4

NOT VOTING

Kimpson	Shealy	Goldfinch
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Total--3

The Bill was made a Special Order.

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MOTION ADOPTED

At 3:54 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow, Thursday, April 20, 2023, under the provisions of Rule 1B.

There was no objection.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 19, 2023, at 3:30 P.M. and the following Acts and Joint Resolutions were ratified:

(R9, S. 490) -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

L:\COUNCIL\ACTS\490SA125.DOCX

(R10, S. 604) -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

L:\COUNCIL\ACTS\604SA125.DOCX

(R11, S. 654) -- Senator Hutto: AN ACT TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL

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COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

L:\COUNCIL\ACTS\654HDB125.DOCX

(R12, S. 657) -- Senator Fanning: AN ACT TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

L:\COUNCIL\ACTS\657PH125.DOCX

(R13, H. 3312) -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE", TO PROVIDE FOR THE PURPOSES AND MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS

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AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY,
AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY
COMMITTEE.

L:\COUNCIL\ACTS\3312WAB125.DOCX

(R14, H. 4215) -- Rep. Hyde: AN ACT TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

L:\COUNCIL\ACTS\4215HDB125.DOCX

(R15, H. 4216) -- Rep. Hyde: AN ACT TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

L:\COUNCIL\ACTS\4216HDB125.DOCX

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Abbeville County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tiffani S. Tyner, 103 Livingston St., Abbeville, SC 29620-1629

Motion Adopted

On motion of Senator HUTTO, the Senate agreed to stand adjourned.

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ADJOURNMENT

At 3:57 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Thursday, April 20, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

Message from the House

Columbia, S.C., April 20, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

ADJOURNMENT

At 11:05 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet Tuesday, April 25, 2023, at 12:00 Noon.

* * *

Friday, April 21, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SCOTT.

ADJOURNMENT

At 11:05 A.M., on motion of Senator SHEALY, the Senate adjourned to meet next Tuesday, April 25, 2023, at 12:00 P.M.

* * *

Tuesday, April 25, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Jonah 2:1

In the Book of Jonah we read: "Then Jonah prayed to the Lord his God from the belly of the fish."

Friends, join me as we bow in prayer: Most merciful God, we honestly believe that not one of us does not realize the absolute power bound up in heartfelt prayer. It doesn't matter what our faith background might have been, nor how active we might be or might not be in organized religion today. Every single one of us has had -- and surely will have -- moments when, like Jonah, we are humbled by our very humanness and know our sole recourse is to turn to You in prayer. Especially in a world like ours today, we thank You for walking along with us, Lord, for assuring us that You are ever ready to hear our pleas for assurance, as well as our prayers of praise. And may it be that every South Carolinian always finds comfort and hope in knowing that these leaders indeed pray. In Your loving name we ask this, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy

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Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

1st Congressional District:

Charles Samuel Bennett II, 31 Governors Road, Hilton Head, SC 29928-3028 *VICE* William A. Finn

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2024, and to expire January 1, 2028

6th Congressional District:

Alyssa Richardson, 1049 Buist Avenue, North Charleston, SC 29405-4909 *VICE* John Calhoun Land IV

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Four-Year Institutions:

Oran P. Smith, 466 East Columbia Ave., Leesville, SC 29070-7317 *VICE* Linda L. Dolny

Referred to the Committee on Education.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2021, and to expire December 31, 2025

General Public:

Robert J. Wolff, 104 Cyclamen Court, Columbia, SC 29212-2052

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Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2019, and to expire June 30, 2023

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566
VICE Kent T. Washington

Referred to the Committee on Judiciary.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2023, and to expire June 30, 2027

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566

Referred to the Committee on Judiciary.

REGULATION WITHDRAWN

The following was received:

Document No. 5167

Agency: State Election Commission

Chapter: 45

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

SUBJECT: Voting Systems

Received by President of the Senate January 24, 2023

Referred to Committee Judiciary

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn April 21, 2023

Doctor of the Day

Senator MARTIN introduced Dr. Tanya Tang of Spartanburg, S.C.,
Doctor of the Day.

Leave of Absence

On motion of Senator ALLEN, at 12:51 P.M., Senator SCOTT was
granted a leave of absence for today.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

TUESDAY, APRIL 25, 2023

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 590 Sen. Senn
S. 634 Sen. Turner
S. 695 Sen. Gustafson
S. 717 Roll of the Senate
S. 739 Sens. Alexander and Peeler

RECALLED

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator CLIMER asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST

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IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senator CROMER asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

The Bill was recalled from the Committee on Banking and Insurance and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 746 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-21-10, RELATING TO THE REQUIRED WRITTEN APPROVAL TO CONDUCT TRUST BUSINESS, SO AS TO PROVIDE THAT WRITTEN APPLICATION MUST BE MADE TO THE STATE BOARD OF FINANCIAL INSTITUTIONS AND TO DEFINE "TRUST BUSINESS".

lc-0310sa23.docx : b7b5ff2f-d01c-4e78-8229-ece3dc70896c

Read the first time and referred to the Committee on Banking and Insurance.

S. 747 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "ASBESTOS BANKRUPTCY TRUST CLAIMS TRANSPARENCY AND CLAIMS LEGITIMACY ACT" BY ADDING CHAPTER 83 TO TITLE 15 SO AS TO ESTABLISH REQUIRED DISCLOSURES BY PLAINTIFFS IN ASBESTOS ACTIONS, TO ESTABLISH RELATED DISCOVERY PROVISIONS, TO ESTABLISH THAT COURTS MAY STAY SUCH ACTIONS, TO ESTABLISH THAT DEFENDANTS IN SUCH ACTIONS MAY IDENTIFY ADDITIONAL OR ALTERNATIVE ASBESTOS TRUSTS, TO ESTABLISH THE VALUATION OF ASBESTOS TRUST CLAIMS IN ASBESTOS ACTIONS, TO ESTABLISH SETOFF PROVISIONS, AND TO DEFINE NECESSARY TERMS.

lc-0220hdb23.docx : 5b2f114e-315e-4fdf-a1f4-81024dddf4b7

Read the first time and referred to the Committee on Judiciary.

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S. 748 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-43-335(A), RELATING TO ASSESSING THE PROPERTY OF MERCHANTS AND OTHER RELATED BUSINESSES, SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO FOLLOW CERTAIN NORTH AMERICAN CLASSIFICATION SYSTEM MANUAL PROVISIONS; AND BY REPEALING SECTION 12-39-70 RELATING TO CLASSIFICATIONS FOR PURPOSES OF APPRAISING AND ASSESSING PERSONAL PROPERTY.

sr-0091jg23.docx : 73998710-738d-4d34-83dd-37a601201ac2

Read the first time and referred to the Committee on Finance.

S. 749 -- Senators Alexander and Rankin: A JOINT RESOLUTION TO AUTHORIZE THE GENERAL ASSEMBLY TO CONDUCT SCREENING AND ELECTIONS FOR MEMBERS OF THE PUBLIC SERVICE COMMISSION DURING THE 125TH SESSION OF THE SOUTH CAROLINA GENERAL ASSEMBLY.

sj-0038pb23.docx : feed49f5-5a2d-45c3-96f3-0e7598da9fea

Read the first time and referred to the Committee on Judiciary.

S. 750 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. MARILYN MYERS BAKER ON HER FORTIETH ANNIVERSARY WORKING FOR THE TOWN OF MONCKS CORNER.

sr-0378km-hw23.docx : 7ce649c0-dee2-4cba-955a-56af0bfde321

The Concurrent Resolution was adopted, ordered sent to the House.

H. 3255 -- Reps. Jefferson, Henegan, Anderson, Sandifer, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-63-110 SO AS TO PROHIBIT ISSUERS OF INDIVIDUAL LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-65-130 SO AS TO PROHIBIT ISSUERS OF GROUP LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-71-105 SO AS TO PROHIBIT ISSUERS OF DISABILITY INCOME INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; AND BY ADDING SECTION 38-72-110 SO AS TO PROHIBIT ISSUERS OF LONG-TERM CARE

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INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS.

lc-0083ph23.docx : 2c6a9fbf-5af1-49af-8d9a-bf1a26949a24

Read the first time and referred to the Committee on Banking and Insurance.

H. 3769 -- Reps. Ligon, B. Newton, O'Neal, Chumley, Haddon, Magnuson, Harris, Sandifer and Neese: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 5-31-1525 SO AS TO PROHIBIT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FROM DENYING THE REPAIR, REPLACEMENT, OR CONSTRUCTION OF WELLS AND SEPTIC TANKS ON CERTAIN RURAL LANDS REGARDLESS OF THE AVAILABILITY OF MUNICIPAL WATER AND SEWER SERVICE.

lc-0146vr23.docx : 78969e5f-29f4-4039-be15-539b706350f5

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3799 -- Reps. Hyde and Nutt: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE FIRST MONDAY OF MARCH OF EACH YEAR AS "WATER PROFESSIONALS DAY".

lc-0183sa23.docx : 79790689-d685-4e58-8c99-3f4de5da6358

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

lc-0209ph23.docx : 6ec38c30-3531-441b-a759-9ff1bc4784ec

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4332 -- Reps. Ott, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest,

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Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2023 AS "NF AWARENESS MONTH" AND FURTHER TO DECLARE MAY 17, 2023, AS "NF AWARENESS DAY" IN THE STATE OF SOUTH CAROLINA.

lc-0121ha-rm23.docx : 8f4b73de-db71-472c-b29f-7b446a722ee5

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

H. 4346 -- Reps. Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR EXTRAORDINARY EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO CONGRATULATE JUSTIN K. MCNAIR OF THE BOYS AND

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**GIRLS CLUBS OF THE PEE DEE AREA ON BEING NAMED 2023
TRADITIONAL YOUTH OF THE YEAR BY THE SOUTH
CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.**

lc-0304cm-rm23.docx : 5ea4c2b9-d3bf-4924-95cb-9769c592a4a0

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4357 -- Reps. Jordan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE MICHAEL THREADGILL OF FLORENCE COUNTY ON HIS ELECTION AS PRESIDENT OF THE CAROLINAS INDEPENDENT AUTO DEALERS ASSOCIATION AND TO COMMEND HIM ON HIS OUTSTANDING SERVICE TO THAT BODY DURING HIS TERM OF OFFICE.

lc-0245vr-rm23.docx : a8803625-aaf8-404e-8f8e-8d06a5023890

The Concurrent Resolution was adopted, ordered returned to the House.

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, May 2, 2023 - 5:30 p.m. - 7:30 p.m.

Members, Reception, Savage Craft, 430 Center Street, West Columbia, by the **SOUTH CAROLINA BOATING AND FISHING ALLIANCE**

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Wednesday, May 3, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION'S SMARTSTATE PROGRAM**

Wednesday, May 3, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, Palmetto Club, by **SUSTAIN SC**

Wednesday, May 3, 11:30 a.m. - 1:30 p.m.

Members, Luncheon, State House Grounds, by the **CONGRESSIONAL SPORTSMEN'S FOUNDATION**

Wednesday, May 3, 2023 - 5:30 p.m. - 8:30 p.m.

Members, Staff and Families, Riverbanks Family Night, 500 Wildlife Parkway, Columbia, by **RIVERBANKS ZOO AND GARDENS**

Thursday, May 4, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **SOUTH CAROLINA SCHOOL NUTRITION ASSOCIATION**

Tuesday, May 9, 2023 - 6:00 p.m. - 8:00 p.m.

Members and their families, Reception, EdVenture, by the **SOUTH CAROLINA COALITION FOR MATH AND SCIENCE**

Wednesday, May 10, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by **AMI KIDS, INC.**

Thursday, May 11, 2023 - 8:00 a.m. - 10:00 a.m.

Members and Staff, Breakfast, 112 Blatt Building, by the **NATIONAL CONFERENCE OF STATE LEGISLATURES**

Appointments Reported

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

Statewide Appointments

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large:

Kathleen Love, 105 Tryon Drive, Summerville, SC 29485-8430

Received as information.

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Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

7th Congressional District:

Kimberly H. Frederick, 411 6th Avenue North, Surfside Beach, SC 29575

Received as information.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

2nd Congressional District:

Mollie D. Taylor, 2640 Pine Lake Drive, West Columbia, SC 29169-3742

Received as information.

Message from the House

Columbia, S.C., April 25, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND

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REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator TURNER, the Resolution was carried over.

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OBJECTION

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning, Loftis and Garrett: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

Senator MALLOY moved to carry over the Resolution.

Senator MARTIN moved to lay the motion to carry over the Resolution on the table.

Senator MALLOY objected to further consideration of the Resolution.

CARRIED OVER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator GAMBRELL explained the Resolution.

On motion of Senator GAMBRELL, the Resolution was carried over.

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CARRIED OVER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator GAMBRELL explained the Resolution.

On motion of Senator GAMBRELL, the Resolution was carried over.

CARRIED OVER

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

On motion of Senator HEMBREE, the Bill was carried over.

CARRIED OVER

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

On motion of Senator HUTTO, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 542 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH

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CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT”; AND BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-542.PH0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 6-39-20(3)(d) and inserting:

(d) a financial institution, as defined in 18 U.S.C Section 20, as amended;

Amend the bill further, SECTION 2, by striking Sections 6-39-100, 6-39-110, 6-39-120, and 6-39-130 and inserting:

Section 6-39-100. Qualified improvements must meet all applicable safety, performance, interconnection, and reliability standards established by the Public Service Commission of South Carolina, the National Electrical Code as adopted and modified by the South Carolina Building Codes Council, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any other governing authorities with jurisdiction prior to qualifying for financing.

Section 6-39-110. (A) The provisions of this chapter may not be used to implement qualified improvements that result in the replacement of natural gas appliances or equipment with electric appliances or equipment or that result in the replacement of electric appliances or equipment with natural gas appliances or equipment unless the customer who seeks to install the energy efficiency or conservation measure is being provided electric and natural gas service by the same provider.

(B) Nothing in this section may allow the resale of electricity.

Section 6-39-120. Nothing contained in this chapter shall be construed to conflict with Article 23, Chapter 27, Title 58 or Chapters 37, 39, and 40, Title 58.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Gambrell	Garrett	Grooms
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Statement by Senator GUSTAFSON

On this busy day of the South Carolina Senate, I found myself away from my desk briefly and missed a roll call vote for S. 542. I support this Bill, and I would have voted "Aye".

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 601 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1,

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CHAPTER 73, TITLE 39 SO AS TO TRANSFER THE AUTHORITY TO EXECUTE THE STATE COMMODITY CODE TO THE SOUTH CAROLINA ATTORNEY GENERAL; BY AMENDING SECTION 39-73-310, RELATING TO THE AUTHORITY OF THE ADMINISTRATOR TO INVESTIGATE, THE PUBLICATION OF INFORMATION, POWERS AND PROCEDURES, AND COURT ORDERS TO COMPEL COMPLIANCE, SO AS TO PROVIDE GUIDELINES FOR THE ENFORCEMENT OF COMPLIANCE; BY AMENDING SECTION 39-73-315, RELATING TO ACTION BY THE ADMINISTRATOR TO PREVENT VIOLATION OR IMMINENT VIOLATION, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY ISSUE CEASE AND DESIST ORDERS AND TO PROVIDE GUIDELINES FOR THE ISSUANCE AND ENFORCEMENT; BY AMENDING SECTION 39-73-320, RELATING TO LEGAL, EQUITABLE, AND SPECIAL REMEDIES AVAILABLE TO A COURT FOR ENFORCEMENT, AND SECTION 39-73-325, RELATING TO PENALTIES FOR WILFUL VIOLATION, SO AS TO PROVIDE GUIDELINES FOR ACTIONS TAKEN UPON VIOLATION OF THIS CHAPTER; BY AMENDING SECTION 39-73-350, RELATING TO APPLICABILITY OF SECTIONS 39-73-20, 39-73-50, AND 39-73-60 TO PERSONS WHO SELL, BUY, OR OFFER TO SELL OR BUY COMMODITIES IN THIS STATE, SO AS TO PROVIDE GUIDELINES FOR APPLICABLE RADIO AND TELEVISION COMMUNICATIONS; BY AMENDING SECTION 39-73-360, RELATING TO JUDICIAL REVIEW, SO AS TO PROVIDE GUIDELINES; BY ADDING SECTION 39-73-375 SO AS TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL MAY RETAIN ALL FINES AND PENALTIES COLLECTED PURSUANT TO THIS CHAPTER; BY ADDING SECTION 39-73-400 SO AS TO PROVIDE A SEVERABILITY CLAUSE; AND BY REPEALING SECTION 39-73-355 RELATING TO ADMINISTRATIVE PROCEEDINGS, NOTICE, HEARING, AND ORDER.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-601.SA0001S), which was adopted:

Amend the bill, as and if amended, SECTION 13, by striking Section 39-73-375 and inserting:

Section 39-73-375. The Office of the Attorney General may retain the first seven hundred fifty thousand dollars in fines and penalties received

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in a fiscal year in settlement of litigation enforcement actions and reimbursements of expenses arising from violations under this chapter to offset investigative, prosecutorial, and administrative costs of enforcing this chapter, after which any excess fines and penalties received in a fiscal year must be deposited into the general fund. The Attorney General shall issue an annual report to the President of the Senate, the Speaker of the House, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the chairman of the Senate Labor, Commerce and Industry Committee, and the Chairman of the House Labor, Commerce and Industry Committee. This report shall include the total amount of civil penalties collected by the Attorney General's Office for violations of the Commodities Code, the amount of restitution and disgorgement ordered to be paid for violations of the Commodities Code, the amount of fines and penalties retained by the Attorney General's Office pursuant to this section, and the amount of excess fines and penalties that were deposited into the general fund pursuant to this section.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb

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Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Climer

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 610 -- Senators Cromer, Shealy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 744 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO OFFICE OF STATE FIRE MARSHAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator CLIMER explained the Resolution.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 745 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO BARBER SCHOOLS, MANAGERS, TEACHERS AND INSTRUCTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5154,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY, the Resolution was carried over.

ADOPTED

S. 717 -- Senators Williams, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin and Young: A SENATE RESOLUTION TO PROCLAIM SEPTEMBER 2023 AS “CHILDHOOD CANCER AWARENESS MONTH” IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT THIS CAUSE THAT SO DEEPLY IMPACTS FAMILIES IN EVERY COMMUNITY ACROSS THE STATE AND NATION.

The Resolution was adopted.

S. 714 -- Senators Bennett and Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE JULY 22, 2023, AS “FRAGILE X DAY” IN SOUTH CAROLINA IN ORDER TO HELP RAISE AWARENESS OF THE CONDITION AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH FRAGILE X.

The Resolution was adopted, ordered sent to the House.

S. 695 -- Senators McElveen and Gustafson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEW BRIDGE OVER PINE TREE CREEK JUST SOUTH OF CAMDEN IN KERSHAW COUNTY “PINE TREE HILL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

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S. 713 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME PINCKNEY STREET IN THE CITY OF YORK IN YORK COUNTY "DR. MARTIN LUTHER KING, JR. BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49/SOUTH CONGRESS STREET AND ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:12 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, READ THE SECOND TIME

H. 3774 -- Reps. McCravy, G.M. Smith, Hiott, W. Newton, Pope, Yow, M.M. Smith, Hardee, J.E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B.L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B.J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO

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PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator MASSEY explained the Bill.

Amendment No. 1

Senators HEMBREE, RANKIN, SABB, SENN, DAVIS and SETZLER proposed the following amendment (SR-3774.KM0052S), which was ruled out of order:

Amend the bill, as and if amended, by deleting SECTIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

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Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. It is proposed that the Section 1, Article III of the Constitution of the State be amended to read:

Section 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate" and the other the "House of Representatives," and both together the "General Assembly of the State of South Carolina."

Nothing in this constitution secures or protects a right to an abortion or requires the funding of an abortion. The people retain the right through their elected state senators and state representatives to enact, amend, or repeal statutes regarding abortion.

SECTION X. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

"Must Section 1, Article III of the Constitution of this State, relating to the General Assembly's authority to enact laws, be amended so as to provide that that the South Carolina Constitution does not provide a right to an abortion or the requirement that the State fund abortions?"

Yes ☐

No ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'."

Amend the bill further, by deleting SECTIONS 17 and 18.

Renumber sections to conform.

Amend title to conform.

Point of Order

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator HEMBREE spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator HEMBREE spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Senator HEMBREE explained the amendment.

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The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Appeal of the Ruling by the PRESIDENT Failed

Senator SENN appealed the Ruling by the PRESIDENT.

ACTING PRESIDENT PRESIDES

At 2:47 P.M., Senator SETZLER assumed the Chair.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

The Acting PRESIDENT stated that Rule 7 provided for debate of fifteen minutes each for proponents and opponents.

Senator HUTTO spoke in favor of overriding the Ruling by the PRESIDENT.

Senator SENN spoke in favor of overriding the Ruling by the PRESIDENT.

Senator CASH argued contra to overriding the Ruling by the PRESIDENT.

Senator MASSEY argued contra to overriding the Ruling by the PRESIDENT.

Objection

Senator MALLOY asked unanimous consent to add an additional 30 minutes of debate to the provisions of Rule 7.

Senator GROOMS objected.

Senator GROOMS argued contra to overriding the Ruling by the PRESIDENT.

Senator MARTIN argued contra to overriding the Ruling by the PRESIDENT.

Senator CAMPSEN argued contra to overriding the Ruling by the PRESIDENT.

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Senator MATTHEWS spoke in favor of overriding the Ruling by the PRESIDENT.

Senator SENN spoke in favor of overriding the Ruling by the PRESIDENT.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 5; Nays 39

AYES

Fanning	Hutto	Matthews
McLeod	Senn	

Total--5

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

The Senate refused to override the Ruling by the PRESIDENT.

The amendment was ruled out of order.

PRESIDENT PRESIDES

At 3:28 P.M., the PRESIDENT assumed the Chair.

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Amendment No. 2

Senator CAMPSSEN proposed the following amendment (SR-3774.JG0056S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 22; Nays 21

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Gambrell	Garrett
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Turner	Verdin
Young		

Total--22

NAYS

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Senn	Setzler
Shealy	Stephens	Williams

Total--21

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 3:38 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, April 26, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 9:1

The Psalmist proclaims: "I will praise you, O Lord, with all my heart; I will tell of all your wonders."

Let us pray: O gracious God, amid all of the issues and pressures and conflicts which often confront them, may these Senators and aides, like the Psalmist, never fail to cherish the wonders You have created. For indeed, the glory of creation is on full display everywhere we turn. So, loving Lord, let us all routinely praise You for the natural beauty that surrounds us -- from the foothills to the sea. Truly, no matter what debates or controversies unfold, may no one ever stop caring for and protecting the incredible but fragile world You have given us. Further, grant that these leaders likewise do all they can to bring rich and marvelous blessings to each and every one of our citizens, as well. And as always, to You be the glory, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Reichenbach	Rice
Senn	Setzler	Shealy

WEDNESDAY, APRIL 26, 2023

Talley
Young

Turner

Williams

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

April 24, 2023

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and members of the Senate:

I write to withdraw my April 5, 2023, appointment of Hugh L. Wilcox, Jr., Esquire to serve as a member of the Board of Directors of the South Carolina Public Service Authority ("Santee Cooper"), representing the Seventh Congressional District. For ease of reference, a copy of my April 5, 2023, correspondence regarding Mr. Wilcox's appointment is enclosed herewith.

I appreciate Mr. Wilcox's willingness to serve the State of South Carolina in this capacity, and I trust that the Senate would have given favorable consideration to his nomination to serve as a member of Santee Cooper's Board of Directors; however, due to unanticipated health concerns, Mr. Wilcox has requested that I withdraw the aforementioned appointment at this time. I intend to submit a new appointment to the Senate as soon as is practicable.

By copy of this letter, I am simultaneously notifying the State Regulation of Public Utilities Review Committee ("PURC") of this action. Should the Senate or PURC have any questions regarding this matter, please do not hesitate to contact me.

Yours very truly,
Henry McMaster

Enclosure

Cc w/enc: State Regulation of Public Utilities Review Committee

WEDNESDAY, APRIL 26, 2023

MESSAGE FROM THE GOVERNOR

State of South Carolina Office of the Governor

April 24, 2023

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Mr. Hugh L. Wilcox, Jr., Esquire for appointment to the SC Public Service Authority.

Respectfully,

Henry Dargan McMaster

Withdrawal of Statewide Appointment

On motion of Senator RANKIN, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

7th Congressional District:

Hugh L. Wilcox, Jr., 500 East Howe Springs Street, Florence, SC 29505 *VICE* Merrell W. Floyd

COMMUNICATION

1st Congressional District Legislative Delegation



The Honorable Henry D. McMaster	The Honorable Jeffrey S. Gossett
State House, First Floor	401 Gressette Building
Columbia, SC 29201	Columbia, SC 29201

The Honorable Mark Hammond	The Honorable Charles F. Reid
1205 Pendleton Street	213 Blatt Building
Columbia SC 29201	Columbia, SC 29201

WEDNESDAY, APRIL 26, 2023

April 26, 2023

RE: Approval of Mr. T.J. Johnson, 1st District DOT Commission

Gentlemen:

Pursuant to Section 57-1-325 et. seq., members of the General Assembly representing the 1st Congressional District met to consider the above referenced appointment on Wednesday, April 26, 2023. The meeting was publicly posted and members of the Senate and House of Representatives met jointly.

As Chairman of the 1st District Delegation, I certify that Mr. T.J. Johnson received a majority of the weighted vote of only the Senators in the delegation and a majority of the weighted vote of only the members of the House of Representatives in the delegation. Details of the appointment are below:

Initial appointment to the South Carolina Department of Transportation Commission, with a term to commence February 15, 2020, and to expire February 15, 2024

1st Congressional District:

Mr. Thomas J. Johnson, 1303 Kings Court, Mt. Pleasant, S.C. 29464

Vice: Robby Robbins

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,



Larry Grooms

REGULATION WITHDRAWN

The following was received:

Document No. 5134

Agency: South Carolina Aeronautics Commission

Chapter: 4

Statutory Authority: 1976 Code Sections 55-1-1 et seq., 55-5-80(A), 55-5-80(N), and 55-5-280(D)

SUBJECT: Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports

Received by President of the Senate January 10, 2023

Referred to Committee on Transportation

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Legislative Review Expiration: Permanently Withdrawn
Permanently Withdrawn April 25, 2023

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5145

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D),
and 45 CFR 302.56

SUBJECT: Child Support Guidelines

Received by President of the Senate January 10, 2023

Referred to Committee on Judiciary

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted April 26, 2023

Doctor of the Day

Senator SETZLER introduced Dr. Melanie Lobel of West Columbia,
S.C., Doctor of the Day.

Leave of Absence

On motion of Senator ALLEN, at 4:08 P.M., Senator SCOTT was
granted a leave of absence until 6:20 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 305 Sen. Rankin

S. 634 Sen. Grooms

S. 739 Sens. Williams and Davis

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 751 -- Senator Turner: A SENATE RESOLUTION TO
RECOGNIZE THE RED CLAY STRAYS, TO CONGRATULATE
THEM ON THEIR RECENT SUCCESS, AND TO WELCOME THEM
TO THE CITY OF GREENVILLE.

sr-0384km-vc23.docx : b87b9657-7efb-4301-987f-10df3e16bea1

The Senate Resolution was adopted.

WEDNESDAY, APRIL 26, 2023

S. 752 -- Senator Gustafson: A SENATE RESOLUTION TO CONGRATULATE NICOLE FOULKS UPON THE OCCASION OF HER RETIREMENT AS MIDLANDS REGIONAL DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, TO COMMEND HER FOR HER TWENTY-NINE YEARS OF DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0381km-hw23.docx : bcde8eba-3744-43d8-bbdc-3d4673e80230

The Senate Resolution was adopted.

S. 753 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE LYNN LOCKABY WILSON UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER THIRTY-SEVEN YEARS OF DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0383km-hw23.docx : 2a838a8a-3470-4ecb-8212-082e6eecb7de

The Senate Resolution was adopted.

S. 754 -- Senators Alexander, Bennett, Turner, Setzler, Kimpson, Senn, Grooms and Rankin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CATHERINE SANDLIN DORITY, VICE PRESIDENT OF MARKETING FOR EXPLORE CHARLESTON, AND TO COMMEND HER FOR TWENTY-FIVE YEARS OF OUTSTANDING SERVICE IN SOUTH CAROLINA'S TOURISM INDUSTRY.

sr-0382km-hw23.docx : b9085cd5-72a9-4f50-be22-f964274ed590

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 634 -- Senators Kimbrell, Rice, Climer, Loftis, Corbin, M. Johnson, Peeler, Turner and Grooms: A SENATE RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT PUBLIC FUNDS SHOULD NOT BE DEDICATED TO ECONOMIC DEVELOPMENT PROJECTS THAT BENEFIT A CORPORATION THAT IS ACTIVELY ENGAGED IN PROMOTING ENVIRONMENTAL, SOCIAL, OR POLITICAL GOALS, OBJECTIVES, OR OUTCOMES.

Ordered for consideration tomorrow.

WEDNESDAY, APRIL 26, 2023

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 739 -- Senators Setzler, Alexander, Peeler, Williams and Davis: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NON-RECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENTS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

Ordered for consideration tomorrow.

WEDNESDAY, APRIL 26, 2023

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE

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EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Ordered for consideration tomorrow.

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 10, 2026

6th Congressional District:

Mathias G. Chaplin, 7740 Exeter Lane, Columbia, SC 29223-2518
VICE Peter Smith

Received as information.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

4th Congressional District:

Erica James, 901 Jenkins Street, Greenville, SC 29601-3920 *VICE*
Mary S. Sonksen

Received as information.

Appointment Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Accident Fund, with the term to commence June 11, 2022, and to expire June 11, 2028

Director:

Erin Farrell Farthing, 213 Leventis Lane, Lexington, SC 29072-3961
VICE Amy Cofield

Received as information.

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Message from the House

Columbia, S.C., April 26, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 750 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. MARILYN MYERS BAKER ON HER FORTIETH ANNIVERSARY WORKING FOR THE TOWN OF MONCKS CORNER.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 542 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT”; AND BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

S. 601 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1, CHAPTER 73, TITLE 39 SO AS TO TRANSFER THE AUTHORITY TO EXECUTE THE STATE COMMODITY CODE TO THE SOUTH CAROLINA ATTORNEY GENERAL; BY AMENDING SECTION 39-73-310, RELATING TO THE AUTHORITY OF THE ADMINISTRATOR TO INVESTIGATE, THE PUBLICATION OF INFORMATION, POWERS AND PROCEDURES, AND COURT ORDERS TO COMPEL COMPLIANCE, SO AS TO PROVIDE GUIDELINES FOR THE ENFORCEMENT OF COMPLIANCE; BY AMENDING SECTION 39-73-315, RELATING TO ACTION BY THE ADMINISTRATOR TO PREVENT VIOLATION OR IMMINENT VIOLATION, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY ISSUE CEASE AND DESIST ORDERS AND TO PROVIDE GUIDELINES FOR THE ISSUANCE AND ENFORCEMENT; BY AMENDING SECTION 39-73-320, RELATING TO LEGAL, EQUITABLE, AND SPECIAL REMEDIES AVAILABLE TO A COURT FOR ENFORCEMENT, AND SECTION 39-73-325, RELATING TO PENALTIES FOR WILFUL VIOLATION, SO AS TO PROVIDE GUIDELINES FOR ACTIONS TAKEN UPON VIOLATION OF THIS CHAPTER; BY AMENDING SECTION 39-73-350, RELATING TO APPLICABILITY OF SECTIONS 39-73-20, 39-73-50, AND 39-73-60 TO PERSONS WHO SELL, BUY, OR OFFER TO SELL OR BUY COMMODITIES IN THIS STATE, SO AS TO PROVIDE GUIDELINES FOR APPLICABLE RADIO AND TELEVISION COMMUNICATIONS; BY AMENDING SECTION 39-73-360, RELATING TO JUDICIAL REVIEW, SO AS TO PROVIDE

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GUIDELINES; BY ADDING SECTION 39-73-375 SO AS TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL MAY RETAIN ALL FINES AND PENALTIES COLLECTED PURSUANT TO THIS CHAPTER; BY ADDING SECTION 39-73-400 SO AS TO PROVIDE A SEVERABILITY CLAUSE; AND BY REPEALING SECTION 39-73-355 RELATING TO ADMINISTRATIVE PROCEEDINGS, NOTICE, HEARING, AND ORDER.

S. 610 -- Senators Cromer, Shealy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

OBJECTION

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning, Loftis and Garrett: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE

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COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

Senator CASH objected to consideration of the Resolution.

OBJECTION

S. 514 -- Senators Hutto, Jackson, Sabb, Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

Senator CASH objected to consideration of the Bill.

CARRIED OVER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GAMBRELL, the Resolution was carried over.

CARRIED OVER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE

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DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GAMBRELL, the Resolution was carried over.

OBJECTION

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer, Stephens and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

Senator SETZLER objected to consideration of the Bill.

CARRIED OVER

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator MASSEY, the Bill was carried over.

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OBJECTION

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senator MALLOY objected to consideration of the Bill.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:44 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE

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DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

On motion of Senator HEMBREE, the Bill was carried over.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

DEBATE INTERRUPTED

H. 3774 -- Reps. McCravy, G.M. Smith, Hiott, W. Newton, Pope, Yow, M.M. Smith, Hardee, J.E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B.L. Cox, Connell, Vaughan, Ligon, T.

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Moore, Moss, Lawson, Hyde, Leber, B.J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “HUMAN LIFE PROTECTION ACT”; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN’S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND

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REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Senate proceeded to a consideration of the Bill.

Senator CASH spoke on the Bill.

Point of Order

Senator HUTTO raised a Point of Order that the Senator speaking on the Bill was being tedious and superfluous.

The PRESIDENT took the Point of Order under advisement.

Remarks by Senator CASH

Thank you, Mr. PRESIDENT. I believe the Bible teaches that we are to speak up for those who cannot speak for themselves. And that's what I'm going to do today. If there is anyone who cannot speak for themselves, it is the unborn baby in the womb. Any advocacy for the unborn child must be made by those who can speak. I have been involved with the issue of the killing of unborn children all my adult life, and I have always believed in until this day that the discussion should begin properly with trying to answer the question, when does a human life begin? When does a human life begin? And I don't think it is any great mystery as to when a human life begins. Science is clear that when the sperm and the ovum unite, a new living organism of the species homo sapiens is created with its own unique DNA -- the beginning of a new individual human life.

Now, I know there have been attempts among the scientists who politically support abortion to actually try to redefine the beginning of human life, maybe to the point of implantation. But I would submit to you that that is simply a position of convenience; it is not a position rooted in science. And that we should be at least honest enough to just deal with when does a human life begin -- no matter how you feel that we're going to either protect that life or not protect that life from that point forward. Professor Emeritus of Human Embryology at the University of Arizona School of Medicine, Dr. Ward Kischer, affirms every human embryologist worldwide states that the life of the new individual human being begins at fertilization. That's a pretty incredible statement -- that every human embryologist worldwide agrees that the

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life of a new individual is at the point of fertilization. There are lots of quotes I could read to you from people who appeared before the United States Congress testifying about life. Dr. Jerome Lejeune, Professor of Genetics at the University of Descartes in Paris was to discover the chromosome pattern of Down Syndrome. He testified to the Judiciary subcommittee after fertilization is taken place, a new human being has come into being. Each individual has a very neat beginning at conception.

The first point in the discussion is when does a human life begin? Not what do you think about whether a woman has a right to have an abortion, when does a human life begin? We can get on to the other discussion presently about whether that human life in its earliest stages has any rights whatsoever. I would hope we could agree in this Body that the point of fertilization, however, is the beginning of new human life. By way of common sense, and not in any way meaning to be crude about it, why do those who employ the condom method of contraception use that method? To prevent the sperm and the egg from uniting contraception. Because everybody knows once that takes place, unless something interrupts that life, nine months later there is going to be a newborn baby in this world. A completely different individual from anyone that has ever existed before -- begins at that point in time.

So that brings us to another central question which is, "When should a human life receive legal protection?" A life begins at conception when does it deserve legal protection? I'll make just a few references to our founding documents. The quote from the Declaration about unalienable rights -- the foremost of which is the right to life. We know by common sense if you don't have the right to life none of the other rights that we believe are attributed to humans make any difference whatsoever. Constitutional principles call for equal protection of the laws for all persons -- due process of the law. So now we get to the question in our Constitution that to have protection of the Constitution under the 5th and 14th Amendments, you have to be recognized as a person. We all know that our Nation had an imperfect founding. People who were slaves when this Nation was founded, were not considered to be persons, constitutionally, other than for purposes of apportionment. It was an imperfect beginning, but we are by no means the only Nation in the world to go through periods where people who are human beings are declassified or never classified as persons. You can look as recently as the last century -- the gradual depersonalization of the Jewish people in Hitler's Germany. Because if you can stigmatize a group of people as somehow less than human, less than deserving of personhood, well then

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anything at that moment in time becomes possible. Personhood, something I have long argued for in application to the unborn child.

I once looked up the definition of person in the dictionary and guess what it said -- A human being. If you are a human being, you are a person, if you are a person, you are a human being. I understand this is not a Personhood Bill. But we are discussing a similar concept of protecting the unborn child from that point in time to which pregnancy is clinically diagnosable and so we wrestle with this weighty question, "Is the unborn child worthy of protection, and, if so, at what point in time?"

I do not believe that the founding documents are the only important guidance that we have. This Nation has a Judeo-Christian heritage -- primary sacred text of our Nation has always been the Bible -- the Old and the New Testaments. If I were to ask for a show of hands, a great majority of the Senators in this Body would say that they are church members and regular churchgoers. The Bible has throughout the centuries shaped our culture -- shaped our worldview -- worldview is just a fancy way of saying the lens, the perspective from which you look upon life. And by the way, everybody has a worldview. Some people are more conscious of their worldview than others, but everybody has one.

So, I do think the biblical texts are instructive. And I will begin with the one that's most foundational, which is thou shalt not murder. The Bible prohibits the intentional killing of an innocent person. It is a blanket prohibition. Why? Why is the Bible insistent upon that? It has something to do with the concept, and I'm no Latin scholar, but the Latin of which is *Imago Dei*, in the image of God. Genesis 1 tells us God created mankind in his own image, in the image of God He created him male and female. He created them. We don't find anywhere else in the Scripture, any other part of the creation, any other -- any animal, any anything, that bears the image of God. Only mankind bears the image of God. The Bible is full of a lot of beautiful poetry, Psalms 8 says, "O Lord, our Lord, how excellent is thy name in all the earth! Who displayed thy splendor above the heavens. From the mouths of infants and nursing babes thou established strength to make the enemies and the vengeful cease. When I consider thy heavens, the work of thy fingers, the moon, and the stars, which thou hast ordained; what is man, that thou take thought of him? Or the son of man, that thou care for him? Yet thou hast made him a little lower than the angels, and hast crowned him with glory and majesty. Thou hast make him to rule over the works of thy hands; thou hast put all things under his feet: all sheep and oxen, and also the beasts of the field; the birds of the heavens and the fish of the sea, and whatsoever passeth through the paths of the seas. O Lord, our Lord, how

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majestic is thy name in all the earth!" Thou hath made him a little lower than the angels. Mankind was created a little lower than the angels and higher than the animals. Mankind occupies that unique place in creation -- being the image bearer of God. You are all familiar with Psalms 139, which speaks of God's omniscience, and God's creation -- again, some majestic poetry, "Without its form, inward parts, weave me in my mother's womb. I will give thanks to thee, for I am fearfully and wonderfully made." I can find no point in time from the initiation of human life until old age at which I can reflect upon the scriptures and find therein any principle that would suggest that it is okay to intentionally kill a baby in a mother's womb. I will simply say I don't believe in euthanasia -- at the beginning of life. I don't believe in euthanasia at the end of life. God has not given us that authority. From the New Testament I will simply quote John 10, verse 10, "The thief comes only to steal and kill and destroy. I have come that they might have life and have it abundantly." I cannot think of a more fitting description of abortion than this description about what the enemy has come to do -- to steal, to kill and to destroy. The place where the baby should be the safest -- by the way, anyone wants to see fetal models of what a baby looks like at a month or two or three months or four months -- you are welcome to wander over there and look at them -- little models there of the baby nestled in the womb -- place of safeness, place of nurturing, the place of life.

I'm going to move on to statistics. Over the past 50 years, we have killed 65 million unborn babies in this Nation. Approximately 420,000 inside South Carolina alone. There is a famous, infamous quote actually attributed to Stalin. He said, "The death of one man is a tragedy. The death of a million is a statistic." That is where we have arrived in America 2023. Say 65 million human beings killed in the womb and the number just goes right over our head -- makes no impression on most people. 420,000 unborn babies at least have been killed in South Carolina. Did you know that the Civil War attributes 18,000 deaths in South Carolina -- soldiers killed in battle -- 18,000. In all the Civil War, north and south, the best estimate is 620,000 deaths. Yet 420,000 unborn babies have been killed in this State over the past 50 years. So, I've got another display on my desk. It is a little box filled with forty-six little baby models -- forty-six little baby models. Forty-six is about the number of babies that are going to die today in South Carolina because of abortion. Forty-six is about the number that are going to die tomorrow and the number that are going to die the day after that -- forty-six -- five days a week. Approximately a thousand a month. Again, we've become

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numb to these numbers -- absolutely numb. We talk about being pro-life. We talk about in the Republican Party how we value the life of that baby in the womb. We get a little agitated when people want to talk about that too much. Would we be agitated if there were a school shooting and forty-six people were killed today? We would be. If forty-six were killed tomorrow and the day after that, everything in this State would come to a stop until we did something.

The Roe v. Wade decision in 1973 had the result that within five years of Roe v. Wade, we had surpassed over a million abortions a year in this country. Within five years by 1978, we were committing a million abortions in this country every year. In 1980, Ronald Reagan became the first openly, proudly pro-life Republican president. In 1980, the Republican Party endorsed the Human Life Amendment at the federal level which should have amended the United States Constitution to protect human life. The protection of innocent human life has been part in parcel of the Republican Party platform since that time. Every four years we'd have an election and among Republicans one of the things that was always being considered and weighed by pro-life voters was whether or not this candidate would appoint people to the bench who were, what we would call, strict constructionists. People who would not read into the Constitution what they wanted to be there. So, it went one election after another. Until in the providence of God, Donald Trump was elected and appointed three people to the bench who became part of the majority that struck down Roe v. Wade and the Dobbs Decision in 2022 -- which is what kicked off all this activity last summer.

Last June when that decision came down, for the first time in almost 50 years, states were put back in charge of writing the law on the killing of unborn babies. So, we had a special session. And the Senate most definitely deferred to the House to write the Bill. There is no doubt about that. The Senate wanted the House to write the Bill and the House wrote the Bill. It came to us last September. I'm just going to tell you a few honest facts about what happened last year. The first one I will tell you, I'm shocked, shocked to this day that we could not pass the House Bill last September. When we began the special session, I and probably many of you, thought the debate in this Chamber would center around and hinge upon the exceptions that were going to be put into the Bill or not put into the Bill. I have been here six years, going on seven years, so I have been through some of these abortion Bills. We always end up discussing that. What has seemed to be implied from the Republican side of the aisle is, you know, this is an uncomfortable topic. But we can be a little more comfortable passing a law if it has exceptions in it. But the

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way things unfolded, the House Bill got to the floor and was filibustered in a Body of thirty republicans in a process that only takes twenty-six people to end the filibuster. We could not end the filibuster. Quite honestly, we didn't try very hard. We didn't try very hard. I think it was about fifteen minutes-- maybe thirty tops -- where we took votes and said that is all we are going to do on that. Let's pass this language that might hopefully fix the Heartbeat Bill. So, we had several votes after that -- a vote in October, a vote or two in November. After that initial attempt was filibustered the language was never something the Republicans in this Body were willing to accept because the exceptions language and other issues like the definition of rape were not satisfactory for enough members. So, at the end of the day we could not come to any agreement with the House and the Bill was not passed.

At the beginning of this year the Senate drafted another Heartbeat Bill. The House drafted another Human Life Protection Act and the approach of the House when they drafted their Bill was to say, let's write our Bill to satisfy all the exception language that seem to be causing problems and hangups in the Senate. The author of that Bill was not happy to do that by any means. He was simply trying to give the Senate a Bill with exceptions in it for rape, incest and fatal fetal anomaly with the definition of rape -- that was thought had to be changed. The idea from the House sponsor and those who assisted him was to compromise with the Senate on a Human Life Protection Act that would have all the exceptions and language in it that would satisfy the Senators. That is the Bill we have before us. So, is it far from a perfect Bill? Is it a Bill I will support and vote for? It is. Does it violate some of the very scriptural principles I have articulated? It does. It grieves me that the Republican Party has said this is the best we can do. Although, we believe life begins at conception, everybody has an inalienable right to life. This is the best we can do. But that is the Bill we have before us. From the time of Ronald Reagan until now the GOP has been largely a pro-life party. People might have argued and taken different stands on the exception, but it has been the GOP platform to protect human life from conception. My entire adult life I have never heard a Republican candidate run for office saying, I'm running on a pro-life platform. Given the chance, I will protect life from the first trimester forward, or after the first trimester, or after the first six or eight weeks -- never heard that spoken. It's always been understood that Republican Party candidates say I'm pro-life and believe life begins at conception. At the very least minimally, they might say with a few exceptions that politically we have to have. I challenge anyone to find any rhetoric, any writings anywhere from the GOP since 1980 that would

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say oh, it is the platform of our party to protect life after six weeks -- after eight weeks -- after twelve weeks. What we are engaged in here is this -- to use a sports analogy, there are people in the Republican Party who are trying to move the goal posts. They are trying to say, I'm pro-life but in the Republican Party that I represent that means we are going to protect life after six weeks or eight weeks or twelve weeks. Well, folks, I got news for y'all. They're pro-life too. They just picked a different point in time.

I've read the Bill by Senator HUTTO. He wants to protect life after twenty weeks. We are going to do that; we don't need any Bill at all. We are already doing that, right? It is just a matter of where you are picking the point, is it not? I'm not willing to sit by and let the goal post be moved on what it means to be pro-life in the Republican Party. This Bill in and of itself is a compromise. I have compromised what I believe -- even think of supporting and voting for this Bill. I certainly have no intention of compromising further. I'm not going to take questions right now, thank you. So my position is I support this Bill -- I will vote for this Bill, and colleagues, we have an obligation for those who are pro-life to wave the Republican Party banner for their pro-life platform because we have an obligation to try to pass this Bill. I have no intention of simply going through the motions, so we can kick the ball back across the hall in the House and wash our hands of it and say now it's up to them to do something. That's not my intention. My intention is to try to pass the Bill. I'm not intending to filibuster the Bill; I think there is a group that's going to filibuster the Bill. So, I'll just say if you're going to filibuster the Bill, I'm happy to stay here as long as you want to talk -- night and day starting now if you want to filibuster the Bill. I'm happy to fight any motion for adjournment starting now. The Bill deserves a vote. The Republican Party should pass the Bill. Any move to adjourn this Body because of a filibuster at this time or tonight or tomorrow is simply premature. It's up to us to try to pass the Bill to bring to an end any filibuster that might be coming to protect life in the womb in South Carolina. Thank you, Mr. PRESIDENT.

On motion of Senator GARRETT, with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

Senator SHEALY spoke on the Bill.

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Remarks by Senator SHEALY

For the record, I don't plan on filibustering the Bill, just thought I would tell you all that. It's been said that doing the same thing over and over again -- y'all have heard this -- and expecting a different result is a sign of insanity. How many times is this now? You can change what you call it, but it is still the same. This time we are calling it the Human Life Protection Act, before it was Personhood. It's been called the Heartbeat Bill, it's been called a lot of things. The biggest proponents of the Human Life Protection Act are also the same proponents of constitutional carry, school choice, parental rights, and regulating vaccines for everyone, especially children. These are the folks that don't want the government regulating masks or licensing any business. They all think the government should leave our property alone. All these things are clear human rights, rights to privacy. I believe, in most of these cases, they are right. They should leave them alone.

But when it comes to a woman's body, when she becomes pregnant, she suddenly belongs to the government. Once somebody rapes her or she becomes a victim of incest, she would now belong to the government. Once a woman became pregnant for any reason, she would now become property of the State of South Carolina. If the Human Life Protection Act were to come into law, she could no longer make decisions on her own or at the advice of her well-trained doctor. Every female, regardless of her age, would suddenly become subject to the power of a code book regarding her health.

Maybe I'm confused about this Legislation or maybe the men who wrote it know more about pregnancy than the women in this Chamber or across this State or the country who can actually get pregnant and give birth. Women don't want to get raped. They don't want to get pregnant from living in the horror of an incestuous family. Women don't have sex just so they can go have an abortion. Just like men, I don't think they have sex to get pregnant every time. They don't want to go out every night and have sex just to get a woman pregnant, maybe, I don't know. If the House of Representatives wants to cut the number of abortions happening in this State, they have Legislation we sent them earlier this year that gives a ban on abortions after a fetus heartbeat is detected. That is the same thing this Bill is doing. I hate to break it to y'all, actually this gives a time certain. If you are saying you can tell when a fetus is detectable or you can tell when it is viable, it is not going to be until there is a heartbeat. This is giving a time certain of six weeks.

The House doesn't want to save lives, the House just wants to prove a point. One of their very own loudest advocates has said, and I heard it

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so I'm not making this up, if a house were on fire and there are six children on the first floor and four on the second and they knew they could only save those on the first floor, they would have to let all the children burn up because they couldn't save them all. That is exactly what they are doing. They don't care about the children. They care about a victory, if they were to receive it. Say this passes and a thousand more babies are born a year in South Carolina, or maybe two thousand, they will forget about them after they are born. They will not want to feed them or educate them or fill their needs in foster care if a mother or family cannot care for them. Once they are no longer the unborn and are the born, they will walk away unless let's just say, except those waiting in line to adopt a newborn, yes, only a newborn will do. You must be a newborn. Even though there are hundreds of children up for adoption in South Carolina right now, only a newborn will do.

I went to the zoo this year with the heart gallery. If y'all haven't done that, you need to do it. I walked around with some children who were looking for their forever home through DSS. All they want is a loving family, but no one wants to adopt them because they aren't a newborn. I walked around with three little boys, they are all brothers, one looked at me and said, "Lady, all I want is a dad. I just want a dad but nobody wants me because I'm too old."

Last week I was given a spine by one of these lobbying groups, one of the organizations pushing this Bill. I found that to be an inspiration to stand up in support of all issues that have no huge lobbying groups to support them. Lobbying groups for foster care, lobbying groups for free lunch and lobbying groups for children who were abducted by human trafficking. The kids I support don't threaten you if you don't support them. They don't send you hate filled letters or protest in front of your church calling you nasty names in front of your family. They don't send gifts, because they can't afford that. They look at you with sad eyes or heart felt hope for a better day when maybe, just maybe they can have a dad -- a dad to walk around with them, a dad who can play baseball with them, a dad who can throw them the football. They are not a newborn though. They want a day when somebody will want them, not just a newborn. Just stop and look at what you are doing. Don't call me a baby killer. That is the worst insult anybody's ever said to me. It's been said to me many times when I walk up and get off the escalator and someone stands there and calls me a baby killer. Call me a child saver, I have worked with and saved more lives my eleven years here than most of you could do in a lifetime just by working with DSS, DJJ and the disabled or the underserved. You just want to have a newborn for a friend or a family

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member to adopt. God, that is a great thing. Adoption is wonderful. People want to do it and I'm thankful for those people who want to. Remember the House Bill, as the House right now has a Bill to save lives that we sent over that possibly could get past the Supreme Court. They could have already saved over 2,500 lives if they had passed that Bill in February. H. 3774 will have no chance of standing up before the courts and once again, they will make us look like the whipping posts for the House in the lobby. This Bill will be just another kick of the mule. That mule is starting to hurt, thank you.

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

Senator GUSTAFSON spoke on the Bill.

Remarks by Senator GUSTAFSON

Here we are again for the third time discussing how to restrict abortions in South Carolina. Both the South Carolina House and Senate have offered multiple Bills, but all of them died due to restrictions on some level. I would like to usually start whatever I am saying with some consensus building so we can at least start on some basic agreement on some things. So, I am an optimist, I usually focus on the positive. I will start with that.

I think everyone can acknowledge the fact that overnight South Carolina has become a destination abortion state. You may not like that term and that is fine, but it is happening in scary numbers. Over half of the people who have gotten an abortion since are not from our State, which is where the destination part comes from. From what I heard from Senator MASSEY, we are tracking about 12,000 or more abortions taking us back to numbers we saw in 1990s, that is over 30 years ago. We can agree on things as Republicans or Democrats. We can agree on things as women and men. We can also agree that there are too many unwanted pregnancies today. We can agree that adoption law sometimes inhibits procedures, we can agree that this is an extremely difficult topic, but one we must come to some conclusion to as a South Carolina Legislature. That is our job, and we must do it. Emotions run high and political companies are built upon major concerns such as these. Unfortunately, some of these considerations have turned very personal. I have been disappointed. I have to say this. I have been disappointed in the attacks, the mailers, and the attitudes of those so entrenched in their stances that they no longer listen to anything.

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Even at this point, I am still listening, but I must admit that part is challenging for me too. So, what I'm going to try to do so I don't tune anybody out or make anyone mad from the get-go and divide the room immediately, I'm going to try to frame my statement in a nondevisive, nonjudgmental manner. With that I must say I respect our colleagues, I respect our constituents, and I respect our God too. As our Senate Majority Leader pointed out yesterday, yes, I agree. I think we do have a responsibility as Christians to restrict abortions, but we are Legislators. Most of us are not preachers, so we legislate. Whereas I am one of the few nonlawyers in this Body, in this Chamber. I can fully embrace the possibility that this Legislation can and will be challenged in South Carolina Supreme Court, just like S. 1, and we thought S. 1 was a good solid Bill. I voted for that. I voted for the Senate Bill we passed six or eight weeks ago. I voted for that one too. So, what we need to do -- needs to be strong for the State and needs to be strong legally. First, I am going to talk about the basics. Let us get beyond abortion or let us look behind abortion because all we hear is abortion, abortion, abortion -- kill a baby, let the baby live. It is a very black and white kind of remark, so this may seem elementary to some of you, but we all know fewer pregnancies prevent abortions. The only thing that leads to abortion is a pregnancy. Three things can affect and prevent pregnancy. I am going to go through this and be incredibly detailed in my remarks. I am not filibustering; I am speaking to the Bill and fully explaining how I feel. I did not do this on S. 1 when I was first elected. I deferred to female legislators; I do not think I spoke at all the first time.

This is daunting for all of you out there, this is not easy, but this is what I was elected to do, and this is what we are here to do. I am going to talk about some things. What can prevent pregnancies -- contraception, access to contraception, and education. Not the kind of education that promotes to certain sexual persuasion but about biology. There are two kinds of birth control -- reversible and permanent. Reversible birth control includes long-acting birth control such as an IUD. I know there are people who have no idea what an IUD is. It is made of copper and plastic, the copper in it is the spermicide that prevents pregnancy. Women can get an implantable rod that contains the hormone progestin, and it is put under the skin just underneath the upper arm. It keeps ovaries from releasing eggs, because you must have an egg to be fertilized. Then, there are shots we could get -- injections of progestin about every three months. I have never used any of those personally. Another kind of reversible birth control includes a short-acting birth control, where hormones are used. This is what people know

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about most. We have the birth control pill; those contain either estrogen and progestin or just progestin. I was on birth control pills for decades. There is also a birth control patch a woman can wear; it is used in a four-week cycle -- wear for three weeks and comes off for a week. Then there is something called a vaginal ring, a small flexible plastic ring placed in a woman's body. There are barrier methods, these are also reversible.

I finally get to talk about a male, there is a male condom. There is a diaphragm and a cervical cap, there are also female condoms, and there is a sponge with spermicide. So, those are reversible and temporary types of birth control. There's permanent birth control too including tubal ligation, which is when your tubes are tied, so to speak. Except when I went to school with a Dr. Charlie Monteith, he was a brilliant boy in high school, now a brilliant doctor because he can reverse a tubal ligation. One of the few in the United States that can do that, so I am not so sure that is permanent. There are vasectomies too, which is cutting or tying or blocking the vas deferens, the two tubes that carry sperm to the penis. I have described twelve ways to prevent pregnancy and there are a few more, so I will add those to the list. Abstinence. The only 100% effective way to protect against pregnancy. This is the number one thing we should be preaching and teaching to our teenagers and preteens. Abstinence is the best choice if you do not want to be pregnant. There is also natural family planning and fertility awareness, lactational amenorrhea method, and withdrawal. Now, that makes sixteen ways to prevent a pregnancy. Only three of those sixteen even involve a man. So, it is on us, it really is on us. We have skipped the part about talking about what pregnancy means to a woman's body.

There might be somebody out there who does not really know this stuff. Somebody would learn something new today. Maybe, I can change a mind or two and persuade them to see things as I see them. First, I just want to dispel the myth that we know we are pregnant the second we get pregnant. There is something where all the women in this Chamber go, "Oh, no!" Some women are pregnant for six months and do not know, that is a fact. We are not making that up. We do not know when we are pregnant when we get pregnant. Even when we are planning to get pregnant with a loving partner, we still do not know. I want to describe a normal, average, good pregnancy. First trimester there is an amazing transformation that happens, but it is invisible. It is physical and emotional. The first signs of pregnancy are tender and swollen breasts, which is from hormonal changes. Women miss periods but a lot of women do not have regular periods so they would not miss it. Nausea

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with or without vomiting, increased urination, fatigue, food cravings, aversions, heartburn and constipation.

I have had one baby vaginally. My husband and I have three children together, my husband's ex-wife who cared for twins, God bless her. I had a wonderful pregnancy. I was happy, healthy, and my baby was healthy. On these first signs of pregnancy, I will tell you what I saw; tender, swollen breasts, missed period, nausea, fatigue, weird food cravings, heartburn, and constipation, so I got it all. Emotionally women are happy, exhilarated, exhausted, and emotionally stressed out, balancing the demands of family and career often time, there are mood swings and they must adjust to the idea of parenthood, either alone or with support. Women need prenatal care, treatment, education and assurance. A lot of people either cannot get it, cannot afford it, or do not know they need it. Doctors are there to assess your overall health, identify risk factors and determine the baby's gestational age. The first thirty weeks we go to checkups about once a month, so things are going along well. The good news is most of that nausea I talked about for most people has passed, there is a renewed sense of well-being and a growing belly. This can be good or not good, depending on who the lady is. The breasts are growing, and the uterus expands, that is an internal organ expanding inside a woman's body on its own. At this point a woman might experience Braxton Hicks' contractions, if you have heard of them and do not know what they are, I will explain.

They are mild, irregular contractions. It feels like a tightness in the abdomen, it usually happens at night, after physical activity or sex. If it becomes regular, the person could have preterm labor. So, if the woman starts having contractions and they are irregular, that is okay; but if these contractions are very regular, you need a doctor and you might be in preterm labor, which is extremely dangerous. Our skin changes because of the hormones. Melanin in our skin produces brown patching. A lot of times there is a dark line that forms down the abdomen, and the sun can aggravate these patches. I do not know about you all, but I have a lot of stretch marks. I had a huge baby. Purple lines where the skin has stretched fast, usually occur on a woman's thighs, buttocks or breasts. In the second trimester women have nasal problems because of hormone increases where the body makes more blood, so there is swelling and bleeding in the mucus membranes, and the nose bleeds. I had two of those, I believe. Sometimes there are dental issues because our gums become sensitive and there is minor bleeding. If a woman has a problem with nausea and vomiting, it might affect her tooth enamel -- dizziness, because there are so many changes in our circulation. They tell us to lie

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down on one side if we are feeling that way -- leg cramps are quite common at night, so we are told to stretch before bed and wear comfortable shoes -- vaginal discharge, some of that is normal but it can become sticky, clear or white and strong smelling. Sometimes there are UTI's, they are common. you will feel a common and extraordinarily strong urge to urinate, when you do it is extremely painful. Sometimes there's fever and a backache along with that but if untreated a UTI can lead to kidney infection and stronger things. In the second trimester we have caught up on our rest -- a little less tired. People a lot of times start taking baby classes, finding a doctor and trying to manage their anxiety. As far as prenatal care is concerned, again, appointments will focus on the baby's growth, hearing the baby's heartbeat and finding out what the baby's sex is. This is also the time when a lot of tests are done on the pregnancy to determine various problems with the baby.

If you are so blessed to make it to a third trimester -- first, let me just say, my mother would reassure me, this is not a permanent condition, you will have the baby. I worked every single day of my pregnancy, in fact, I worked up until my due date. On my due date, I was working. I finally said, okay, I need to go home and wait for this baby. The third trimester is the most physically and emotionally draining time. It is extremely hard for a woman to get comfortable. The due date might come and go and that brings on a special kind of anxiety, I cannot even explain. My son's due date was in November, my child William, did not want to be born. I do not know what the deal was, but I stayed pregnant, and it was three weeks after the due date. He was fine. My doctor finally said, okay, we need to induce pregnancy and you are going to have to have a C-Section and go to the hospital. So, it was planned, at 11:30 the night before I went into labor, I had my baby by 6:32 a.m. the next morning, so I did not have to have a C-Section. I went into natural labor, and I had my wonderful, beautiful, perfect baby. It is exciting during the third trimester because they have these 3-D cameras now where you can see babies' movements, you can see their sensations, and see them reacting in the womb. It is phenomenal. Braxton Hicks' contractions may continue. I had Braxton Hicks' contractions for four months and it drove me crazy. I finally ignored them because they were not regular. Emotions are all over the map, hormones are running wild, there's anticipation, fear and wondering how long the pregnancy will last and coping with that anxiety. Again, some of these women are alone, some of them are not. Thankfully, I was not alone, I had a loving husband at the time. During the third trimester, some women develop gestational diabetes. My grandmother almost died from that. All those physical changes and all

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those hormonal changes in our bodies -- let us talk about labor for a minute, too. So, we have labor and delivery and postpartum care. Labor can be natural, can be unique, people do it in, like, baby tubs. It truly is a test of a mother's physical and emotional stamina. The first stage of labor, you get persistent contractions. Then the cervix dilates, which means it opens and it softens and shortens so the baby can move through the birth canal. It is a natural, physical thing that happens to women to give childbirth. God made us this way. It is the longest stage of labor and can last from hours to days -- days. I know people who were in the hospital for days in labor, then finally active labor. The cervix will dilate from six centimeters to ten centimeters. I did not bring a measuring stick or a ruler because I thought that would be a little much. Most of you know what ten centimeters look like. Right? The body adjusts and gets ready for the baby. We are not allowed to eat anything, because if we have a C-Section -- you are not allowed to eat if there is a possibility of surgery. So, we get ice chips and clear liquids, and popsicles. There is not much we get, so there is no eating involved. The last part of active labor is what you see on T.V. with the screaming ladies, and I must tell you, I do not think I screamed. I did not have any breath to scream, but the last part of active labor is a very intense and very painful. The contractions are lasting sixty to ninety seconds, a minute to a minute and a half of intense pain. There's pressure on the lower back and on the rectum, but you cannot push too soon, and you will want to do that, that is the natural response to all this. If you push too soon, the cervix can swell and then mess up the vaginal birth. So, this is when the doctors tell you to pant and blow. This transition lasts about fifteen minutes to an hour and then we have the baby. It just takes a few minutes to a few hours. You push, and your baby is here, and it is over. Except it is not over, there is more. Many people do not understand, or know that after the birth of the baby, they must do a second birth. They must deliver the placenta. This is a natural, biological thing that a doctor does, it takes about thirty minutes to an hour to do this. During this time, the uterus magically and immediately starts to contract back to its normal size.

If there was no anesthesia used, this is the time a doctor might use anesthetic because sometimes the perineum is torn, and stitches are needed. The perineum is that space between the vagina and the rectum. Now, everything I just described is a smooth pregnancy, labor, and delivery in childbirth with no problems whatsoever, not even one complication. You are going to get all that. The woman's body goes through all of that -- postpartum, even after all that is done, sometimes there are hemorrhages; there's severe vaginal bleeding. I have heard of

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cases like this many times. The woman goes home, and the stitches do not hold, and they could bleed to death. It can kill the mother. This can happen up to twelve weeks postpartum. more than half of the pregnancy-related deaths happen after childbirth. I will say that because I am sure many people do not know that. More than half of the pregnancy-related deaths happen after childbirth, and those numbers are going up. According to the C.D.C., as much as you trust them, this is what I have learned from their online statistics. In 2014, there were eighteen deaths per hundred thousand live births. To me, that is a lot. And not only that, but for a mortality ratio, black women have three times higher frequency than white women of dying. I am not going to discuss that; I am just stating a fact. So, there's fatigue and discomfort, perineal pain, and uterine contractions, but as many as forty percent of these women who have a baby, do not go back for any postpartum visits, usually because, again, of limited resources.

I have described the physical and emotional nature of typical pregnancies and deliveries. All of that, to me, is real sex education. If teenage girls really knew what they were risking and facing, if they really knew all of this, I think there would be less prom night sex. I do not know if anybody learned anything new in the Chamber today and obviously, women have much more to consider in a pregnancy than any man on the planet. That is just fact, which is not judgmental. Switching gears for just a moment here, something else we can all agree upon is that the fear of the unknown can be gripping. Pregnancy is the unknown because nobody knows what is going to happen to their bodies when they get pregnant. I have seen and known plenty of healthy women. They work out, they lead healthy lifestyles, they do not drink or smoke, and then they have these harsh pregnancies. You think, why them? They have really taken care of themselves. My grandmother was as healthy as a horse, and she developed all these problems when she was pregnant. Back then, there were not a lot of remedies, but I remember as a young girl her telling me about it. It takes a lot of work to grow a spine inside of a woman who has a spine. It is a lot of work to grow a baby which has a spine in it. It is challenging work. There has been a lot of preaching in this building. I certainly understand that, I just must point this out, some of it has sounded condescending, demeaning, cold and judgmental. No matter what the intent is of these people who are preaching, not just speaking to the Bill, but really going beyond that, I think -- no matter the intent, there are millions of women in this State who feel like they've been personally addressed in this Legislation. There are millions of women who feel like they have not been heard, and that is why I am

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standing up here this long, and I have never done this before. I have never spoken this long to any Bill. I would like to end with a sacred genuine word of hope, words of love and words of action. I am an optimist, I believe in resolution, I believe in reconciliation, I believe in forgiveness and I believe in empathy. Sometimes I believe in tough love when that is needed, too.

Matthew 7:1 says, "Judge not, that ye be not judged." My husband, Todd, is starring in a show called Godspell. I do not know if you all have heard about it. It is a musical, it is a story that is told through parables and hymns about the story of Jesus. May 5th through 7th and 12th through 14th at Wood Auditorium Arts Center of Kershaw County. He is in this musical and he came to me this morning -- I am going to tell you my husband does not give suggestions to me. Now, we do talk about a lot, but he does not in any way tell me how to do my job. He knows me, and he knows my heart and he thought he could add something to this conversation. So, his parable is about a woman who is caught in an adulterous relationship. I am going to read his lines. These are actual lines he says during the show. He says, "Master, this woman was caught in the act of adultery, and in the law, Moses laid down such women are to be stoned." And what does Jesus say? We all know. People who aren't even religious probably know what Jesus said, "That one of you that is faultless cast the first stone." As we discussed -- and judge women who have unwanted pregnancies, all of us make mistakes, but a lot of times men's mistakes don't look like a bowling ball in front of their bodies. They are unseen. Then Jesus says, "Go now and leave your life of sin, leave it behind." He does not condone the behavior. He does not condone what the woman had done. Jesus does not reject the law directly, but He criticizes those who are applying it mechanically.

The law should be interpreted considering God's mercy for sinners, and we are not doing that. If we are approaching this strictly from a religious basis, as many in this Body are, we are not doing that. John 8:15, "The judgment of the pharisees was limited and worldly." Jesus made it clear that He did not judge at all, in the proper sense, of course, He did judge. I believe that we are judged. We are judged for breaking God's law and going against what he wants for us, part of that might be admittedly promiscuity, reckless sex; but, I am not going to stone those women. We have come to an impasse on these abortion Bills. We are here again, and I don't like it. We need to do something, so I would suggest to our colleagues in the South Carolina House to please, as soon as possible, take up the Senate Bill which is the six-week, basically Fetal Heartbeat Bill, this is a complete ban on abortion. It leaves no room for

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empathy, reality or graciousness. So, as Legislators, and that is what we are, we are not preachers, but as a Legislator, I am to protect and uphold security. Safety and security are the number one thing we can do for our State, for our country. We need to protect the unborn and we need to protect women. I have heard this is not an anti-woman Bill but clearly in some circumstances, it is. I would really appreciate it for all the ones who are currently a "yes" on this Bill, H. 3774, to respectfully not pass it, for all the reasons I have said, and I do believe I am pro-life. I am not going to be labeled that way, but I am. We must take care of each other. The way I can do that is through Legislation. That means we restrict abortions, so we are not a destiny state. Nobody wants an abortion. I do not think there is anybody in this building who wants to allow abortion at four months, at five months. So, we must do this thing. I beg you to reconsider your vote and think about what I have said about pregnancy, and all that the woman goes through. It is not simple to get an abortion. That is all. Thank you.

On motion of Senator SENN, with unanimous consent, the remarks of Senator GUSTAFSON were ordered printed in the Journal.

Senator SENN spoke on the Bill.

Point of Quorum

At 3:29 P.M., Senator SENN made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator SENN resumed speaking on the Bill.

Motion Under Rule 15A Failed

Senator GROOMS moved under the provisions of Rule 15A that debate on the entire matter of H. 3774 be brought to a close.

Call of the Senate

Senator DAVIS moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson

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Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

The question being the motion to invoke Rule 15A.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 21

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Grooms	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--23

NAYS

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Senn	Setzler
Shealy	Stephens	Williams

Total--21

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Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator SENN spoke on the Bill.

Motion Under Rule 15A Failed

At 5:25 P.M., Senator MASSEY moved under the provisions of Rule 15A that debate on the entire matter of H. 3774 be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 20

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Grooms	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--23

NAYS

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Senn	Shealy
Stephens	Williams	

Total--20

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator SENN resumed speaking on the Bill.

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Motion Under Rule 15A Failed

At 6:28 P.M., Senator MASSEY moved under the provisions of Rule 15A that debate on the entire matter of H. 3774 be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 22

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Grooms	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--23

NAYS

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Williams		

Total--22

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator SENN resumed speaking on the Bill.

Senator SENN moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 22

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AYES

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Williams	

Total--23

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Grooms	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Turner	Verdin
Young		

Total--22

Having received the necessary votes, the Senate agreed to stand adjourned.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator SENN, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Moses Tucker Laffitte, Jr. of Columbia, S.C. Dr. Laffitte was the father-in-law of our beloved Senator Chip Campsen. He attended The Citadel, University of South Carolina and the Medical College of South Carolina. After medical school, he served as a general medical officer at Fort Jackson and later worked over forty years with South Carolina OBGYN. He served on numerous boards including being chairman of the Richland Memorial Hospital Board and was a board member of Bankers Trust and Palmetto State Bank. Dr. Laffitte was an active member of First Presbyterian Church of Columbia for over 60 years where he served as a deacon and an elder. He loved spending time outdoors hunting, fishing and golfing. Dr. Laffitte was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Johnny Bobo Brown of Hartsville, S.C. Johnny began his career working in local government in Darlington County and helped establish The Darlington County Recreation Department. In 1973 he joined the Pee Dee Council of Governments and was promoted through the years to Executive Director. He was instrumental in the development of the McLeod Regional Hospital System and in receiving federal funding for the expansion of numerous highways in the Pee Dee Region. Johnny was a member of West Hartsville Baptist Church and enjoyed hunting, fishing, golfing and reading his Bible. Johnny was a loving father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:36 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, April 27, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

I Corinthians 13:1

The Apostle Paul writes: "If I speak in the tongues of mortals, and of angels, but do not have love, I am a noisy gong or a clanging cymbal."

Bow with me, please: O God of Grace, we implore You to never allow us -- any of us -- to become casual about caring for the people of South Carolina. And what an especially horrendous trap it might be for any of us to fall into: to be so caught up in projects, or budgets, or some selfish political agenda, that we fail to consider the true well-being and needs of the many women, men, young people and children who look to this Senate for caring leadership. Political realities are one thing. But to be blasé -- or even worse, absolutely uncaring -- about the heartfelt needs of our citizens, that should never be what this Senate is all about. So, Lord, touch the hearts of each of these leaders. May their love for all of the people of this State never falter. In Your name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Martin	Massey
Matthews	McLeod	Peeler

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Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Talley	Verdin	Young

A quorum being present, the Senate resumed.

Doctor of the Day

Senator KIMBRELL introduced Dr. Aundie Bishop of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator TALLEY, at 11:08 A.M., Senator TURNER was granted a leave of absence for today.

Leave of Absence

On motion of Senator GROOMS, at 11:23 A.M., Senator CAMPSSEN was granted a leave of absence for today.

Expression of Personal Interest

Senator KIMBRELL rose for an Expression of Personal Interest.

Remarks by Senator KIMBRELL

Good morning colleagues. I know we are getting close to the end of session, and this is probably the last time I come up here on any kind of point this year, but I wanted to say thank you for the leadership of Chairman PEELER in the Senate Finance Committee. We worked together this week to get on the floor S. 634, which I recognize is contested and like most of us, whenever you are not going to have a chance to hear something out on the floor during the session, you get a chance to speak about it here.

One of the things I have tried to do since I have been in the Senate, and I hope I have done well -- maybe Senator SETZLER can tell me later if I have -- is to have a point, make your point, but also be agreeable where you can be. I've probably been the loudest guy in the room this year about this ESG idea, and S. 634 -- which I put forward with about ten other colleagues -- was trying to get at this notion of making sure we do targeted tax incentives; we do economic development and we're mindful of this growing agenda that I'm concerned about as it pertains to the culture of our State.

Our former Governor and Ambassador Nikki Haley this week got into a pretty public spar with the Governor of Florida over the issue of ESG's.

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She said she wanted to move, and I respect Governor Haley a lot, but she said she wanted to move Disney to Charleston. I think our Charleston Delegation may not like the congestion in Charleston if Disney were to move there. We will let you make that decision, Senator KIMPSON, but I will tell you that I would not be supporting a targeted tax package to move Disney from Florida to South Carolina. I don't think they are going to move, but the point is, economic development needs to be done without a side of politics, and I've been very clear that I'm worried about that. I tried during the budget debates not to mess anything up. Chairman PEELER put forward a great budget this year. I think it addresses the needs of the State in a conservative and fiscally responsible fashion and I want to be sure we move that along quickly.

During the discussion over Scout, I respect what Mayor Rickenmann here in Columbia said, and that is, the Upstate has a car manufacturing facility, the Low Country has planes and cars, and we need to give the Midlands a chance. Therefore, I pulled down an amendment I had offered about ESG's, even on targeted tax incentives for Scout -- for Volkswagen. I will say now, I think it is good to give fair warning, if we can't get some form of resolution in the Senate going forward next year--saying we will not give this agenda of ESG's a lot of life while we are doing economic development. I will offer amendments going forward on pretty much every economic incentives package to be sure that we are not holding our subcontractors accountable or to a standard they don't want to have to live up to.

In Spartanburg, I have given this story in committee and subcommittee, and I'll tell it here on the floor. A business in Spartanburg -- a large contractor -- very experienced -- has been in business for forty years with one thousand employees -- tried to do some business with a company that moved to Spartanburg under a targeted tax incentives plan. When they applied to be a subcontractor, they had to fill out a one hundred page questionnaire that had little to do with their bonding and insurance requirements -- had little to do with their ability to perform the job, but had everything to do with where they stood on everything from climate change, to LGBT recruitment, and a whole range of things that I really don't think had anything to do with their ability to perform the job. We are using our tax money -- their tax money -- to bring these businesses in, and the idea is we are going to have a multiplier effect, and we are going to do economic growth and development. And, if we are using tax money collected from the businesses that are here, then those businesses ought to be able to benefit from that economic

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development without being forced to change their culture, values or positions to bow down to an agenda they don't agree with.

So, I will just say I appreciate, Mr. Chairman, S. 634 going through the Finance Committee. I appreciate that it is on the floor. I recognize it goes nowhere this year, but going forward I will be pretty aggressive on making sure we adopt -- if we can't get a Sense of the Senate on this sometime next year -- I will probably argue on every incentive package that we make sure our subcontractors are not forced to bow to this agenda in order to be successful.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator KIMBRELL were ordered printed in the Journal.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 634 Sen. Adams

RECALLED

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator MATTHEWS asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

Motion to Ratify Adopted

At 11:30 A.M., Senator GROOMS asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 755 -- Senators Young, Malloy, Massey, Campsen, Bennett, Rankin, Hembree, Matthews, Corbin, Talley, M. Johnson, Garrett, McLeod, Hutto, McElveen, Senn, Harpootlian, Sabb and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING PART 4 TO ARTICLE 6, CHAPTER 6, TITLE 62 SO AS TO PROVIDE FOR TRANSFER ON DEATH DESIGNATIONS FOR CERTAIN CATEGORIES OF TITLED PERSONAL PROPERTY; BY AMENDING SECTION 50-23-60, RELATING TO APPLICATIONS FOR CERTIFICATE OF TITLE FOR WATERCRAFT OR OUTBOARD MOTORS, SO AS TO PROVIDE FOR TRANSFER ON DEATH DESIGNATIONS; BY AMENDING SECTION 50-23-70, RELATING TO FEES FOR WATERCRAFT AND OUTBOARD MOTOR CERTIFICATES OF TITLE SO AS TO ESTABLISH A FEE FOR TRANSFER ON DEATH DESIGNATIONS; BY AMENDING SECTION 50-23-90, RELATING TO THE CONTENTS OF WATERCRAFT AND OUTBOARD MOTOR CERTIFICATES OF TITLE, SO AS TO REQUIRE CERTAIN INFORMATION REGARDING TRANSFER ON DEATH DESIGNATIONS; BY AMENDING SECTION 50-23-130, RELATING TO TRANSFER OF OWNERSHIP OF WATERCRAFT AND OUTBOARD MOTORS BY OPERATION OF LAW, SO AS TO INCLUDE TRANSFER ON DEATH DESIGNATIONS; BY AMENDING SECTION 56-19-290, RELATING TO CONTENTS OF A CERTIFICATE OF TITLE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE CERTAIN INFORMATION REGARDING TRANSFER ON DEATH DESIGNATIONS; BY AMENDING SECTION 56-19-420, RELATING TO DEPARTMENT OF MOTOR VEHICLE FEES TO ISSUE OR TRANSFER A CERTIFICATE OF TITLE, SO AS TO ESTABLISH A FEE FOR TRANSFER ON DEATH DESIGNATIONS; AND BY AMENDING SECTION 62-6-101, RELATING TO DEFINITIONS, SO AS TO REVISE AND INCLUDE CERTAIN DEFINITIONS PERTAINING TO TRANSFERS ON DEATH FOR TITLED PERSONAL PROPERTY.

lc-0281ph23.docx : 581dbfce-511d-42c0-bf37-f810ffec64f4

Read the first time and referred to the Committee on Judiciary.

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S. 756 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0336wab-dbs23.docx : 4b24511b-6230-4dfa-a745-25adc9b22718

Read the first time and ordered placed on the Calendar without reference.

S. 757 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, RELATING TO CONTINUING OBLIGATION TO UPDATE, REQUEST FOR HEARING, AND ANSWER, DESIGNATED AS REGULATION DOCUMENT NUMBER 5131, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0334wab-rt23.docx : d50dd847-1557-4828-90a8-4b6dd219df77

Read the first time and ordered placed on the Calendar without reference.

H. 3217 -- Reps. W. Newton, Carter, Mitchell and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT"; BY ADDING SUBARTICLE 12 TO CHAPTER 9, TITLE 63 SO AS TO PROHIBIT UNREGULATED CHILD CUSTODY TRANSFERS OF CHILDREN PLACED FOR ADOPTION; TO CREATE CRIMINAL PENALTIES FOR MAKING A PROHIBITED TRANSFER OF CHILD CUSTODY, RECEIVING CUSTODY OF A CHILD WHO IS THE SUBJECT OF A PROHIBITED TRANSFER, SERVING AS AN INTERMEDIARY FOR A PROHIBITED TRANSFER OF CUSTODY, OR ADVERTISING OR SOLICITING A PROHIBITED TRANSFER OF CUSTODY; TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO INVESTIGATE VIOLATIONS AND TAKE OTHER REGULATORY ACTIONS; AND FOR OTHER PURPOSES; BY ADDING SECTION 63-9-85 SO AS TO REQUIRE CHILD PLACING AGENCIES TO PROVIDE CERTAIN INFORMATION TO

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PROSPECTIVE ADOPTIVE PARENTS, INCLUDING GENERAL ADOPTION INFORMATION, INFORMATION ABOUT THE CHILD, AND INFORMATION ABOUT FINANCIAL ASSISTANCE AND OTHER SUPPORT SERVICES; AND BY REPEALING SECTION 63-9-80 RELATING TO CERTAIN INFORMATION PROVIDED TO PROSPECTIVE ADOPTIVE PARENTS.

lc-0035vr23.docx : 2dbe243d-8c5d-4ba4-8c7e-66b265ad9f08

Read the first time and referred to the Committee on Judiciary.

H. 3313 -- Rep. Jordan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-10, RELATING TO THE PERFORMANCE OF THE DUTIES OF A REGISTER OF DEEDS, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THESE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND BY AMENDING SECTION 30-5-12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY APPOINTS THE REGISTER OF DEEDS.

lc-0040wab23.docx : decb4373-d3f0-4ea8-a14e-3f75257bbe9e

Read the first time and referred to the Committee on Judiciary.

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B. L. Cox, Moss, T. Moore, Beach, J. L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M. M. Smith, Davis, Cobb-Hunter, Henegan, G. M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J. E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

lc-0087hdb23.docx : e50525a8-eff8-4677-be7f-3d7eb07b3570

Read the first time and referred to the Committee on Judiciary.

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H. 3734 -- Reps. B. Newton, Cobb-Hunter and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-15-10, RELATING TO THE CONDUCT OF MUNICIPAL PRIMARY, GENERAL, AND SPECIAL ELECTIONS, SO AS TO REQUIRE THAT ALL SUCH MUNICIPAL ELECTIONS BE CONDUCTED USING THE VOTING SYSTEM APPROVED AND ADOPTED BY THE STATE ELECTION COMMISSION; BY AMENDING SECTION 5-15-40, RELATING TO TERMS OF OFFICE OF MAYOR AND COUNCILMEN, SO AS TO PROVIDE THAT THE TERMS OF THE MAYOR AND COUNCILMEN COMMENCE THE MONDAY FOLLOWING CERTIFICATION OF THE ELECTION RESULTS; BY AMENDING SECTION 5-15-50, RELATING TO ESTABLISHMENT OF MUNICIPAL WARD LINES AND TIME FOR MUNICIPAL GENERAL AND SPECIAL ELECTIONS, SO AS TO, AMONG OTHER THINGS, REQUIRE THAT MUNICIPAL GENERAL ELECTIONS BE HELD ON ONE OF CERTAIN ENUMERATED DATES, PROHIBIT THE TERMS OF INCUMBENT COUNCIL MEMBERS FROM BEING EXTENDED WHEN A NEW TIME FOR MUNICIPAL GENERAL ELECTIONS IS ESTABLISHED, AND REQUIRE MUNICIPAL SPECIAL ELECTIONS SCHEDULED TO OCCUR WITHIN CERTAIN TIME FRAMES OF THE MUNICIPALITY'S GENERAL ELECTION TO BE HELD AT THE SAME TIME AS THE GENERAL ELECTION; BY AMENDING SECTION 5-15-100, RELATING TO FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO EXTEND THE TIME FRAME BY WHICH A MUNICIPAL ELECTION COMMISSION MUST MEET AND DECLARE THE RESULTS FOLLOWING AN ELECTION; BY AMENDING SECTION 5-15-120, RELATING TO VOTE COUNTING IN MUNICIPAL ELECTIONS, SO AS TO CHANGE THE TIME WHEN NEWLY ELECTED OFFICERS MAY BE QUALIFIED AND THEIR TERMS COMMENCE TO THE MONDAY AFTER CERTIFICATION OF THE ELECTION RESULTS; AND BY AMENDING SECTION 5-15-145, RELATING TO TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO REQUIRE COUNTY ELECTION COMMISSIONS TO CONDUCT MUNICIPAL ELECTIONS FOR MUNICIPALITIES THAT ELECT TO TRANSFER AUTHORITY.

lc-0111hdb23.docx : e4af4ff0-ec2a-481d-b245-119af5c5b6f2

Read the first time and referred to the Committee on Judiciary.

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H. 3883 -- Reps. T. Moore, Hyde, Ligon, Brittain, Pope, Long, Lawson, McCravy, Guffey, Elliott, Harris, Nutt, Murphy, Guest, Jordan, Wheeler, W. Newton, Robbins and Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-7-1340, RELATING TO THE DUTIES AND SERVICE OF ALTERNATE JURORS, SO AS TO ALLOW THE COURT TO RETAIN ALTERNATE JURORS UPON SUBMISSION OF A CASE TO A JURY FOR DELIBERATIONS.

lc-0125ahb23.docx : a46232cd-8536-4b95-a6e2-50ec6a325ffa

Read the first time and referred to the Committee on Judiciary.

H. 3953 -- Reps. G. M. Smith, Bannister, Bradley, Crawford, Herbkerman, W. Newton, Alexander, Wetmore, Hyde, Sessions, Guffey, Felder, Hixon, White, Moss, Yow, Mitchell, Ligon, Willis, S. Jones, Lawson, B. Newton, Robbins, Brewer, Murphy, Kirby, Long, Blackwell, Weeks, M. M. Smith, Davis and B. L. Cox: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-140 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR", SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104, 37-6-117, 37-6-501 THROUGH 37-6-510, 37-6-602, AND 37-6-604, ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

lc-0151dg23.docx : 2d1f912f-edc1-4b5f-8e27-c5b01b948acc

Read the first time and referred to the Committee on Banking and Insurance.

H. 3987 -- Rep. Thayer: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON

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COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

lc-0145hdb23.docx : 1e018805-4d12-41b9-91cf-1ce14de21a1e

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4350 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0217hdb23.docx : 057f936f-9782-41c9-8520-bf2ee277717c

Read the first time and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Medical Affairs polled out H. 3681 favorable:

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Poll of the Medical Affairs Committee Polled 17; Ayes 14; Nays 0; Not Voting 3

AYES

Verdin	Peeler	Hutto
Martin	Alexander	Davis
K. Johnson	Corbin	Gambrell

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Senn	Cash	McLeod
Loftis	Garrett	

Total--14

NAYS

Total--0

ABSTAIN

Total--0

NOT VOTING

Scott	Kimpson	Matthews
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Total--3

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF

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APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL

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ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 27, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

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S. 738 -- Senator K. Johnson: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE CLARENDON COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS.

On motion of Senator K. JOHNSON.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

CONTINUED

H. 3774 -- Reps. McCravy, G.M. Smith, Hiott, W. Newton, Pope, Yow, M.M. Smith, Hardee, J.E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B.L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B.J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING

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SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Senate proceeded to a consideration of the Bill.

Senator McLEOD spoke on the Bill.

Point of Quorum

At 11:55 A.M., Senator MATTHEWS made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator McLEOD resumed speaking on the Bill.

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. This is day three of the debate on a total abortion ban. And I want to take a minute before I get started to thank the women of the Senate -- my sister Senators who have always led and continue to lead on this extremely important issue. I also want to thank our male colleagues on both sides of the isle who have supported us every single time, as well as those who take time off from their jobs and time away from their families just to come to the State House year after year, time after time to let us know that they stand in solidarity with us.

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You have already heard from my sister Senators SHEALY, GUSTAFSON and SENN. And while our approaches and experiences and deliveries may be different, all five of us are united on this issue. Maybe that's because only five of us in this Chamber are capable of giving birth. You have already heard some statistics so I won't reiterate. You have heard some constitutional arguments and a proposed constitutional amendment. We have talked briefly about the fiscal impact of this war on women. So, you should question those who describe themselves as fiscally conservative in one breath while still demanding that we debate and pass Bills like this and the other, knowing that we'll expend an extraordinary amount of time, money, energy and resources on the legal challenges.

You've heard a very detailed account of a colleague's childbirth experience, some of you probably wondered why she chose to disclose intimate details and I certainly can't speak for her. But as she was sharing, I was reminded of a special session during the height of the pandemic before vaccines were available. When we reconvened to debate yet another abortion Bill, it was my first time back in this Chamber after the pandemic began and I was wearing a mask. I was suited up. I had gloves -- the whole nine yards. But I was still nervous about putting my life and health on the line just to be here. It was then that I stood at this well and disclosed for the first time publicly that I was raped. My seatmate Senator SABB, yesterday leaned over and shared with me how unfortunate it is that the women of this Body often feel that we have to share intimate details of our lived experiences to enlighten and engage our male colleagues on issues that are unique to us. And he is right, it is unfortunate! But to sit idly by while forty-one men determine what is right for us, and our constituents, is not an option. The reason I chose to disclose that then, and to talk about it now here, wasn't because I believed my disclosure would change any of my male colleagues' minds. And it didn't. I shared my truth for the first time publicly so that women and girls across our State would know and understand that they have someone in this Chamber who sees them, who hears them, who gets them, who understands their plight and their pain and will continue to fight for them.

Despite what we heard and saw yesterday, this issue is not about rubber babies or any other offensive props. It is about real people with real lives who face real challenges that require them to make real decisions that are best for them and their families. Reproductive rights are human rights and are deserving of equal protection.

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The total ban that is being debated here today clearly places the rights of a fetus over the rights of the women and girls who will be forced by our male-dominated Legislature to carry that fetus to term. There is no concern, no compassion and obviously no protection for women like me who live with a chronic health condition and are considered high risk for life threatening complications during pregnancy and beyond pregnancy. No equal protections for sexual assault survivors like me who will be forced by politicians to carry the seed of their rapist to term regardless of whether she has the means, the resources or the support to care for herself or a baby. No empathy for the ten-year-old victim of rape or incest who is still a child herself. Because if this Bill passes, a baby will be forced to carry and deliver another baby, even if it costs her life.

The proponents of this Bill want you to believe that the rights of a fetus are absolute, and far outweigh the rights of the women and girls who are forced to carry that fetus. Please, make that make sense. So, they're not just attacking our constitutional rights. They are attacking our God-given rights. I said it many times before but I'll say it again. God in his infinite wisdom entrusted these most important decisions, his most precious creations, his most magnificent assignments, to women and only women. Don't get mad at us, God did that. The same God that some of us purport to serve.

It's hard to have to come back to this well every session, and sometimes like this, multiple times a session. And since our male-dominated Legislature can't control God, they've made it their life's mission to control us -- using his name to carry out their own personal political agendas. Quickly, unapologetically and selectively perverting scripture to describe their own views and when all else fails they have got a ram in the bush because serving in the Legislature allows them to play God on every legislative Tuesday, Wednesday and Thursday. Quite often it is abortion bans on Tuesdays, I think the House has coined the phrase wicked Wednesdays. Sometimes on Wednesdays it is firing squads and on Thursdays permitless carry. Make no mistake, the arrogance, the ignorance, the flagrant hypocrisy of these men has always been on display for women and girls across South Carolina to see. And as our colleague read from scripture yesterday, we are fearfully and wonderfully made. And we are, by God, not man, for those in the back. So, it was God who decided that women and only women are capable of giving birth. If he wanted our male-dominated Legislature to make that decision, he would have given them the biological ability and equipment. Earlier this week we heard from several men right here in this Body who refused to answer certain questions -- pertinent questions from their

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female colleagues. Why? Well, one big reason is because they can't. Another reason is because a misogynistic mindset is a terrible thing to waste. Especially when you have the political power to ignore those of us who are directly impacted while you dictate what's best for us. What happened on Tuesday was never about the Senate PRESIDENT. All of us respect and appreciate him -- it's just that some of us respectfully disagreed with his interpretation only to discover that overriding the Senate PRESIDENT isn't allowed if initiated by a woman in this Chamber. Yet our rights, our decisions, our interpretations are overridden every time we debate this issue. As we say in my neck of the woods, the men in this Chamber and the one across the hall ain't got nothing on it. No money. No uterus. No firsthand knowledge or experience. No support, and no respect, or consideration for those of us who have to live with the consequences of their actions. To be blunt, the majority has no frame of reference, since only five of us in this Body have actually given birth. Yet they still try to speak with authority since they can't speak from experience. I don't come to the well often but I've never been one to mince words. So today, I'm just going to call it like I see it. Just as rape is about power and control, so is this total ban. Those who continue to push legislation like this are raping us again with their indifference. Violating us again with their righteous indignation. Taunting us again with their insatiable need to play God while they continue to pass laws that are ungodly. If God wanted men to make these decisions, he would have given them the ability to carry a baby and give birth. But he didn't. So now they've decided to take it by force. Tell me where in the Bible it says your will, not God's be done? Tell me where it says men have the right to control women and girls but no duty or responsibility to provide resources and support? Tell me where it says doctors and medical providers should be criminalized for treating their patients or refusing to violate HIPPA? What kind of world do we live in when members of the General Assembly are more focused on incarcerating and punishing victims of rape than holding their rapist accountable? Do we really want to live in a State where survivors of rape are forced to carry the seed of our rapist to term and be saddled with a life sentence for a crime that was committed against us, not by us?

Earlier this week we had a real opportunity to show the people of South Carolina that their voices matter. That we have confidence in their ability to decide for themselves by simply putting the question on the ballot. Surprisingly, it was an amendment that one of our male republican colleagues sponsored. And what happened? It morphed into a heated debate about the Senate rules and the dangerous precedent that would be

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set if we override the Senate PRESIDENT's interpretation. We were reminded that the Senate is a Body of rules. Maybe it was at one point. But I'm resigned that if this Senate was a Body of rules it was long before I got here. Perhaps that was the case when it was a Body of forty-six men and there were no women's voices in this Chamber. Maybe it was a Body of rules when my sister Senator, Senator SHEALY first got here. But it's definitely not that way now. I said it before and I'll say it again, in case you missed it. I've been a member of the Rules Committee for almost four years. And so far to my knowledge that committee has never met. I've never gotten one committee meeting notice, not one. But somehow the rules keep changing right here on the floor. And those special order slots that are designated as Rules Committee slots keep being used, should I say abused. More evidence that the rules are made for us, not by us.

Just last week, SC GOP Congresswoman Nancy Mace tried to warn her party that banning abortion is a losing strategy and even with more pressing issues the majority party keeps prioritizing this one without any concern, compassion, empathy or support. As I was saying, Congresswoman Nancy Mace reminded her party this is a losing strategy, this total abortion ban and we do have more pressing issues. But the majority party keeps prioritizing this one without any compassion -- without any concern, empathy or support for the women and girls who will be impacted. And isn't it ironic that the same folks who insist that life begins at conception, don't seem the least bit concerned about the living? One of the most heinous hate crimes in South Carolina history took the life of one of our very own, one of our very own colleagues, yet we're still prioritizing everything but hate crimes. Yesterday our colleague just closed his remarks by saying, this Bill deserves a debate. Well, with all due respect, so does the Hate Crimes Bill that he and his two other colleagues put their names on to ensure that we won't have an opportunity to debate it before session ends just like they did last year.

The hypocrisy, the audacity, the tone deafness by some in this Chamber is staggering. We claim we care about the living but we continue to pay hardworking South Carolinians \$7.25 an hour knowing that they can't live or survive on those wages, let alone take care of their maternal health or the expenses of raising a baby to adulthood. We pass firing squad Bills and shield laws for companies that make lethal injection drugs and now we are on track to prioritize permitless carry knowing that it means more people who look like me will be targeted, and more young black men and women will die as a result. So, it makes me wonder whose lives we're really protecting. Not mine. Not my son's.

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And if you didn't know that South Carolina has been losing its best and brightest young people for decades, you should know that we are. I talked a little bit about that yesterday when Senator SENN was at the well. Because of Bills like this, we're not only losing nurses and doctors and medical practitioners, we'll continue to lose our best and brightest young people who are engaged especially when it comes to their reproductive rights and freedoms and the reproductive rights and freedoms of those they love. So, we will be in a position very soon where we won't have to always talk about losing teachers in this State. We are and we will continue -- we can just stop after saying that we are losing -- South Carolina is losing period because of Bills just like this one.

I come from a rural community. I come from Marlboro County, Bennettsville, South Carolina. The challenges that we already face in finding doctors, nurses and other health care providers -- I can't even begin to articulate the impact it's having on rural communities just like my hometown. There is definitely a lack of access to quality affordable health care in this State. And yet we have consistently refused to even expand Medicaid. But we care about the living, right? We can't find medical students or residents who want to stay here. So I wonder who's going to deliver all these babies or care for moms and babies who have life-altering or life-threatening complications.

Since we want to wear the Bible belt, it seems, like a badge of honor, shouldn't some of our actions reflect it? I am guided by my faith, in every aspect of my life. And I know that the God I serve can't be pleased when the majority of us claim to be Christians in one breath, and deliberately defy his very essence in the next. Too many legislative decisions are calculated, self-serving and, yes, hypocritical. We want to separate church and state but only when it's politically expedient. We push notions of justice, truth, fairness, equity -- in public, and yet privately hide behind our self-righteous, self-proclaimed Christian labels to push our own partisan political agendas. Think about it. The General Assembly loves to protect fetuses in the womb. But there's nothing protective or pretty about our refusal to protect or help support those same lives after birth. Apparently when the umbilical cord is cut, so is the concern and the compassion. Funny how we go from God's chosen to society's forgotten simply by passing through the birth canal.

I'm not going to talk much longer. I know many of you are aware that back in 2016 I was in the House. It was the same year I got elected to the Senate but at the time I was in the South Carolina House. And I was so sick and tired of spending every moment of my summer listening to testimony on a committee. I was appointed by the Speaker to serve on a

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committee that I thought was about women's maternal health. Turned out it wasn't. It was a committee that was formed to listen to testimony all summer about how to defund Planned Parenthood. And as I listened intently, I became much more angry about how we had chosen to spend our time or how we were forced to spend our time. And so, I went back and looked at the statute and learned a lot about the hoops and hurdles that women and girls had to jump through just to exercise their reproductive rights and freedoms. I went home and I thought about what that would look like for men and I introduced the Viagra Bill.

I learned a lot about Viagra, surprisingly. I didn't know that it was originally developed to address heart conditions. Erections were simply a side effect of the medicine. I won't go into it like I did when I introduced the Bill but I was floored by the fact that the Viagra Bill I introduced back in 2016, when this was again a priority for the majority in this State -- what I discovered from the introduction of that Bill you know, I was simply trying to show, trying to expose the hypocrisy, the double standard that exists around these conversations that nobody seems to want to have. But that Bill and the excitement around the Bill went viral. It got national and international media attention. And it let me know that although South Carolina is unique and we are different here, our struggles are the same for women and girls across South Carolina. So, I really appreciate the support and the concern and the consideration and the compassion for those of us who are speaking from firsthand experience, firsthand knowledge about issues like pregnancy and childbirth. I notice that I didn't start to get a lot of questions and comments from my colleagues until I brought up the Viagra Bill that I introduced in 2016, but I should have expected that!

I want to close by saying despite what you may think or what you have heard, I'm not anti-men. I'm not anti-Viagra. But I am anti-hypocrisy, and I am anti-double standard. And frankly, I don't believe that Senators or Representatives need to be focused on abortion or erectile dysfunction. In fact, our State has much bigger issues and much more pressing challenges that are more deserving of our time and attention. I haven't revived the Viagra Bill yet, but I do believe that if we are going to insist upon governing any of it, I'm going to insist that we govern all of it.

We have a real opportunity here today to send a message not only to the proponents of this total ban but to send a message to the women and girls who make up 55% of our state's electorate and to let them know that there are five of us in here who look like them -- in many ways who act like them -- who hear them, who understand them, who appreciate

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them. We won't stop fighting so that their voices, and our voices, can be heard.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator McLEOD were ordered printed in the Journal.

Senator MATTHEWS spoke on the Bill.

Motion Under Rule 15A Failed

At 1:16 P.M., Senator MASSEY moved under the provisions of Rule 15A that debate on the entire matter of H. 3774 be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 21; Nays 22

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Gambrell	Garrett
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Verdin	Young

Total--21

NAYS

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Williams		

Total--22

Having failed to receive the necessary vote, the motion under Rule 15A failed.

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Senator MATTHEWS moved to continue the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 22; Nays 21

AYES

Allen	Davis	Fanning
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Williams		

Total--22

NAYS

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Gambrell	Garrett
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Verdin	Young

Total--21

Having received the necessary vote, the Bill was continued.

Senator CORBIN moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 20

AYES

Allen	Cash	Corbin
Fanning	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Martin
Matthews	McElveen	McLeod

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Rankin	Sabb	Scott
Senn	Setzler	Stephens
Talley	Williams	

Total--23

NAYS

Adams	Alexander	Bennett
Climer	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Massey	Peeler
Reichenbach	Rice	Shealy
Verdin	Young	

Total--20

The Senate agreed to stand adjourned.

Motion Adopted

On motion of Senator CORBIN, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Richard Scott Joye of Murrells Inlet, S.C. Scott was a graduate of Francis Marion University and the University of South Carolina Law School. He practiced in all levels of trial courts over the past nineteen years and was an independent program attorney for U.S. LawShield. Scott was recognized as Member of the Year by the South Carolina Association of Criminal Defense Lawyers in 2010 and was a former council member for the State Bar Criminal Law Section. He received many awards including Top Rated Attorney and Super Lawyer and was a member of numerous professional organizations. Scott was a loving son and devoted father who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Charles Stanley of Atlanta, GA. Charles was a senior pastor of First Baptist Church of Atlanta for fifty years and was the host of In Touch with Dr. Charles Stanley and later In Touch Ministries. Charles wrote more than 40 books and was a devoted photographer of nature and the outdoors. Charles was a loving father and had an enduring legacy of faithful leadership and spiritual guidance that will forever be remembered.

ADJOURNMENT

At 1:29 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, April 28, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN.

ADJOURNMENT

At 11:03 A.M., on motion of Senator JACKSON, the Senate adjourned to meet next Tuesday, May 2, 2023, at 12:00 P.M.

* * *

Tuesday, May 2, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 23:1

As most of you recall, the familiar opening to Psalm 23 is: “The Lord is my shepherd, I shall not want.”

Join me as we bow in prayer: I am confident, O Lord, that virtually no one hearing my voice does not recall how much every one of us needs to have You as our shepherd. In ways so very typical for all of us, without Your caring and loving guidance we are prone to wander off course, to head in directions and to make decisions that are far from those You would have us choose. That is why we pray today, dear God, that each Senator and every staff member will turn to You, follow Your teachings, and honor You as they in turn strive to do what is best for all of the people of South Carolina. And may these Senate leaders feel that special closeness to You, O Lord, for which we all yearn. In Your loving name we pray. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler

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Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Mark A. Singleton, 5470 Reba Road, Conway, SC 29527-7012 *VICE*
Robin A. Helms

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, Director of Department of Insurance, with term coterminous with Governor

Director:

Michael Wise, 2 School Yard Court, Columbia, SC 29209

Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

5th Congressional District:

Ame E. Fuss, 29049 Snapper Point, Tega Cay, SC 29708-8403 *VICE*
William B. James, Jr.

Referred to the Committee on Judiciary.

Local Appointments

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Wynee D. Eubanks, 107 Hillandale Rd., Pendleton, SC 29670-2924

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Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carey B. Murphy, 601 Glenwood Ave., Anderson, SC 29625-2856

Initial Appointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Anthony Britt, 116 Kemper Church Road, Lake View, SC 29563-5665
VICE Charles Spivey

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Katina Capers-Washington, 307 Robinson Avenue, Winnsboro, SC 29180-6153

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jannita Gaston, 66 Buckberry Lane, Winnsboro, SC 29180-7042

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Danielle Miller, 628 Old Chester Road, Winnsboro, SC 29180-7153

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

M. Paul Swearingen, 106 East Washington Street, Winnsboro, SC 29180-1135

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carson McCurry-Henderson, P. O. Box 1784, Greenwood, SC 29648-1784
VICE Lisa Hotchkiss

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gary Wayne Reinhart, 139 East Main Street, Lexington, SC 29072-4128

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ronald C. Halfacre, 1810 Harper Street, Newberry, SC 29108-2804

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Reappointment, Newberry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Barry S. Koon, 14149 C R Koon Highway, Newberry, SC 29108-8250

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Larry Blanding, 190 East Canal Street, Sumter, SC 29150-4951

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Bryan Keith Griffin, 115 North Harvin Street, Sumter, SC 29150-4956

Doctor of the Day

Senator K. JOHNSON introduced Dr. Robert Ridgeway III of Manning, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:05 P.M., Senator VERDIN was granted a leave of absence until 12:30 P.M.

Leave of Absence

On motion of Senator CROMER, at 12:05 P.M., Senator CAMPSSEN was granted a leave of absence for today.

Leave of Absence

At 1:10 P.M., Senator DAVIS requested a leave of absence until 1:40 P.M.

Leave of Absence

On motion of Senator McELVEEN, at 1:34 P.M., Senator SABB was granted a leave of absence until 2:30 P.M.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 739 Sen. Talley

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RECALLED

S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKELEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3974 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-75 (E WASHINGTON STREET) IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH LAURENS ROAD TO ITS CONVERGENCE WITH S-1077 "STEWART SPINKS ROAD" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4332 -- Reps. Ott, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2023 AS "NF AWARENESS MONTH" AND FURTHER TO DECLARE MAY 17, 2023, AS "NF AWARENESS DAY" IN THE STATE OF SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4350 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP

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NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator PEELER asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CLIMER, with unanimous consent, Senators SETZLER, BENNETT, K. JOHNSON, ALLEN, GAMBRELL, SENN and CLIMER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 758 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE SAMARITAN'S FEET UPON THE OCCASION OF ITS TWENTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0387km-vc23.docx : a7d49112-1c29-49c0-a4a2-5d59f21e5be2

The Senate Resolution was adopted.

S. 759 -- Senator Stephens: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE EPSILON OMEGA CHAPTER OF OMEGA PSI PHI FRATERNITY, INC.

sr-0380km-vc23.docx : 25a4230d-a200-4dbe-a621-73b3acf98603

The Senate Resolution was adopted.

S. 760 -- Senators McElveen and Gustafson: A SENATE RESOLUTION TO CELEBRATE THE CAMDEN HIGH SCHOOL GIRLS BASKETBALL TEAM FOR CAPTURING THE 2023 CLASS AAA STATE CHAMPIONSHIP TITLE AND TO CONGRATULATE THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF ON A FINE SEASON.

lc-0313cm-rm23.docx : 113962a5-5661-460b-acb8-b35175096a70

The Senate Resolution was adopted.

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S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKELEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0385km-hw23.docx : 603809eb-a7cb-494e-ac2d-f2d36cced855

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 762 -- Senator Garrett: A SENATE RESOLUTION TO HONOR AND CONGRATULATE MAJOR CHRIS MORGAN UPON THE OCCASION OF HIS RETIREMENT FROM THE GREENWOOD POLICE DEPARTMENT, TO THANK HIM FOR HIS TWENTY-SIX YEARS OF OUTSTANDING SERVICE WITH THE CITY OF GREENWOOD, AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

lc-0343wab-ar23.docx : 30331355-e321-46e9-9665-b39766b494de

The Senate Resolution was adopted.

S. 763 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-96-170, RELATING TO WASTE TIRES, SO AS TO REMOVE THE CAP ON TIPPING FEES THAT A COUNTY MAY CHARGE FOR RECYCLING AND DISPOSAL OF CERTAIN WASTE TIRES AND TO ENCOURAGE STAKEHOLDER COLLABORATION ON MARKET DEVELOPMENT OPPORTUNITIES REGARDING END-OF-LIFE TIRE RECYCLING IN SOUTH CAROLINA.

lc-0250vr23.docx : 96b42736-cd29-4660-98f5-6af2a611cce6

Read the first time and referred to the Committee on Medical Affairs.

S. 764 -- Senators Climer, M. Johnson and Peeler: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC

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INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

lc-0230hdb23.docx : a9428c71-c0c6-4139-80d4-2bd7a9011b11

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 765 -- Senators Talley, Martin, Corbin and Kimbrell: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE CHARLES W. "CHARLIE" JONES, CHIEF JUDGE OF THE SPARTANBURG COUNTY MAGISTRATE COURT, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0316sa-rm23.docx : 4865c837-399b-41bc-82cb-32b009fb648b

The Senate Resolution was adopted.

S. 766 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES A. JAMISON, ASSISTANT PASTOR OF BROOKLAND BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER YEARS OF EXEMPLARY MINISTRY AND SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0229hdb-gm23.docx : 5da36d8e-508b-466a-a34c-4c2a8fa95734

The Concurrent Resolution was adopted, ordered sent to the House.

S. 767 -- Senators Corbin and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-5-115 SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT PARTY; BY AMENDING SECTION 7-5-110, RELATING TO REGISTRATION IN ORDER TO VOTE, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT POLITICAL PARTY; BY AMENDING SECTION 7-5-170, RELATING TO THE REQUIREMENTS FOR VOTER REGISTRATION, SO AS TO PROVIDE THE REQUIREMENT OF STATING POLITICAL PARTY AFFILIATION, IF ANY, ON THE

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FORM AND INCLUDING IT IN THE OATH, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ASSIST IN CAPTURING THIS DATA; AND BY AMENDING SECTION 7-9-20, RELATING TO QUALIFICATIONS FOR VOTING IN PRIMARY ELECTIONS, SO AS TO INCLUDE, AS A REQUIREMENT, REGISTERING AS A MEMBER OF THE PARTY AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

sr-0094jg23.docx : e5f69098-4278-4054-a096-147c78c9222f

Read the first time and referred to the Committee on Judiciary.

S. 768 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LONG BRANCH RIVER ALONG DR. MARY MCLEOD BETHUNE ROAD IN LEE COUNTY "WATSON BRANCH" IN MEMORY OF W. BURKE WATSON AND JEANNE CARR WATSON AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS, AND REQUEST THAT THE COST OF THESE SIGNS OR MARKERS ARE NOT PAID FOR WITH PUBLIC FUNDS.

lc-0316cm-gt23.docx : 3f293cdc-6a10-4c9d-8834-02074d85dde2

The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 769 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE STATE OF ISRAEL UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND COMMEND ISRAEL'S RELATIONSHIP WITH THE STATE OF SOUTH CAROLINA AND THE UNITED STATES.

sr-0392km-hw23.docx : 17928a35-a527-4a4f-8a10-c355bflaf605

The Concurrent Resolution was adopted, ordered sent to the House.

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H. 3168 -- Reps. Chumley, Burns and McCravy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 56-3-2210 AND 56-3-2230, BOTH RELATING TO THE CLASSIFICATION OF CERTAIN MOTOR VEHICLES AND MOTORCYCLES AS ANTIQUE, SO AS TO CLARIFY THAT ANTIQUE MOTOR VEHICLES AND MOTORCYCLES MAY BE USED AT NIGHT FOR PURPOSES IDENTIFIED IN THESE SECTIONS IF EQUIPPED WITH WORKING HEADLIGHTS AND REAR LIGHTS.

lc-0005hdb23.docx : 740bb0bf-b2cd-41e9-95e5-0bc89f479a21

Read the first time and referred to the Committee on Transportation.

H. 3732 -- Reps. Chumley, Burns, Pope, S. Jones, Vaughan, Hiott, Hixon and G. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-668 SO AS TO DESIGNATE THE RESTORATION, EXHIBITION, SHOWING, AND ENJOYMENT OF CLASSIC AND ANTIQUE MOTOR VEHICLES AS THE OFFICIAL FAMILY-FRIENDLY PASTIME OF THE STATE.

lc-0127ph23.docx : a7217358-9ed1-4593-a296-18c46e7808fa

Read the first time and referred to the Committee on Judiciary.

H. 4217 -- Reps. W. Newton, Herbkersman, Erickson, Bradley and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0186hdb23.docx : c22ed38c-54be-445f-afe3-5aebb7fef0dc

Read the first time and referred to the Committee on Judiciary.

H. 4291 -- Rep. Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.

lc-0295sa23.docx : cca0be0d-c341-4fe6-bdb5-c3baa46aa904

Read the first time and referred to the Committee on Family and Veterans' Services.

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H. 4352 -- Reps. Calhoon and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

lc-0305sa23.docx : a5386368-9e4c-4d76-ab2d-251acff9a6d5

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 4408 -- Reps. Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR DR. ALBERT AIKEN NEAL, PASTOR OF ANTIOCH BAPTIST CHURCH IN COLUMBIA, FOR HIS MANY YEARS OF GOSPEL MINISTRY, TO CONGRATULATE HIM ON THE OCCASION OF HIS PASTORAL RETIREMENT, AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

lc-0335wab-rm23.docx : 7b459e8f-c611-4b18-8544-60960a44c842

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4410 -- Reps. Lowe, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest,

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Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HONDA SOUTH CAROLINA MANUFACTURING ASSOCIATES AND TO CONGRATULATE THEM AS THEY CELEBRATE TWENTY-FIVE YEARS OF PRODUCING RELIABLE POWERSPORTS PRODUCTS IN TIMMONSVILLE THAT ARE FUN TO RIDE AND DRIVE.

lc-0286ph-gm23.docx : 5e981999-265b-492e-b259-b7546e926a68

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4419 -- Reps. Anderson, G. M. Smith, Hardee, Brittain, Guest, Hewitt, Bailey, J. E. Johnson, Crawford, Atkinson, McGinnis, Schuessler and Hayes: A CONCURRENT RESOLUTION TO CONGRATULATE KEVIN PENDERGRASS OF MYRTLE BEACH ON BEING SELECTED AS THE 2022-2023 CAROLINAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION QUALITY DEALER OF THE YEAR.

lc-0314cm-rm23.docx : 1a69e2ec-50de-47f2-8a49-7baff4cc2566

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 399 -- Senators Peeler and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE

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THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES,

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AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS

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AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Ordered for consideration tomorrow.

READ THE SECOND TIME

S. 399 -- Senators Peeler and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF

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RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE,

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ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT

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OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40
RELATING TO VETERANS' HOMES.

Ordered for consideration tomorrow.

Senator DAVIS explained the Bill.

Objection

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senators HUTTO and MATTHEWS objected.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

Ordered for consideration tomorrow.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

H. 3682 -- Reps. Murphy, Wetmore, Bailey, Rose, Crawford, Brewer, Taylor, Hardee, Wooten, Pope, McDaniel, Hewitt, Bauer, Yow, J.E. Johnson, Willis, Ligon, Lawson, Robbins, Schuessler, Guest, Henegan, Williams, M.M. Smith and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION

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47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE

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CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

Ordered for consideration tomorrow.

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Message from the House

Columbia, S.C., May 2, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator TURNER, the Resolution was carried over.

OBJECTION

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning, Loftis and Garrett: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF

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THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

Senator ALLEN objected to consideration of the Resolution.

OBJECTION

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer, Stephens and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

Senator STEPHENS objected to consideration of the Bill.

CARRIED OVER

S. 732 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HEMBREE, the Resolution was carried over.

OBJECTION

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

Senator HUTTO objected to consideration of the Bill.

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CARRIED OVER

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator FANNING, the Bill was carried over.

OBJECTION

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkerman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senators HARPOOTLIAN and JACKSON objected to consideration of the Bill.

READ THE SECOND TIME

S. 739 -- Senators Setzler, Alexander, Peeler, Williams, Davis and Talley: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO

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SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NON-RECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENTS.

The Senate proceeded to the consideration of the Resolution.

The Committee on Finance proposed the following amendment (SF-739.CH0003S):

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION 1. The General Assembly hereby provides a one-time authorization of South Carolina Housing Tax Credits pursuant to and for the purposes described in this Joint Resolution in an amount necessary but not exceeding \$29,806,029, comprised of \$12,889,152 remaining available from the one-time authorization of South Carolina Housing Tax Credits provided in Section 1.B.1 of Act 202 of 2022, and a total of \$16,916,877 remaining available for allocations for the tax year ending December 31, 2023, pursuant to Section 12-6-3795. In addition to the foregoing, the General Assembly hereby authorizes pursuant to and for the purposes described in this joint resolution an amount necessary but not exceeding \$25,000,000 from the undesignated balance held in the South Carolina Housing Trust Fund established pursuant to Article 4 of Chapter 13, Title 31 of the South Carolina Code, as non-recurring, one-time funding, and not as South Carolina Housing Tax Credits. No later than June 30, 2023, the State Housing Finance and Development Authority must develop a plan to allocate the South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this joint resolution as supplemental financial support to certain multi-family housing projects that had by March 31, 2023, received a tentative allocation of South Carolina Housing Tax Credits pursuant to Act 202 of 2022. The plan, and any project allocations proposed thereunder, must be submitted to the Joint Bond Review Committee for review and comment prior to awarding any South

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Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution.

Amend the joint resolution further, by striking SECTIONS 3 and 4 and inserting:

SECTION 3. Any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution must be limited to the amount necessary to provide supplemental financial support to projects that (1) are under construction; and (2) have demonstrated independently-verified costs exceeding original estimates as a consequence of escalations in costs of construction and materials, increases in interest rates, and such other extenuating factors as may be recommended by the State Housing Finance and Development Authority, subject to the review and comment of the Joint Bond Review Committee; provided, however, that no single project may receive an allocation of more than the lesser of (1) the actual amount of South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this joint resolution necessary to achieve financial feasibility of the project based on the independently verified costs exceeding the original estimate for the project; or (2) twenty percent of the South Carolina Housing Tax Credit reflected on the eligibility statement, as defined in Section 12-6-3795(A)(1), previously furnished for the project by the State Housing Finance and Development Authority; further provided, however, that the State Housing Finance and Development Authority may recommend, subject to the review of the Joint Bond Review Committee, a de minimus adjustment not exceeding five percent beyond the limitations of this SECTION to promote financial feasibility of the project in marginal circumstances. Project sponsors must have requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority no later than March 31, 2023.

SECTION 4. The plan must conform with such provisions of the Qualified Allocation Plan and the State Ceiling Allocation Plan as the State Housing Finance and Development Authority may recommend to be applicable to any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution; provided, however, that priority must be given to projects with highest rates of completion and earliest dates that the projects are expected to be placed in service.

Amend the joint resolution further, by striking SECTION 6 and inserting:

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SECTION 6. The State Housing Finance and Development Authority may require, as a condition of any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to the plan required by SECTION 1 and this joint resolution, an agreement from the project sponsor that the South Carolina Housing Tax Credits and any non-recurring, one-time funding allocated to the project are deemed final, without recourse.

Amend the joint resolution further, by adding an appropriately numbered SECTION to read:

SECTION 10. In addition to the other amounts made available by this Joint Resolution, the General Assembly hereby authorizes the State Housing Finance and Development Authority to allocate an amount necessary but not exceeding fifty percent of the federal low-income housing tax credit allocated to this State for the tax year ending December 31, 2023, as supplemental financial support to certain multi-family housing projects utilizing federal nine percent tax credits as defined in Section 12-6-3795(A)(7) that had by March 31, 2023, requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority. Any allocations of federal tax credits made pursuant to this SECTION must be included and coordinated within the plan required pursuant to SECTION 1, and are subject to, without limitation, the same requirements, determinations, limitations, and other provisions as are applicable to the State Housing Tax Credits included in SECTIONS 1 through 7 of this joint resolution.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The question then being second reading of the Resolution.

Motion Adopted

Senator SETZLER asked unanimous consent to make a motion to give the Resolution a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Resolution was read the second time, passed and ordered to a third reading.

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OBJECTION

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

Senator MATTHEWS objected to consideration of the Bill.

OBJECTION

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

Senator SCOTT objected to consideration of the Bill.

OBJECTION

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID

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PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Senator HUTTO objected to consideration of the Bill.

READ THE SECOND TIME

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett

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Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 756 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 757 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, RELATING TO CONTINUING OBLIGATION TO UPDATE, REQUEST FOR HEARING, AND ANSWER, DESIGNATED AS REGULATION DOCUMENT NUMBER 5131, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator M. JOHNSON, the Resolution was carried over.

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OBJECTION

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Senators KIMPSON and McELVEEN objected to consideration of the Bill.

OBJECTION

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

Senator K. JOHNSON objected to consideration of the Bill.

OBJECTION

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION

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59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Senator HUTTO objected to consideration of the Bill.

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THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

Senator MASSEY moved that the Bill be made a Special Order.

Senator MASSEY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
McLeod	Peeler	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens

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Talley
Williams

Turner
Young

Verdin

Total--38

NAYS

Total--0

The Bill was made a Special Order.

ADJOURNED DEBATE

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Senator MASSEY moved that the Bill be placed in the status of Adjourned Debate.

Senator MASSEY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 9

AYES

Adams
Cash
Cromer
Grooms
Hutto
Kimbrell

Alexander
Climer
Gambrell
Gustafson
Johnson, Kevin
Loftis

Bennett
Corbin
Garrett
Hembree
Johnson, Michael
Malloy

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Martin	Massey	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--32

NAYS

Allen	Fanning	Harpootlian
Jackson	Kimpson	Matthews
McElveen	McLeod	Senn

Total--9

The Bill was placed in the status of Adjourned Debate.

ADJOURNED DEBATE

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT

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CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

Senator MASSEY moved that the Bill be placed in the status of Adjourned Debate.

Senator MASSEY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 6

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Harpootlian	Jackson	<i>Johnson, Kevin</i>
Kimpson	Matthews	McLeod

Total--6

The Bill was placed in the status of Adjourned Debate.

Statement by Senator K. JOHNSON

I was out of the Chamber attending a subcommittee meeting prior to the vote to adjourn debate on H. 3952. I am a supporter of the Bill and inadvertently voted "No" on the motion to give the Bill adjourned debate status. I meant to vote "Yes" and look forward to supporting the Bill on Second Reading.

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MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call H. 3728 from the Contested Calendar.

The motion under Rule 32B was adopted.

MOTION ADOPTED

At 1:32 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR,

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LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

On motion of Senator MALLOY, the Bill was carried over.

NONCONCURRENCE

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

On motion of Senator MARTIN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow at 11:45 A.M. for the purpose of attending the Joint Assembly, and that the Senate would reconvene one hour upon the conclusion of the Joint Assembly.

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE AND LOCAL CALENDAR.

DEBATE INTERRUPTED

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-3728.DB0105S):

Amend the bill, as and if amended, SECTION 2, by deleting Section 59-29-600.

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Amend the bill further, SECTION 2, by striking Section 59-29-610(2) and inserting:

(2) “Parent” means the biological parent, adoptive parent, stepparent, person with legal custody or other person with legal authority to act on behalf of a student, excluding an individual whose parental relationship to the child has been legally terminated.

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(1) and inserting:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(5) and inserting:

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(7) and inserting:

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

Amend the bill further, SECTION 2, by striking Section 59-29-620(C) and inserting:

(C) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59-29-630.

Amend the bill further, SECTION 2, by striking Section 59-29-620(D)(1), (2), and (3) and inserting:

(1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

(2) the fact-based discussion of controversial aspects of history or current events;

(3) the fact-based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region; or

Amend the bill further, SECTION 2, Section 59-29-620, by adding a subsection to read:

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(F) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Amend the bill further, SECTION 2, by striking Section 59-29-630 and inserting:

(9) location, either physical or virtual, of the printed or electronically available material; and

(10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts.

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(a) and inserting:

(a) provide a statement on its website announcing the rights of parents to review all curriculum;

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(c), (d), (e), (f), (g), and (h) and inserting:

(c) ensure compliance with the provisions of this article by investigating suspected violations and complaints filed pursuant to this article;

(d) prohibit retaliation for filing a complaint or participating in an investigation;

(e) obtain written consent from a parent prior to the participation of a minor student in the investigative process, including consent for the minor to be interviewed;

(f) provide instructions to a complainant or individual alleged to have violated for filing an appeal of the LEA determination with the department in a written determination to an eligible complainant; and

(g) before July 1, 2025, and each year thereafter, provide a report to the department containing a summary of the:

(i) number of complaints filed with a description of the nature of each complaint;

(ii) number of complaints closed;

(iii) number of complaints pending;

(iv) number of resolution agreements successfully executed;

(v) number of complaints substantiated; and

(vi) number of complaints not substantiated.

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Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and inserting:

(3) A requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

Amend the bill further, SECTION 2, by striking Section 59-29-640(H)(2)(c)(I) and inserting:

(I) The State Board shall issue a written determination letter to the complainant, the individual alleged to have included or promoted the prohibited concept, and the LEA from which the allegation arose. This determination letter is subject to any federal or state law that relates to the privacy of student information.

Amend the bill further, SECTION 2, by striking Section 59-29-650(A) and inserting:

(A) Beginning with the 2024-2025 School Year, and each school year thereafter, each LEA prominently shall post information regarding their chosen curriculum and instructional materials on the school district website. The information must indicate the materials used by school, grade or course, and subject matter, and must include:

(1) a listing of the approved textbooks by title and including author, brief summary, and date of copyright for every course offered in the district;

(2) a link to statewide academic standards;

(3) relevant district policies concerning curriculum development and academic transparency; and

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(4) a process for which parents may review in person, at the school of their child's attendance and contest instructional materials and library and media center materials being used.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(4) and inserting:

(4) a list of primary textbooks and instructional materials;

Amend the bill further, SECTION 2, by deleting Section 59-29-670 and 59-29-680.

Amend the bill further, SECTION 3, by striking Section 59-28-180(A), (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) and (B) and inserting:

Parent involvement influences student learning and academic performance; therefore, parents are expected to:

~~(1)(a)~~ uphold high expectations for academic achievement;

~~(2)(b)~~ expect and communicate expectations for success;

~~(3)(c)~~ recognize that parental involvement in middle and high school is equally as critical as in elementary school;

~~(4)(d)~~ ensure attendance and punctuality;

~~(5)(e)~~ attend parent-teacher conferences;

~~(6)(f)~~ monitor and check homework;

~~(7)(g)~~ communicate with the school and teachers;

~~(8)(h)~~ build partnerships with teachers to promote successful school experiences;

~~(9)(i)~~ attend, when possible, school events;

~~(10)(j)~~ model desirable behaviors;

~~(11)(k)~~ use encouraging words;

~~(12)(l)~~ stimulate thought and curiosity; ~~and~~

~~(13)(m)~~ show support for school expectations and efforts to increase student learning; and

(n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Debate was interrupted by adjournment.

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RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 2, 2023, at 4:00 P.M. and the following Acts were ratified:

(R16, S. 39) -- Senator Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 8 TO TITLE 59 SO AS TO ESTABLISH THE "EDUCATION SCHOLARSHIP TRUST FUND PROGRAM", TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS FOR STUDENTS AND SCHOOLS SEEKING TO PARTICIPATE IN THE PROGRAM, TO PROVIDE REQUIREMENTS FOR THE ADMINISTRATION AND OVERSIGHT OF THE PROGRAM, TO ESTABLISH AND PROVIDE FOR THE ADMINISTRATION OF AN EDUCATION SCHOLARSHIP TRUST FUND CONSISTING OF FUNDS APPROPRIATED TO PROVIDE THESE SCHOLARSHIPS, TO PROVIDE LIMITATIONS ON THE NUMBER OF SCHOLARSHIPS THAT MAY BE AWARDED, TO PROVIDE MEASURES FOR EVALUATING THE PERFORMANCE OF PROGRAM PARTICIPANTS, TO ESTABLISH A REVIEW PANEL AND PROVIDE FOR ITS COMPOSITION AND PURPOSES, AND TO CLARIFY STUDENT TRANSFER REQUIREMENTS, AMONG OTHER THINGS.

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(R17, S. 299) -- Senators Shealy, Goldfinch, Hutto and Jackson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

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(R18, S. 341) -- Senators Shealy, Jackson and Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101, RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT

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OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.
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(R19, S. 581) -- Senators Hembree, Campsen, McElveen, Goldfinch, Senn, Grooms and Corbin: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.
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(R20, S. 593) -- Senator Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440, RELATING TO DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.
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(R21, H. 3605) -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “EARN AND LEARN ACT OF 2023”, BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 40-1-77 SO AS TO PROVIDE A METHOD TO ALLOW A WORKER TO

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EARN A PAYCHECK WHILE FULFILLING APPLICABLE
LICENSING REQUIREMENTS.
L:\COUNCIL\ACTS\3605PH125.DOCX

(R22, H. 4099) -- Reps. B. Newton, Neese, Mitchell and Yow: AN
ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF
VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO
REMOVE TWO EXISTING PRECINCTS, TO ADD TWO NEW
PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON
WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE
REVENUE AND FISCAL AFFAIRS OFFICE.
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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following
appointments were confirmed in open session:

Reappointment, Newberry County Magistrate, with the term to
commence April 30, 2023, and to expire April 30, 2027

Ronald C. Halfacre, 1810 Harper Street, Newberry, SC 29108-2804

Reappointment, Anderson County Magistrate, with the term to
commence April 30, 2023, and to expire April 30, 2027

Wynne D. Eubanks, 107 Hillandale Rd., Pendleton, SC 29670-2924

Reappointment, Anderson County Magistrate, with the term to
commence April 30, 2023, and to expire April 30, 2027

Carey B. Murphy, 601 Glenwood Ave., Anderson, SC 29625-2856

Reappointment, Fairfield County Magistrate, with the term to
commence April 30, 2023, and to expire April 30, 2027

M. Paul Swearingen, 106 East Washington Street, Winnsboro, SC
29180-1135

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Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Larry Blanding, 190 East Canal Street, Sumter, SC 29150-4951

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Barry S. Koon, 14149 C R Koon Highway, Newberry, SC 29108-8250

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gary Wayne Reinhart, 139 East Main Street, Lexington, SC 29072-4128

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Katina Capers-Washington, 307 Robinson Avenue, Winnsboro, SC 29180-6153

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Danielle Miller, 628 Old Chester Road, Winnsboro, SC 29180-7153

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jannita Gaston, 66 Buckberry Lane, Winnsboro, SC 29180-7042

Initial Appointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Anthony Britt, 116 Kemper Church Road, Lake View, SC 29563-5665
VICE Charles Spivey

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Bryan Keith Griffin, 115 North Harvin Street, Sumter, SC 29150-4956

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carson McCurry-Henderson, P. O. Box 1784, Greenwood, SC 29648-1784
VICE Lisa Hotchkiss

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ADJOURNMENT

At 4:04 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:45 A.M.

* * *

Wednesday, May 3, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 26:4

We read in Isaiah: "Trust in the Lord forever, for the Lord, the Lord is the Rock eternal."

Let us pray: O loving Lord, we turn to You today in absolute sorrow for the world around us. Tragedies unfold as routinely it seems as sunrises and sunsets: mass shootings across our land and even here in our State, warfare in Ukraine and Sudan and skirmishes elsewhere, deadly storms plaguing fellow citizens. The litany has become almost commonplace; the reality of it all overwhelming. All the more, dear Lord, do we all find ourselves knowing that we must turn to You. To that end we ask that You give each of these Senators as well as our other leaders across this land the courage and the faith to face head-on the challenges they must deal with. And in every way, O God, may the trust we all have in You continue to be rock solid -- always. In Your hopeful name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Committee to Escort

The PRESIDENT appointed Senators GROOMS, CROMER, SHEALY, MALLOY and SCOTT to escort the Honorable David M. Beasley, Executive Director of the United Nations World Food Programme, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

At 11:50 A.M., on motion of Senator MASSEY, the Senate receded from business for the purpose of attending the Joint Assembly and stand in recess for one hour upon the conclusion of the Joint Assembly.

WEDNESDAY, MAY 3, 2023

JOINT ASSEMBLY

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 4235, a Concurrent Resolution adopted by both Houses.

H. 4235 -- Rep. G.M. Smith: A CONCURRENT RESOLUTION TO HONOR DAVID M. BEASLEY ON THE OCCASION OF THE CONCLUSION OF HIS SERVICE AS EXECUTIVE DIRECTOR OF THE UNITED NATIONS WORLD FOOD PROGRAMME, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MAY 3, 2023.

The Honorable David M. Beasley was escorted to the rostrum by Senators GROOMS, CROMER, SHEALY, MALLOY and SCOTT and Representatives Hiott, Alexander, Wooten, Davis and Pope.

The PRESIDENT introduced the Honorable David M. Beasley.

The Honorable David M. Beasley addressed the Joint Assembly as follows.

**The Honorable Governor David M. Beasley,
Executive Director of the United Nations World Food Programme
Wednesday, May 3, 2023**

Mr. PRESIDENT, Mr. Speaker, colleagues, and brothers and sisters, I mean I would really rather be down there because I feel like we are family. This is where I got my political start from, and of course you don't ever get to places like this without incredible family. Before I get started, many of you remember my wife, Mary Wood. Everybody loves Mary Wood, and she looks just as young today as she did when I left being Governor in 1998. And so, Mary Wood and our daughter, Mary Hunter, as she was just a few years old, she is now practicing law in Greenville. Her husband, Tommy Tomlinson and then Ross, he is now a police officer in Florence, S.C. Other family members and friends that are here, we are so grateful to be here with you. Mary Wood, Mary Hunter, Tommy, and Ross stand up.

I was thinking about the first time that I walked on the floor of this House of Representatives. You know when you get elected, it is such a great honor. But when you walk on the floor, there is so much pride. You

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remember that first day. And I remember my dad had served in the House of Representatives, but I was like three-, four-, five-years old, so I did not remember much at all. And my dad had told me to respect the elders that are in that institution, but there is a particular man, called “Speaker Sol Blatt”. He was like a legend. Stories had it that he was the longest, continuously elected official in the World at the time. I don’t know, but he was a legend. And he said, “Whatever you do, get to know him because he can teach you the ropes.” So, I’m so excited. I’m so fired up. I’m a 21-year-old college student, junior at Clemson University, getting elected. And you can image the articles are written about the young versus the old. I was loving it. Of course, the old guard was like “Who is this little whippersnapper? You know we are going to teach him a lesson.” He says, “Make sure you get to know Speaker Blatt.” So, here I am walking through those doors, the first antechamber doors. And I am thinking wow they are opening for me. And then the next doors, the Chamber doors open, and guess who is standing right there, Speaker Sol Blatt. And I am thinking this is destiny, God had opened up these doors for me and there is Speaker Blatt. So, I go to put my hand to speak to him and he says, “Son go and get me a cup of coffee.” I am a 21-year-old, he thought I was a Page. So, I’ve got two choices, right there. One, I can say, “you know who I am” or “you like it black, sugar, cream?” So, the whole House, all the Pages, everyone is frozen in time. He says black. So, I turn and everyone is like...I don’t even know where the coffee machine is. And I look and the Page points to the coffee room. So, I go and get the coffee and come back and hand it to him. So, if I was a Page, I would then go off. But since I was not a Page, but I was a Member of the House. He did not know that. And so, he’s looking at me like son why are you still standing here. And I say, “Mr. Speaker I am David Beasley.” And he says, “Son, I am so sorry!” It is not natural to humble yourself sometimes, particularly, in political office, but when we do humble ourselves and show a servants’ heart, amazing things happen. He took me under his arms, his wings, and taught me the ropes. Everything that I have learned, as Abraham Lincoln said when he was getting on that train, that it is from this place, these people, that I owe everything. These are values, the South Carolina values, that I have taken with me. The fights that we have had on these floors, the love, the compassion, the issues that I took with me all around the World. And I can’t thank you enough. Because that spirit is here.

When I got the phone call about taking this role, my first response was that I was not looking for a job and I said, “No.” But it was interesting that two nights before my wife had said that the World is in trouble and

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needs leaders like you, don't say No without praying about whatever it is. And so, this friend had called me about taking this role and I immediately said, "No." And I remembered what my wife had said, and I said, "let me call a friend of mine." And I called a prayer partner of mine, a Democrat, former Congressman named Tony Hall from Ohio. He had been the Ambassador to the World Food Programme. I said, "Tony to tell me about the World Food Programme." He said, "oh my God, if there is ever God's work on the earth." I said, "the United Nations World Food Programme," and he laughed. He said, "no it is an incredible program." I wasn't looking for a job. I was doing peace work, quietly around the World, and a group of Republican and Democrat Senators in Washington said you've got to take this role. You are the only one that can reverse the Trump Administration's thinking about zeroing out strategic international aid. Then I said, "let me work on that, I don't want a job." Well anyways, six years later...

So, when I took the role, there were only 80 million people. And I want to give you a sense of the reality of what we are facing globally right now. There were 80 million people we would save out of the planet population, at that time of 7.6 billion. Now it is about 8 billion. There were 80 million people that were marching to starvation, not know where that next meal was coming from. So, I am thinking, wow. Being a former Governor, we set goals and objectives, and we execute. I was thinking that I could put the World Food Programme out of business, because we no longer need it because we have ended severe food insecurities around the World. Little did I know what was storm, upon storm that was coming, globally. Literally, within two years, the number went from 80 million to 135 million and so the simple question, would be, why did that happen? And the simple answer was man made conflict and climate shocks. Now, this is before COVID.

COVID comes along, economic devastation, supply chain disruption all over the World and the number goes from 135 million to 276 million people, literally, marching to starvation, not knowing where the next meal is coming from. This is before Ukraine, Afghanistan, and Ethiopia. Afghanistan and Ethiopia is in itself problematic, but then comes the breadbasket of the World, Ukraine, a nation that grows enough food to feed 400 million people. All of sudden the longest bread lines in the World. The number went from 276 million people to 350 million people, marching to starvation. And within that, 45 nations and 45 million people on famines door. If you want to know which nations will have famines, starvation, destabilization of the nations, political unrest because of hunger and starvation, as well as mass migration, you can start with those

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45 nations. Compounded by fuel costs, the war that has gone on, disrupting supply chains, fertilizers, and fuels. As you well know, right here in South Carolina, people are struggling to make ends meet. As the price of bread, milk, protein, and beef is going up and up. And I can only tell you that it is not going to get any better any time soon. It's not like we are building better furniture at the World Food Programme. If we don't raise the money, we can't buy a better couch. We're talking about people dying. These aren't just numbers, these are people with real names, these are children, little boys and little girls. Eighty percent of our operation is in war zones and areas of conflict. This is where I was going, day in and day out, over approximately 1,000 flights in six years. Raising the awareness of the World. And I remember that distinct day that I was in Niger. And I was in intense negotiations with the military and the President because we had ISIS and Al Qaeda ten or fifteen miles to the North and to the South. And if we don't get the access we need, they block the access and use food as a weapon of war, by depriving access. Then they bring in food and recruit. I've had more mothers tell me my son or husband did not want to join ISIS or Al Qaeda, but we hadn't feed out little girl in two weeks. Mr. Beasley what were we supposed to do? It's not like they could jump in a car and drive from Greenville to Spartanburg. And so, I was just demanding that we get the protection and security we needed to reach these people, so they weren't vulnerable where there's a climate shock or extremist group. And while I am sitting there pounding someone busts through the room and I'm looking like what are you doing busting into this room. That is what I'm thinking. They say, "Nobel Peace Prize." And I am like, oh yeah, oh yeah. Who won it? You did, we did. I mean what a day! You don't get that phone call often at all. Well, when you get a phone call like that, who are you going to call first? Your wife. Well, Mary Wood that day, happened to be back in the United States. A six-to-seven-hour difference. I did not know this, but she had had a dream the night before that I was killed in Niger. So, I don't know this, but you know when you are a dad or mom and you get a phone call in the middle of the night you know it is not good. It is either someone has gotten locked up or someone has gotten killed. So, she answers the phone, and of course, I am ready to just explode with such emotion, that I can't say anything. I'm so emotional, so choked up. So, she is hearing her husband choked up on the phone. And having the dream that I had been killed in Niger, so she is thinking oh my God he is dying on the phone right there. And finally, I was able to say in about fifteen seconds, Nobel Peace Prize. What a Day!

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That prize gave us the opportunity to take the awareness around the World. I can assure you that if it were not for our friends, our Democrats and Republicans friends in the US House and US Senate, I called it the miracle on Pennsylvania Avenue, when they don't agree on anything, it seems at all. Nothing. When I would go to Washington, they would lay aside their differences, come together, and our appropriations from the United States government, from the American people, went from 1.9 billion, and instead of down, under the Trump administration, of course, I was nominated by the Trump Administration, then nominated by the Biden Administration. The incredible spirit that food, bringing people together, the miracle on Pennsylvania Ave., seeing both ends of Pennsylvania Ave., seeing Republicans and Democrats, coming together. An incredible thing. And our funding from the United States went from 1.9 billion to last year 7.4 billion dollars. Yes, we raised 55 billion dollars in six years. Last year, we raised 39.4 million dollars, per day, seven days a week. Where I sit on a plane, how fast I moved into the meetings, what I do, where I go, how I do it, you have to say "no" to a lot of friends you want to sit and chit chat with, because lives are at stake. No, we did not put the World Food Programme out of business. But, what we did, was by the funds that we raised, the awareness that took place, we kept 100's of millions. We fed 160 million people last year, alone. Not one time, that's day in and day out, all year long, depending on the season and place. We averted famine, starvation, mass migration, destabilization of nations. The cost of that, oh my gosh. I can give you anecdotal experiential evidence. It would be like you have leaking water lines in the ceiling. You say I don't have 100 dollars to fix the leak. Then after about a month later, you have to replace all the furniture, all the carpet, the flooring. And guess what? When you feed 160 million people, you survey them all the time. I'm talking to them all the time. None of them want to leave home. They don't want to leave home. But if they have no hope, have no food, have no peace, they will do what any dad or mom will do. I can tell you that worldwide we are all the same. Each and every one of us, children of God. I remember, and I don't know how many of you saw this particular story by Scott Pelley on *60 Minutes*. It was a brutal story. I was fighting, pretty tough, on the coalition to have a blockade, not to get into the details of that, but Scott Pelley was so moved by the interview of what the World Food Programme, what we were doing on the ground, in harms way, trying to save the lives of people, where 90 percent of their food came from the outside. And Scott, at the end we are de-micing and he says you've got the greatest job in the World, saving the lives of millions of people. And

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I said, “Scott I do, I really do, but I am going to say something to you that you have not thought of, and it is going to bother you.” And he looked at me like what could that be. And I said Scott, “I don’t go to bed at night thinking about the children that I have saved. I go to bed at night heartbroken over the children that I could not reach.” And I said, “when we don’t have enough money, we have to choose which children eat and don’t eat, which children live and which children die. How would you like that job, Scott?” And he looked at me, like I had not thought of it like that. Then I said, “well we don’t have a choice every day, and you know what really upsets me? When there are 430 trillion dollars of wealth on planet earth, there should not be a single child on the face of this planet that goes to bed hungry, much less dies. Nowhere.”

Whether you believe that that should happen through government or not, we should all agree that it should not happen. No matter your walk in life. And so, the biggest question that I would get, and it is the most troubling question, is how could I stay positive, amidst all the suffering, devastation, and death. As you can imagine, probably no one on the planet has seen as much devastation and suffering as me and my teams. But when you are out there, it could be in a torn rubble village in Syria or Ukraine or Chad or Sudan, and you will see a little child come from behind that rubble, it is a spark of life. That little boy, that little girl, made in the image of God, my brother, my sister, my child, that I’m not going to give up hope on that child. That’s the South Carolina motto, “While I breathe, I hope.” That’s the spirit that gives me hope. This spirit in humanity, that dwells within the State of South Carolina, that I took with me, so you honor me, but you honor that which we stand for today. I’m just a messenger.

But friends around the World are worried about America. We seem to be getting so divided. Two hundred years ago, 95 percent of the people on the planet were in extreme poverty. Ninety to ninety-five percent. Today less than 10 percent. So, what we don’t want to do is tear down the systems and programs that have allowed us to reach the 90 percent, but we can’t be happy and content there. We still have got 10 percent that we are not reaching around the World and including America. So, we must strive with all our heart and mind, and so to reach that 10 percent and let them experience, the hope, the dreams that we so believe in. Because those people are our brothers and sisters, made in the image of God. When Jesus said, “When I was hungry and you did not feed me, when I was thirsty you did not give me drink, and when I was in prison you did not visit me, and when I was without clothes and sick.” Well, they said Lord, when were you like that and we did not visit you. And he

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said that when we didn't do it to the least of these. You see the least of these is the image of God. If you want to love God, love God's creation. Those little boys and those little girls out there are the image of God. And that's the inspiration that I and you will not give up on any of these children around the World, including the children of South Carolina. We may have a different path to get there. And this is what I would challenge you--my best friends -- on the floor of this House of Representatives, where sometimes my biggest enemies were at that podium. We would just fight it out, but we would vote, and we would walk off that floor, arm-in-arm, hand-in-hand, go have dinner and laugh, be brothers and sisters and friends, respecting our differences. Imagine that spirit. I used to tell my friends in the United States Senate, could you imagine, if Schumer and Mitch McConnell, on a Friday afternoon said you know we go to the American people and hold a press conference together and say you know we're taking up abortion next week in the Senate. Chuck is not going to change my view and I am not going to change Chuck's views; we differ but we love each other and respect this Institution. And we are going to deliberate next week on those controversial issues, but we love each other and respect each other and are not going to say much of anything that is going to change the American people or the people of South Carolina on that issue. But what would be the takeaway from that press conference? The beauty of the love of one another, in spite of the incredible difference on an issue. Hope, love -- all the darkness in the world cannot put the out the light of one little match. And I believe that South Carolina, is that shining city on a hill, that South Carolina can be that light that the rest of the nation needs at a time like this. That we can have our differences, but respect and love each other.

I remember, so distinctly, of course, it was one of the Washington columnists that said after my election, that I was one of the last living casualties of the Civil War, with the flag and the whole nine yards. I had to think about that for a second. And the flag issue came up again. In 2015, you remember what happened in Charleston at Emmanuel A.M.E. A good friend of ours, a brother of ours, that served in this Body. And I remember talking with Clemente who came to me because he knew that I had been elected when I was 21 years of age, and he wanted some advice and guidance. But brutally shot by this racist kid. You remember that story. You remember what happened three days later, a few days later, a few weeks later. The family forgave that young man. I had friends of mine from all over the world, from Atheists, to Catholics, to Protestants, to Muslim, the Hindus calling me and said, wow. Amidst all that darkness, the beauty of pure unconditional love impacted them so

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amazingly. But what you don't remember was what happened a month or two months earlier. That was June of 2015 and in April of 2015, a man was shot in the back in the North Charleston area. You remember the story. But what you don't remember though is that CNN, Cooper Anderson was doing an interview with Jackie Scott, the mother. And let me paraphrase, but he was kind of going in at her to say racism, racism and she said I know that I should be bitter, I know I should be full of rage, but God is a God of forgiveness. A God of love and I forgive that man. I forgive you. That went viral in Charleston, South Carolina. Seeds were planted in the hearts of people in Charleston, South Carolina because of Jackie Scott, just pure simple unconditional love, with no motivation, no tweetering, no social media, just the simplicity of a loving God and forgiving a brutal situation. So that only two months later, who would know, an absolute catastrophe of Dylan Roof walking into a church. And you saw the power of love and forgiveness.

Our Nation, we need this love. It is this spirit that resonates in South Carolina. It's this spirit that our Nation needs again. It is up to me and you to model that spirit. So, I could go on and on but let me assure you that things are going to get worse around the world. Hunger will get worse. But I have hope. I believe in You, my friends, my brothers, my sisters, and I love South Carolina. I have seen the World, the good, the bad, and the ugly. And I still believe in this Nation, but we are moving in the wrong direction. But we can change that course, with the heart and spirit that we have in this room. Our State, let's go forward. With that motto that clearly says, "While I breathe, I hope." Within that we will achieve the greatest commandment known to mankind, "Love your neighbor." Blessings to all.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:34 P.M., by prior motion of Senator MASSEY, the Senate recessed until 1:48 P.M.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning

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Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracey L. Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748

Statement by Senator Young

As to Judge Maurice, I recused myself from consideration and confirmation.

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patricia Yvonne A. Rushton, 129 Langley Dam Rd., Langley, SC 29834

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Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dona H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821

COMMUNICATION

7th Congressional District Legislative Delegation



The Honorable Henry D. McMaster	The Honorable Jeffrey S. Gossett
State House, First Floor	401 Gressette Building
Columbia, SC 29201	Columbia, SC 29201

The Honorable Mark Hammond	The Honorable Charles F. Reid
1205 Pendleton Street	213 Blatt Building
Columbia, SC 29201	Columbia, SC 29201

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RE: Approval of Mrs. Kathleen Richardson State Board for Technical and Comprehensive Education

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Gentlemen:

Pursuant to Section 59-53-10, members of the General Assembly representing the 7th Congressional District considered the above referenced appointment.

All members of the 7th Congressional District by affixing their signature to the attached vote sheet recommend the appointment of Mrs. Kathleen Richardson to the State Board for Technical and Comprehensive Education. Details of the appointment are below:

Initial appointment to the State Board for Technical and Comprehensive Education, with a term to commence July 1, 2018, and to expire July 1, 2024

7th Congressional District

Mrs. Kathleen Richardson, 5251 Mount Pleasant Drive, Myrtle Beach, S.C. 29579 *Vice*: Philip G. Homan

Thank you for your attention to this matter.

Sincerely,
Greg Hembree

Doctor of the Day

Senator MARTIN introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 2:10 P.M., Senator CAMPSSEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator BENNETT, at 7:03 P.M., Senator HEMBREE was granted a leave of absence until 8:00 P.M.

Leave of Absence

On motion of Senator SABB, at 8:18 P.M., Senator SCOTT was granted a leave of absence for the balance of the day.

Leave of Absence

At 9:10 P.M., Senator SETZLER requested a leave of absence for Thursday, May 4, 2023, after 12:15 P.M.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

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Remarks by Senator KEVIN JOHNSON

Thank you, Mr. PRESIDENT. I just want to stand for a few minutes to clarify my position and make sure that I was not misunderstood. Yesterday, we were on the Critical Race Theory Bill, but somehow, we ended up talking about Hate Crime Legislation, and some comments were made that I would like to take this time to clear up.

I never implied, indicated or stated that the Hate Crime Legislation would deter people from committing crimes. If we could pass Bills to deter people from committing crimes, we wouldn't have any crime. So, what I was really trying to point out was that if we had Hate Crime Legislation, then those who commit crimes -- as they are doing all over the place now -- and if the crime was determined to be the result of hate, then the law would allow for more harsh penalties. I always tell people, don't come to me with an argument for a Bill by saying well, these many states have passed it. North Carolina has passed it, or Georgia has passed it; however, we have Hate Crime Legislation in forty-eight other states.

Clearly, someone thinks it is an important piece of Legislation, because the South Carolina House of Representatives has tried to pass Hate Crime Legislation twice. So, somebody thinks that it is worthy to at least be voted on, and that's all we've asked for. We didn't ask for anyone to vote for the Bill. We just asked to debate the Bill and get a vote on it. A comment was made that, "If you want to have the authority to decide which Bills go on to Special Order and those types of things go out, work hard and win some elections." It's true that the party that has the majority does control the calendar. I thought more about that. Including my service in the House, I have been in the General Assembly for twelve years, not nearly as long as some others have been. I will say even in my twelve years, there were times when the opinions, interests and concerns of the minority party mattered, and we could put some ideas forth to at least vote on them without being told you can't do it unless you win elections.

So, I just wanted to clarify my position on that. Also, we were debating the Critical Race Theory Bill yesterday as I said -- I still call it Critical Race Theory, though I think it is some kind of transparency in the education Bill. Now, the reason why I say I thought that other Bills were more important than that Bill is because there are some things in that Bill that are not an issue in South Carolina yet, and as I said yesterday -- hate is an issue now. The other thing about the Critical Race Theory Bill is that there are a lot of things in it that I think are best handled by school boards. I served on the school board for twelve years and we made a lot of very important decisions, and the vast majority of school boards are

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going to do what they think is right as it relates to students. I know that we don't like to have mandates coming down on us, like when the federal government says you will or will not do this. I often ask myself why we have a school board if now we're trying to get involved in what their responsibilities should be.

I'm going to tell you what's going to happen. This Bill will probably pass and for lack of a better term -- we have a lot of crazies out there -- for some reason, their number one target is school boards and school districts, and when this Bill passes, we're going to really see how crazy they are. We now have people making all kinds of fuss about books that should not be available to students, but from what I'm told a lot of these folks that are making the fuss haven't even read the books, and now we want to tell libraries and librarians what books they can or cannot have in the library. I'm going to tell you, I have three children, and they're all grown, but anything that these kids want to have access to, they're going to have access to. So, I think we should leave education to the librarians, the schools, the school districts and the school boards. I don't know how things are going in other parts of the State; however, in Clarendon County I like the fact that those are local decisions that can be made by local elected officials.

I wanted to get up here and just clarify my points. I'm not naive enough to think by passing a Bill it would keep people from committing crimes. I think the evidence behind the Bill is that when you commit crimes, you face a tougher penalty. We all learned that the punishment should meet the crime. We just talked about the Bonds Bill and spoke about these folks committing all these crimes and getting bailed out and then going and committing more crimes. There's a reason for that. We'll look at it and we'll see how it goes, but I would like to end as I started. We have forty-eight states with Hate Crime Legislation, along with the South Carolina House of Representatives that thinks we should have Hate Crime Legislation in our State. I know nothing at all about Wyoming but if I were a betting person, I would be willing to bet that at some point Wyoming will pass Hate Crime Legislation and then we'll be sitting here in South Carolina as the only group of people who don't think that Hate Crime Legislation is important, not the South Carolina General Assembly, but the South Carolina Senate. Thank you, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator K. JOHNSON were ordered printed in the Journal.

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Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks by Senator SABB

Thank you, Mr. PRESIDENT and thank you members. I wanted to take a couple of moments to talk about hate crimes and where I think perhaps, we might be. You know, if there is one thing I've lived long enough, and served long enough in this Body to appreciate, is that the passions often times run high. I think that's just a part of the nature of who we are. I think it is a part of the body of politics that we are part of. I had the pleasure and the honor of being the subcommittee chair for the Hate Crimes Legislation. I wanted the Body to know that I've had a lot of conversation in the Chamber. I've tried to talk to every Senator that we have, those who agree with me and those who disagree with me. I'm appreciative of the fact that those who don't agree with me are kind enough to tell me why, because it gives us an opportunity to have intellectual discussion on the matter. I did not want yesterday's discussion to leave the impression that we are not communicating and that we are not advancing. Therefore, I think we are making progress. Will we get there? I don't know. I'm hopeful and I'm optimistic but I don't know.

I would like to specifically address one of the concerns that I heard yesterday, and that's on the idea of treating people differently. The question is as to whether the Hate Crime Bill itself promotes that. The concern is treating people differently if the Legislation does that, then perhaps the Legislation is not good. Well, that's worthy of examination because who are the people involved? On the one hand, you've got the individual who the evidence shows committed a crime based on hate. To the extent that the Legislation deals with that animus, then that is appropriate, is it not? For the individual to be dealt with, as opposed to somebody who simply commits a crime without that particular element involved. Then you examine it from the defendant's perspective, and I say it is warranted. Then the only other perspective you examine it from is a victim's perspective. Does the person who is attacked -- injured because of their race, because of their religion -- does that person want to be treated differently? No, I would say that person wants to be treated the same but would not have a problem with us trying to deal with the idea of hate. To the extent that penalties are part of the deterrent, then once again, it seems appropriate. I've got a deep appreciation for what we are allowed to experience as Legislators. I thought it was interesting that Governor Beasley talked in a manner, in which there are differences

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yet a spirit of cooperation and highlighted the fact so many of us see things the same way. The question is whether there are other things that interfere with our ability to be able to come together and fashion a solution that's beneficial to our great State. I'm finished, but I thought it was important that we at least walk away with an understanding that there are conversations going on in this Body. In my opinion, we're making some progress. Thank you, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator SABB were ordered printed in the Journal.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CLIMER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT. To Senator MALLOY, thank you, so much for your words. I thank you for reminding us of the words that Governor Beasley spoke, unfortunately, I was not able to make it, but certainly heard about those words. Members of the Senate, I want just for a few moments, to just stand and just respond a little bit about what happened yesterday and to talk about hate crimes, perhaps from a different perspective. Everyone can rest easy. I'm not going to be a firestone, not showing any shade on anyone, but I want to talk about the better angles that Senator MALLOY talked about and just share with you why that matters so much to me. And to so many others.

South Carolina, again, and by the way, as long as we do not have hate crimes, I will be doing this over and over and over again. This year, next year, and if I'm fortunate to come back after that -- any time after that because I think we do need to be reminded that we are one of two states that does not have hate crimes. And we have been told that it is feel-good Legislation, we know that oftentimes a lot of things we do here consist of feel good Legislation. Here is the thing that I want to share one -- that I thought about last night as I was driving home -- and I want to

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share it as a Point of Personal Interest. There are groups in this country who share the opinion that South Carolina does not need hate crimes. And I am in a process of passing out some information for you. I just want you to hear this. Okay? And then we decide if we are proud to be lumped with these groups, antisemitism groups, and anti-hate groups -- groups that promote and groups that boldly and publicly promote hate, vision and tearing us apart. Those groups say as perhaps some say in this Body, that there is no need for hate crimes. So, my question to us is that are we proud of the fact that we agree with the Argan Nation? Are we proud of the fact that we agree with the official KKK's position? This is their official position that there is no need for hate crimes, in fact, there is a group that espouses white supremacist and boldly say death to Jews and others. That group, at one of their meetings said, "We are, proud of the state that have not bent and bowed to political correctness and adopted hate crimes" -- only two states, Wyoming and South Carolina. Are we proud to be the favorite State of hate groups? Groups that shout death to Jews? Are we proud to be one of the favorite states of the official KKK's -- KKK's organization? That's all I'm asking. And we hear this over and over and over again.

I think all of us know how this will eventually end. One day hopefully we will pass hate crimes. But we can avoid all of this, we can avoid all of this, last year. As I wrap this up, I went to some members and said give us the most benign version that you think is possible. The version of hate crimes that offends the least number of people. The version of hate crimes that's super feel good. But at least we have a Hate Crimes Bill. Because you know what? I don't want my sons, I don't want people I know, to say we are the favorite group of the KKK. I do not want people to say that white supremacist are giving us a high five and say we are proud South Carolina has not bought to political correctness and wokeness and they're standing up of with a we believe is the question, I don't think you are either. I don't think there is anyone in this Body that wants to be identified with those groups. But I will tell you this, as long as we are one of two states -- without that, we are identifying with those groups. Look at the handout that I'm passing around. I have more to come. More handouts that would be even more specific about what hate groups are saying, and I will leave you with this, as some of you know, I had the honor to replace the late Senator Isadore Lourie -- one of the greatest honors of my life to replace the Senator Isadore Lourie. When I ran for the Senate in my early 30's, young man, Senator Lourie took me on his wings, he and his lovely wife took me to their house, and he began to tell me about why it is so important to fight for what is right. So as

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many of you know, we served with the Senator's son Joel, one of my absolute best friends, but one of the things that his father said to me, and he also said to Joel is this: he said that it is important for us to fight for what is right even when it looks like you will not prevail. He said keep fighting for it. Don't ever give up the fight for what is right, so I say to the members of this Body, you would be hearing a lot more from me and others, because all we are asking for is a vote. That is it -- a vote. And if this Body votes it down, I promise you this. This is a promise. If this Body votes down hate crimes, I will never get up to this well again.

So, I say to you that we need to pass it. Because you have done what I've asked, you've done what most of us have asked -- is just to have a simple vote on hate crimes. We are here to vote on CRT. We are talking about feel good Legislation. We're about to vote on some other things. But for some reason, we cannot have a simple vote for hate crimes. I leave with the words of the late Isadore Lourie -- keep fighting even if you know you're not going to prevail, because the fight is important. Thank you, members of the Senate. With that, I would like to ask unanimous consent to pass out some materials.

On motion of Senator McLEOD, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Remarks by Senator SENN

Thank you. Since we only have five minutes, I wanted to hop right into it. We learned just today that as a result of our communication during the abortion debate -- and we spoke of the Handmaiden's Tale -- that the library in Anderson County has decided that they are going to be pulling the Handmaiden's Tale -- which is a forty-year-old book -- from its shelves and this is something that simply should not be tolerated.

It is interesting that we are here discussing now critical race theory type Bills when here we are -- now we're having something pulled from the shelves just because of our discussion. Girls did y'all know that we were that powerful? I mean, I just did not know. You may have seen that we have gained national attention and we were all kind of shocked by it, but apparently the interest is they did not think that Republican women would join with Independent and then Democratic women, as well as several other of our Republican Senators, and object to what we see as some oppressive abortion bans. They just did not expect it, but I was

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always confused because really there's always been a debate about abortion and I went and looked up the history of it.

So, one of the things I did was look up the very first time that abortion was added to the Republican Party platform. That was done in 1976 and it was a result of Roe vs. Wade. Gerald Ford was President then and it has carried on ever since. It has always fallen very low in the platform, usually seventh, eighth or ninth, but now we have a Republican National Chairwoman asking for it to be brought up with every presidential candidate in our party and I think that is going to hurt us. But what was very interesting to me is how it got on the platform to begin with. And how it got on the platform is that there were twenty-eight delegates who were female in 1976 and opposed that it got put on the platform and they struck a deal. The deal was the Republican party would support the Equal Rights Amendment and would not withdraw its support and that was the trade-off. So, they did not make a big problem out of it, but equal rights was supposed to be pushed in exchange for abortion being a part of the platform. You see how the equal rights thing worked out for us. We didn't do so well, certainly not in our State. However, what was really interesting to me, and this is what I hope my fellow Republicans will listen to -- and I know it's something that Senator HEMBREE would agree with. What they said back then is that they recognized there was a vast discrepancy. They said that abortion is one of the most difficult and controversial issues of our time, undoubtedly a moral and personal issue, but it also involves complex questions relating to medical science and criminal justice. There are those in our party who favor complete support of the Supreme Court decision, which permits abortion on demand. There are others who share convictions that the Supreme Court's decision must be changed by a constitutional amendment prohibiting all abortion. Others have yet to take a position, or they have assumed a stance somewhere in between the polar positions. So, this has been going on for a very, very long time and what we have done is -- we all have differing opinions, but it's still something that has been around -- it wasn't our brainchild, it's just something that we all felt. But here is the beautiful part -- what the party ultimately recommended is that there be a referendum on the issue of abortion. Our own party -- national party -- in 1976 recommended a referendum on abortion. I hope maybe we can pop back to 1976 -- take one of those fast cars back to the future or however that goes.

But the point being that now here we are as a result of our work somehow or another and we have extremists who are trying to take away a book. I read it for the first time right after law school. It's been around

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forever. What are you going to do, stop Netflix? I mean, that same book is the genesis for the very popular series that's now going into its sixth and final season. The more you tell our kids they can't read something, shoot, they are going to get it. We all do that. When somebody tells us we can't do something; what do we want to do? We want to go do it.

I submit that we are going down the wrong path with respect to abortion. I think we are going down the wrong path with respect to trying to censor things and we just all wanted to make that point and say let's do exactly what Governor Beasley said -- let's try to find some common ground in the middle. I would like to do that. I think we should. We have become contentious. But I looked at that man -- Governor Beasley -- he never looked at notes, he didn't have a teleprompter and he never once misspoke. I wish I could be like that. But what he had to say was very powerful coming from a former Republican governor who underwent some controversy and here he is now still trying to bring us all together. I appreciate that and I appreciate your attention.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SENN were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

- S. 148 Sens. Peeler and Kimbrell, McElveen, Fanning, M. Johnson, Sabb, K. Johnson, McLeod and Hutto
- S. 164 Sen. Young
- S. 399 Sens. Malloy, Grooms and Kimbrell
- S. 634 Sen. Gustafson
- S. 739 Sen. Malloy

RECALLED

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

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The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4347 -- Reps. Hiott and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SHOAL CREEK IN PICKENS COUNTY ALONG SOUTH CAROLINA HIGHWAY 186 "SERGEANT FIRST CLASS MATTHEW BRADFORD THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 770 -- Senator Hembree: A SENATE RESOLUTION TO CONGRATULATE THE GRAND STRAND AMATEUR RADIO CLUB AND OTHER AMATEUR RADIO CLUBS AND USERS IN SOUTH CAROLINA AS THE MEMBERS CELEBRATE AMERICAN RADIO LEAGUE ANNUAL FIELD DAY FROM JUNE 24 - 25, 2023.

sr-0391km-km23.docx : e300530b-93fd-4a28-ae98-d4382ae7596f

The Senate Resolution was adopted.

S. 771 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND DOROTHY BUCKHANAN WILSON OF BLYTHEWOOD FOR HER MANY YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS AS SHE CONTINUES TO SERVE.

lc-0247vr-rm23.docx : e1b10a2e-5a41-4839-8058-b91a408d4338

The Senate Resolution was adopted.

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S. 772 -- Senator K. Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHIEF MASTER SERGEANT HOYT GAMBLE, JR., FOR HIS ILLUSTRIOUS SERVICE IN THE UNITED STATES AIR FORCE, AND TO APPLAUD HIS DISTINGUISHED CAREER.

lc-0134ha-gm23.docx : 62986cf6-2c59-4108-a000-27124ba9dc55

The Senate Resolution was adopted.

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0349wab-dbs23.docx : 3317fcb3-7832-46e6-a734-59bdfdc1be2a

Read the first time and ordered placed on the Calendar without reference.

S. 774 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: RECORDKEEPING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5142, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0350wab-dbs23.docx : 1cc879d7-cbf4-4d70-a5c8-29c5242721dd

Read the first time and ordered placed on the Calendar without reference.

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0389km-vc23.docx : 46214b9b-95d1-4b17-886d-34a9c795ef02

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 3355 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-4072 SO AS TO PROVIDE THAT A TOWING TRUCK WITH A FIFTH WHEEL ASSEMBLY MAY TOW ONE ADDITIONAL VEHICLE, TO PROVIDE A MAXIMUM LENGTH FOR THIS COMBINATION OF VEHICLES, TO PROVIDE THE MAXIMUM WEIGHT FOR THE FINAL TRAILING VEHICLE, AND TO PROVIDE A TRUCK OPERATING A TOWING COMBINATION MUST INCLUDE A VIDEO SYSTEM WHICH ALLOWS THE DRIVER TO MONITOR THE FINAL TRAILING VEHICLE AS IT IS BEING TOWED AND BE EQUIPPED WITH CERTAIN SAFETY DEVICES.

lc-0027cm23.docx : calf3099-6348-4468-832b-36bd8fbb61e2

Read the first time and referred to the Committee on Transportation.

H. 3501 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-102-140, RELATING TO PROHIBITED ACTS OF ATHLETE AGENTS, SO AS TO PROVIDE CERTIFIED ATHLETE AGENTS MAY PAY CERTAIN EXPENSES INCURRED BEFORE THE SIGNING OF AGENCY CONTRACTS BY STUDENT ATHLETES, FAMILY MEMBERS OF STUDENT ATHLETES, AND INDIVIDUALS OR CLASSES OF INDIVIDUALS AUTHORIZED TO RECEIVE SUCH PAYMENTS.

lc-0001wab23.docx : 7e22b437-a6ef-47eb-a7e2-bacb721a54bb

Read the first time and referred to the Committee on Education.

H. 4177 -- Rep. Hyde: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0191hdb23.docx : cb530df4-b1f9-4105-ada4-4a896880d154

Read the first time and referred to the Committee on Judiciary.

H. 4347 -- Reps. Hiott and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SHOAL CREEK IN PICKENS COUNTY ALONG SOUTH

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CAROLINA HIGHWAY 186 "SERGEANT FIRST CLASS MATTHEW BRADFORD THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

lc-0305cm-cm23.docx : b749db3b-1c4f-44bb-a5fb-d31123406a9f

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4425 -- Reps. Blackwell, Clyburn, Hixon, Oremus and Taylor: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR IRA ELLIS "BUD" COWARD II, BROKER-IN-CHARGE AND CO-OWNER OF COWARD & MCNEILL REAL ESTATE, LLC, AND TO CONGRATULATE HIM UPON BEING INDUCTED INTO THE SOUTH CAROLINA AVIATION HALL OF FAME.

lc-0317cm-gm23.docx : 282c59a7-6a17-4915-ae90-44ee54a8ac52

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND

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FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

H. 3690 -- Reps. Taylor, G.M. Smith, Thayer, Bradley, Hiott, Bannister, W. Newton, Sandifer, West, Davis, Erickson, J.E. Johnson, Jordan, Whitmire, Hixon, Elliott, Forrest, Wooten, Bustos, Willis, Yow, Carter, Hartnett, Moss, McCravy, B.J. Cox, Haddon, Burns, Chumley, Oremus, Hardee, Ligon, Long, Gilliam, Magnuson, Lawson, Nutt, Brewer, Guffey, Hager, Mitchell, Neese, Sessions, Vaughan, Robbins, Kilmartin, M.M. Smith, B. Newton, Hewitt, Leber, Pope, Blackwell, Caskey and Landing: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ESG PENSION PROTECTION ACT"; BY AMENDING SECTION 9-16-10,

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RELATING TO RETIREMENT SYSTEM FUNDS DEFINITIONS SO AS TO ADD A DEFINITION OF “PECUNIARY FACTOR”; BY AMENDING SECTION 9-16-30, RELATING TO DELEGATION OF FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE THAT PROXY VOTING DECISIONS MUST BE BASED ON PECUNIARY FACTORS; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY TRUSTEES, SO AS TO PROVIDE THAT THE COMMISSION MAY ONLY CONSIDER PECUNIARY FACTORS IN MAKING CERTAIN INVESTMENT DECISIONS; BY AMENDING SECTION 9-16-320, RELATING TO ANNUAL INVESTMENT PLANS SO AS TO REQUIRE CERTAIN MEETINGS; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENT OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO REQUIRE CERTAIN CERTIFICATIONS; AND BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE CERTAIN PROVISIONS.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS “WOMEN IN HUNTING AND FISHING AWARENESS DAY”.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

Ordered for consideration tomorrow.

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Senator HEMBREE from the Committee on Education polled out H. 4122 favorable:

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFE-SAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

**Poll of the Education Committee
Polled 17; Ayes 17; Nays 0**

AYES

Hembree	Setzler	Rankin
Peeler	Jackson	Grooms
Malloy	Hutto	Young
Turner	Rice	Talley
Massey	Cash	Allen
Scott	Loftis	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

Appointment Reported

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

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Statewide Appointment

Initial Appointment, Director of Department of Insurance, with term coterminous with Governor

Director:

Michael Wise, 2 School Yard Court, Columbia, SC 29209

Received as information.

Message from the House

Columbia, S.C., May 3, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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Message from the House

Columbia, S.C., May 3, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

asks for a Committee of Conference, and has appointed Reps. Jeff Johnson, Robbins and Wetmore to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

H. 3532--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators MALLOY, HEMBREE and ADAMS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

HOUSE CONCURRENCES

S. 766 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES A. JAMISON, ASSISTANT PASTOR OF BROOKLAND BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER YEARS OF

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EXEMPLARY MINISTRY AND SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 769 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE STATE OF ISRAEL UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND COMMEND ISRAEL'S RELATIONSHIP WITH THE STATE OF SOUTH CAROLINA AND THE UNITED STATES.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 383 -- Senator Malloy: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE; TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE; AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

On motion of Senator MALLOY.

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S. 383--Ordered to a Third Reading

On motion of Senator MALLOY, S. 383 was ordered to receive a third reading on Thursday, May 4, 2023.

SECOND READING BILL

S. 764 -- Senators Climer, M. Johnson and Peeler: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

Senator FANNING proposed the following amendment (LC-764.HDB0001S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 2(A) of Act 470 of 2000 and inserting:

(A)(1) Notwithstanding another provision of law, beginning with the elections conducted in ~~2014~~2024, the ~~election seven single-member districts for from which each of~~ the members of the Board of Trustees of Rock Hill School District No. 3 of York County must be elected are established and delineated on map number ~~S-91-03-14~~S-91-03-23A created and maintained by the ~~Office of Research and Statistics of the State Budget and Control Board~~Revenue and Fiscal Affairs Office, or its successor agency.

(2) The demographic information for each of the seven single-member districts shown on this map is as follows:

District	Pop	Dev.	%Dev	NHWH F	%NHWH F	NHBL K	%NHBL K
1	20,887	-1,258	-5.68%	7,141	34.19%	12,638	60.51%
2	22,873	728	3.20%	18,522	80.98%	2,913	12.74%
3	21,154	-991	-4.48%	12,595	59.54%	7,646	36.14%
4	22,850	705	3.18%	16,490	72.17%	3,509	15.36%
5	22,964	819	3.70%	15,256	66.43%	4,434	19.31%

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Total	110,728			70,004		31,140	
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District	VAP	NHWV AP	%NHWV AP	NHBV AP	NHBVA P%	All Other	All Other VAP
1	15,901	5,999	37.73%	9,125	57.39%	1,108	777
2	17,296	14,370	83.08%	2,000	11.56%	1,438	926
3	16,090	9,934	61.74%	5,562	34.57%	913	594
4	17,424	13,225	75.90%	2,356	13.52%	2,851	1,843
5	17,398	12,171	69.96%	3,050	17.53%	3,227	2,177
Total	84,109	55,699		22,093		9,584	6,317

District	Pop.	D v.	%D ev.	Hisp.	%His p.	NH White	%NH White
1	16,462	- 856	- 0.05	1,075	0.07	6,150	0.37
2	16,970	- 348	- 0.02	1,441	0.08	10,891	0.64
3	16,864	- 454	- 0.03	885	0.05	5,863	0.35
4	18,074	756	0.04	2,185	0.12	11,453	0.63
5	18,005	687	0.04	1,390	0.08	9,995	0.56
6	17,426	108	0.01	673	0.04	12,934	0.74
7	17,426	108	0.01	770	0.04	12,502	0.72
Total	121,227			8,419		69,788	

District	NH Blk	%NH Blk	VAP	%VAP	HVAP	%HVAP
1	8,548	0.52	12,780	0.78	724	0.06
2	3,528	0.21	13,176	0.78	937	0.07
3	9,538	0.57	13,223	0.78	643	0.05
4	3,315	0.18	14,168	0.78	1,496	0.11
5	4,634	0.26	13,961	0.78	964	0.07
6	2,886	0.17	13,684	0.79	414	0.03
7	3,236	0.19	13,662	0.78	527	0.04
Total	35,685		94,654		5,705	

District	NH WVAP	%NH WVAP	NH BVAP	%NH BVAP
1	5,129	0.40	6,434	0.50
2	8,851	0.67	2,570	0.20

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3	5,022	0.38	7,130	0.54
4	9,449	0.67	2,368	0.17
5	8,318	0.60	3,295	0.24
6	10,493	0.77	2,145	0.16

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 2(B) of Act 213 of 2005 is amended to read:

(B)(1) The Board of Trustees of Rock Hill School District No. 3 of York County is composed of seven members elected in a nonpartisan election by the qualified electors of the district ~~with five members required to reside in the five districts delineated in subsection (A) of this section and two elected at large from the district without regard to residency~~ from one of the seven defined single-member districts. A board member representing a numbered district must be a resident of the school district and the numbered single-member district from which he is elected, and only those electors residing in the particular district are eligible to vote for the trustee who will represent the district.

(2) The trustees representing Districts 1, 3, and 5 and ~~one at large seat~~ 7 must be elected at the time of the general election of ~~2008~~ 2026, and the trustees representing Districts 2 ~~and~~ , 4, and ~~one at large seat~~ 6 must be elected at the time of the general election of ~~2006~~ 2024. The trustees serving on the effective date of this act elected from residency Districts 2 ~~and~~ , 4, and ~~the at large seat~~ 6 shall continue to serve until the expiration of their terms in ~~2006~~ 2024. Thereafter, all terms of office are for four years, until their successors are elected and qualify.

(3) Notwithstanding another provision of law, beginning with elections conducted in ~~1996~~ 2024, each candidate for election ~~as a trustee to the school boards in York County School Districts 1, 2, 3, and 4~~ Board of Trustees of Rock Hill School District 3 of York County shall file his statement of candidacy with the ~~Registration and Elections Commission for York County~~ Board of Voter Registration and Elections for the period beginning no earlier than 12:00 noon on August first and ending no later than 12:00 noon on August thirty-first. However, if ~~either of these dates~~ August thirty-first falls on a Saturday, Sunday, or legal holiday, the date is extended until 12:00 noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday.

(4) If a seat becomes vacant before the expiration of the incumbent's term of office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled by the board of trustees for the unexpired portion of the term until the next election for trustees is held.

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Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator CLIMER moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 3; Nays 1

AYES

Climer

Johnson, Michael

Peeler

Total--3

NAYS

Fanning

Total--1

The amendment was laid on the table.

The question then being the second reading of the Bill.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME
SENT TO THE HOUSE**

S. 739 -- Senators Setzler, Alexander, Peeler, Williams, Davis, Talley and Malloy: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NON-RECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF

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PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENTS.

The Senate proceeded to the consideration of the Resolution.

The Committee on Finance proposed the following amendment (SF-739.CH0003S), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION 1. The General Assembly hereby provides a one-time authorization of South Carolina Housing Tax Credits pursuant to and for the purposes described in this joint resolution in an amount necessary but not exceeding \$29,806,029, comprised of \$12,889,152 remaining available from the one-time authorization of South Carolina Housing Tax Credits provided in Section 1.B.1 of Act 202 of 2022, and a total of \$16,916,877 remaining available for allocations for the tax year ending December 31, 2023, pursuant to Section 12-6-3795. In addition to the foregoing, the General Assembly hereby authorizes pursuant to and for the purposes described in this joint resolution an amount necessary but not exceeding \$25,000,000 from the undesignated balance held in the South Carolina Housing Trust Fund established pursuant to Article 4 of Chapter 13, Title 31 of the South Carolina Code, as non-recurring, one-time funding, and not as South Carolina Housing Tax Credits. No later than June 30, 2023, the State Housing Finance and Development Authority must develop a plan to allocate the South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this joint resolution as supplemental financial support to certain multi-family housing projects that had by March 31, 2023, received a tentative allocation of South Carolina Housing Tax Credits pursuant to Act 202 of 2022. The plan, and any project allocations proposed thereunder, must be submitted to the Joint Bond Review Committee for review and comment prior to awarding any South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution.

Amend the joint resolution further, by striking SECTIONS 3 and 4 and inserting:

SECTION 3. Any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution must be limited to the amount necessary to provide supplemental financial support to projects that (1) are under construction; and (2) have demonstrated independently-verified costs

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exceeding original estimates as a consequence of escalations in costs of construction and materials, increases in interest rates, and such other extenuating factors as may be recommended by the State Housing Finance and Development Authority, subject to the review and comment of the Joint Bond Review Committee; provided, however, that no single project may receive an allocation of more than the lesser of (1) the actual amount of South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this joint resolution necessary to achieve financial feasibility of the project based on the independently verified costs exceeding the original estimate for the project; or (2) twenty percent of the South Carolina Housing Tax Credit reflected on the eligibility statement, as defined in Section 12-6-3795(A)(1), previously furnished for the project by the State Housing Finance and Development Authority; further provided, however, that the State Housing Finance and Development Authority may recommend, subject to the review of the Joint Bond Review Committee, a de minimus adjustment not exceeding five percent beyond the limitations of this SECTION to promote financial feasibility of the project in marginal circumstances. Project sponsors must have requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority no later than March 31, 2023.

SECTION 4. The plan must conform with such provisions of the Qualified Allocation Plan and the State Ceiling Allocation Plan as the State Housing Finance and Development Authority may recommend to be applicable to any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this joint resolution; provided, however, that priority must be given to projects with highest rates of completion and earliest dates that the projects are expected to be placed in service.

Amend the joint resolution further, by striking SECTION 6 and inserting:

SECTION 6. The State Housing Finance and Development Authority may require, as a condition of any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to the plan required by SECTION 1 and this joint resolution, an agreement from the project sponsor that the South Carolina Housing Tax Credits and any non-recurring, one-time funding allocated to the project are deemed final, without recourse.

Amend the joint resolution further, by adding an appropriately numbered SECTION to read:

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SECTION 10. In addition to the other amounts made available by this joint resolution, the General Assembly hereby authorizes the State Housing Finance and Development Authority to allocate an amount necessary but not exceeding fifty percent of the federal low-income housing tax credit allocated to this State for the tax year ending December 31, 2023, as supplemental financial support to certain multi-family housing projects utilizing federal nine percent tax credits as defined in Section 12-6-3795(A)(7) that had by March 31, 2023, requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority. Any allocations of federal tax credits made pursuant to this SECTION must be included and coordinated within the plan required pursuant to SECTION 1, and are subject to, without limitation, the same requirements, determinations, limitations, and other provisions as are applicable to the State Housing Tax Credits included in SECTIONS 1 through 7 of this joint resolution.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then being third reading of the Resolution, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Turner
Young

Stephens
Verdin

Talley
Williams

Total--43

NAYS

Total--0

There being no further amendments, the Resolution, as amended, was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 399 -- Senators Peeler, Alexander, Malloy, Grooms and Kimbrell: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE

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DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40,

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48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE

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SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-399.KM0020S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. On the effective date of this act:

(1) there is created the Department Public Health comprised of the divisions, offices, and programs of the Department of Health and Environmental Control that perform health related functions. The Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department Public Health and all relevant powers and duties assigned to the Department of Health and Environmental Control are transferred to and devolved upon the Department of Public Health;

(2) the authority to establish, manage, and operate veterans homes shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs;

(3) there is created the Department of Environmental Services;

(4)(a) except as provided in subitem (b), the divisions, offices, and programs of the Department of Health and Environmental Control that perform functions related to regulation and protection of the environment shall become divisions, offices, and programs of the Department of Environmental Services with the director of the department being deemed the head of the divisions, offices, and programs unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Environmental Services;

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(b) the food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture;

(5) the hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources shall become a division of the Department of Environmental Services, and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Department of Environmental Services; and

(6) the flood mitigation program of the Department of Natural Resources shall become a program of the Office of Resilience and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Office of Resilience.

SECTION 2. Chapter 1, Title 44 of the S.C. Code is amended to read:

CHAPTER 1

~~Department of Health and Environmental Control~~ Public Health

~~Section 44-1-20. There is created the South Carolina Department of Public Health and Environmental Control which shall be administered under the supervision of the South Carolina Board of Health and Environmental Control. The board shall consist of eight members, one from each congressional district, and one from the State at large to be appointed by the Governor, upon the advice and consent of the Senate. The Governor shall appoint a Director of the Department of Public Health pursuant to Section 1-30-10(B) upon the advice and consent of the Senate. The director shall manage the department and may appoint deputies for the divisions pursuant to Section 1-30-10(E). The director is subject to removal by the Governor pursuant to Section 1-3-240. The member who is appointed at large shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to~~

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the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

~~Section 44-1-30. The Board shall meet at least quarterly and the members shall receive such compensation for their services as is provided by law for members of boards and commissions. The director shall have all authority and duties as provided for in Chapter 30, Title 1.~~

Section 44-1-60. (A) All ~~department~~ departmental decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates or other actions of the department which may give rise to a contested case, ~~except a decision to establish a baseline or setback line,~~ must be made using the procedures set forth in this section. ~~A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.~~

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

~~(C) The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~

~~(D)~~(C) In making a ~~staff decision on any~~ about a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such a permit, license, certification or other approval. At the time that ~~such staff a~~ decision is made, the department shall issue a ~~department~~ written decision, and shall base its department decision on the administrative record, which ~~shall must~~ consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record ~~may~~ also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department ~~decision need not be issued for routine permits for which no adverse public comments have been received~~ is not required to issue a written decision for issuance of

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routine permits for which the department has not received public comments.

~~(E)~~(D)(1) ~~Notice of a~~The department decision must be sent~~shall send~~
a notice of a decision by certified mail, returned receipt requested to the
applicant, permittee, licensee, certificate holder, and affected persons
who have requested in writing to be notified. Affected persons may
request in writing to be notified by regular mail or electronic mail in lieu
of certified mail. Notice of ~~staff~~ decisions for which a ~~department~~ written
decision is not required pursuant to subsection ~~(D)~~(C) must be provided
by mail, delivery, or other appropriate means to the applicant, permittee,
licensee, certificate holder and affected persons who have requested in
writing to be notified.

~~—(2) The staff decision becomes the final agency decision fifteen
calendar days after notice of the staff decision has been mailed to the
applicant, unless a written request for final review accompanied by a
filing fee is filed with the department by the applicant, permittee,
licensee, or affected person.~~

~~—(3) The filing fee must be in the amount of one hundred dollars
unless the department establishes a fee schedule by regulation after
complying with the requirements of Article 1, Chapter 23, Title 1. This
fee must be retained by the department in order to help defray the costs
of the proceedings and legal expenses.~~

~~—(F) No later than sixty calendar days after the date of receipt of a
request for final review, a final review conference must be conducted by
the board, its designee, or a committee of three members of the board
appointed by the chair. If the board declines in writing to schedule a final
review conference or if a final review conference is not conducted within
sixty calendar days, the staff decision becomes the final agency decision,
and an applicant, permittee, licensee, or affected person requests
pursuant to subsection (G) a contested case hearing before the
Administrative Law Court. The department shall set the place, date, and
time for the conference; give the applicant and affected persons at least
ten calendar days' written notice of the conference; and advise the
applicant that evidence may be presented at the conference. The final
review conference must be held as follows:~~

~~—(1) Final review conferences are open to the public; however, the
officers conducting the conference may meet in closed session to
deliberate on the evidence presented at the conference. The burden of
proof in a conference is upon the moving party. During the course of the
final review conference, the staff must explain the staff decision and the
materials relied upon in the administrative record to support the staff~~

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~~decision. The applicant or affected party shall state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. The staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the staff. Any final review conference officer may request additional information and may question the applicant or affected party, the staff, and anyone else providing information at the conference.~~

~~(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty-fourty-five calendar days after the receipt of the decision pursuant to item (1) an applicant, permittee, licensee, certificate holder or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.~~

~~—(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review conference. If a transcript is requested, the applicant, permittee, licensee, or affected person making the request is responsible for all costs.~~

~~—(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:~~

~~—(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or~~

~~—(2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or~~

~~—(3) the final agency decision resulting from the final review conference is received by the parties.~~

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~~—(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final review process.~~

~~—(I) The department may promulgate regulations providing for procedures for final reviews.~~

~~(J)(E) Any statutory deadlines applicable to permitting and licensing programs administered by the department must be extended to all for this final review process.~~ If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 44-1-70. All ~~rules and regulations promulgated by the Board~~ department in accordance with this chapter are subject to the provisions of the Administrative Procedures Act. ~~shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation.~~

Section 44-1-80. (A) The ~~Board of~~Department of Public Health and Environmental Control or its designated agents must investigate the reported causes of communicable or epidemic disease and must enforce or prescribe these preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the State. The ~~Board of Health and Environmental Control~~department or its designated agents shall declare, when the facts justify it, any place as infected and, in case of hydrophobia or other diseases transmitted from animals to man, must declare such animal or animals quarantined, and must place all such restrictions upon ingress and egress of persons or animals therefrom as may be, in its judgment, necessary to prevent the spread of disease from the infected locality.

(B)(1) Whenever the ~~board~~department learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to cause a public health emergency, as defined in Section 44-4-130, it is authorized to notify the appropriate public safety authority, tribal authorities, and federal health and public safety authorities.

(2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between authorized personnel must be restricted to information necessary for the treatment, control, investigation, and prevention of a public health emergency. Restriction of access to this information to those authorized personnel for the protection of public health ensures compliance with all state and federal health information privacy laws. The department is authorized to consult with, share data with, and share otherwise confidential

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information with the Department of Environmental Services concerning reportable illnesses, health conditions, unusual clusters, or suspicious events if such consultation and sharing is in the public interest.

(3) The ~~board~~department and its agents ~~must~~shall have full access to medical records and nonmedical records when necessary to investigate the causes, character, and means of preventing the spread of a qualifying health event or public health emergency. For purposes of this item, “nonmedical records” ~~mean~~means records of entities, including businesses, health facilities, and pharmacies, which are needed to adequately identify and locate persons believed to have been potentially exposed or known to have been infected with a contagious disease.

(4) An order of the ~~board~~department given to effectuate the purposes of this subsection is enforceable immediately by the public safety authority.

(5) For purposes of this subsection, the terms qualifying health event, public health emergency, and public safety authority have the same meanings as provided in Section 44-4-130.

Section 44-1-90. The ~~State Board~~Department of Public Health and Environmental Control or its designated agents, when it is deemed necessary by the municipal officers of any town or city or the governing body of any county, may (a) visit cities, towns, villages or localities where disease is prevalent or threatened, (b) investigate and advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease or to remove or abate causes that may tend to cause or intensify disease, (c) advise, when practicable or possible, as to measures of sanitation or hygiene and (d) investigate and advise as to all matters respecting water supply, sewage, drainage, ventilation, heating, lighting or other measures connected with public sanitation or safety.

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of Public Health and Environmental Control and must carry out and obey his orders, or those of the ~~Department of Health and Environmental Control~~department, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request

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assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.

Section 44-1-110. ~~(A) The Department of Public Health and Environmental Control~~ is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits.

~~(B) It shall~~ The department, through its representatives, shall investigate the causes, character, and means of preventing the epidemic and endemic diseases as the State is liable to suffer from and the influence of climate, location, and occupations, habits, drainage, scavenging, water supply, heating, and ventilation. ~~It shall have~~ has, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals, and other health facilities as necessary to carry out its investigation of these diseases. No physician, hospital, or health facility, or person in charge of these records is liable in any action-at-law for permitting the examination or review. Patient-identifying information elicited from these records and registries must be kept confidential by the department and it is exempt from the provisions of Chapter 4-~~of~~, Title 30. The department ~~It~~ shall supervise and control the quarantine system of the State. ~~It and~~ may establish quarantine both by land and sea.

Section 44-1-130. ~~(A) The Department of Public Health and Environmental Control~~ may divide the State into health districts and establish in these districts advisory boards of health which shall consist of representatives from each county in the district. Boards of health now existing in the districts shall have representation on the district advisory board. Counties not having local boards of health ~~shall~~ must be represented by individuals appointed by the county legislative delegation. The number of members of a district advisory board ~~shall~~ must be determined by the ~~Department~~ department with due consideration to the population and community needs of the district. District advisory boards of health ~~shall be~~ are subject to the supervisory and advisory control of the ~~Department~~ department. District advisory boards are charged with the duty of advising the district medical director or administrator in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.

~~(B) The district medical director or administrator shall be~~ is the secretary of the advisory board and the district advisory board shall elect annually from its membership a chairman.

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Section 44-1-140. The Department of Public Health and Environmental Control may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for:

~~—(1) For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public;~~

~~—(2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;~~

~~—(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;~~

~~—(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;~~

~~—(5) For the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish and crustaceans;~~

~~—(6) For the control of disease bearing insects, including the impounding of waters;~~

~~(7)~~(1) For the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;

~~—(8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;~~

~~—(9) For the use of water in air humidifiers;~~

~~(10)~~(2) For the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease; and

~~—(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;~~

~~(12)~~(3) For the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the

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prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; and.

~~—(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.~~

(B) The Department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing ~~nuisances~~ conditions dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health. Any rule or order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

~~—Section 44-1-143. (A) For the purposes of this section:~~

~~—(1) “Home-based food production operation” means an individual, operating out of the individual’s dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person, including online and by mail order, or to retail stores, including grocery stores. “Home-based food production operation” does not include preparing, processing, packaging, storing, or distributing aluminum canned goods or charcuterie boards.~~

~~—(2) “Nonpotentially hazardous foods” are foods that are not potentially hazardous.~~

~~—(3) “Person” means an individual consumer.~~

~~—(4) “Potentially hazardous foods” includes:~~

~~—(a) an animal food that is raw or heat treated; a plant food that is heat treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation; garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;~~

~~—(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:~~

Aw values	pH values		
	4.6 or less	>4.6-5.6	>5.6
(1) <0.92	non-PHF	non-PHF	non-PHF
(2) >0.92-0.95	non-PHF	non-PHF	PHF
(3) >0.95	non-PHF	PHF	PHF

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~~—Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.~~

~~—(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:~~

~~—(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;~~

~~—(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;~~

~~—(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;~~

~~—(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and~~

~~—(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.~~

~~—(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:~~

~~—(1) department approved water supply;~~

~~—(2) a separate storage place for ingredients used in foods intended for sale;~~

~~—(3) a properly functioning refrigeration unit;~~

~~—(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;~~

~~—(5) adequate facilities for the storage of utensils and equipment;~~

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~~—(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;~~

~~—(7) a properly functioning toilet facility;~~

~~—(8) no evidence of insect or rodent activity; and~~

~~—(9) department approved sewage disposal, either onsite treatment or publicly provided.~~

~~—(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:~~

~~—(1) the name and address of the home-based food production operation. If a home-based food production operator does not want to include his address on the label, then the department shall provide an identification number to the operator, upon the operator's request, that can be used on the label instead;~~

~~—(2) the name of the product being sold;~~

~~—(3) the ingredients used to make the product in descending order of predominance by weight; and~~

~~—(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "PROCESSED AND PREPARED BY A HOME BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."~~

~~—(E) Home-based food operations only may sell, or offer to sell, food items directly to a person, including online and by mail order, or to retail stores, including grocery stores. Food produced from a home-based food production operation shall be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25. Any retail stores, including grocery stores, that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations.~~

~~—(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.~~

~~—(G) The provisions of this section do not apply to an operation with net earnings of less than fifteen hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).~~

~~—(H) [Deleted]~~

~~—(I) The provisions of this section apply in the absence of a local ordinance to the contrary.~~

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~~—Section 44-1-145. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty five degrees Fahrenheit (sixty-eight degrees Celsius), unless otherwise ordered by the immediate consumer.~~

~~—(B) The food service provider, its business or its employees or agents, are not liable for any adverse affects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty five degrees Fahrenheit (sixty-eight degrees Celsius), and be given to the purchaser:~~

~~—(1) in writing;~~

~~—(2) as stated on the menu; or~~

~~—(3) by visible sign warning.~~

~~—(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty five degrees Fahrenheit (sixty-eight degrees Celsius), the individual must be eighteen years of age or older.~~

~~—Section 44-1-148. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.~~

Section 44-1-150. (A) ~~Except as provided in Section 44-1-151, a~~A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health and Environmental Control, made by the department pursuant to Section 44-1-140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 44-1-140 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term “notice” as used in this section means either actual notice or constructive notice.

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Section 44-1-160. Nothing contained in Section 44-1-140 ~~shall~~ in any way ~~abridge or limit~~bridges or limits the right of ~~any a~~ person to maintain or prosecute ~~any proceedings, civil or criminal, a civil or criminal proceeding~~ against a person maintaining a nuisance.

Section 44-1-170. The Department of Public Health~~—and Environmental Control~~ may direct and supervise the action of the local boards of health in incorporated cities and towns and in all townships in all matters pertaining to ~~such the~~ local boards.

Section 44-1-180. The Department of Public Health~~—and Environmental Control~~ may establish charges for maintenance and medical care for all persons served in state health centers and other health facilities under the jurisdiction of the department and by personnel of the department and of the health units under its jurisdiction in homes and any other places where health services are needed. The terms “medical care” and “health services” include the services of physicians, dentists, optometrists, nurses, sanitarians, physical therapists, medical social workers, occupational therapists, health aides, speech therapists, X-ray technologists, dietitians, nutritionists, laboratory technicians, and other professional and subprofessional health workers. The charges, which may be adjusted from time to time, shall be reasonable and based on the total costs of the services rendered, including operating costs, depreciation costs, and all other elements of costs.

Section 44-1-190. The Department of Public Health~~—and Environmental Control~~ shall make such investigations as it deems necessary to determine which persons or which of the parents, guardians, trustees, committees or other persons or agencies legally responsible therefor are financially able to pay the expenses of the care and treatment, and may contract with any person or agency for the care and treatment of any person to the extent permitted by the resources available to the department. The department may require any county or state agency to furnish information which would be helpful to it in making the investigations. In arriving at the amount to be charged, the department shall have due regard for the financial condition and estate of the person, his present and future needs and the present and future needs of his lawful dependents, and whenever considered necessary to protect him or his dependents, may agree to accept a sum less than the actual cost of services. ~~A~~No person shall may not be deprived of available health services solely because of inability to pay. ~~No fees shall~~A fee may not be charged for services which in the judgment of the department should be made freely available in order to protect and promote the public health.

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Section 44-1-200. The Department of Public Health~~—and Environmental Control~~ may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services ~~shall~~ must include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment and rehabilitation services. In order that it may provide such services, the department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program. The department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such agencies or associations specifying the type of assistance and advice it will provide.

Section 44-1-210. All fees and charges collected pursuant to Sections 44-1-180 to 44-1-200, including vital statistics fees as now provided by law, shall be deposited in the State Treasury and shall be used in the operation of the public health program of the bureau, division, district health unit or local county health department which performed the services for which the fees and charges were collected. An annual report shall be made to the State Fiscal Accountability Authority, Executive Budget Office and the Revenue and Fiscal Affairs Office of the receipts and expenditures made under the provisions of Sections 44-1-180 - 44-1-200.

Section 44-1-215. Notwithstanding Section 13-7-85, the Department of Public Health~~—and Environmental Control~~ may retain all funds generated in excess of those funds remitted to the general fund in ~~fiscal year~~ Fiscal Year 2000-2001 from fees listed in Regulation R61-64 Title B.

Section 44-1-220. All skilled and intermediate care nursing facilities licensed by the Department of Public Health~~—and Environmental Control~~ ~~shall~~ must be required to furnish an item-by-item billing for all charges to the patient or the person paying ~~such the~~ bill, upon request by ~~such the~~ patient or person. Items which remain unpaid are not required to be itemized again. ~~Such requests~~ A request for itemized billing ~~shall remain~~ remains in effect until further notification by the patient or person paying ~~such the~~ bill. Provided, that the provision herein ~~shall~~ does not apply to the contracted amount of a state or federal agency. Any amount above ~~such a~~ contract ~~shall~~ must be itemized as provided herein.

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Section 44-1-230. The Department of Public Health~~—and Environmental Control~~ shall give consideration to any benefits available to an individual, including private, group or other insurance benefits, to meet, in whole or in part, the cost of any medical or health services. ~~Such benefits~~Benefits shall—must be utilized insofar as possible; provided, however, the availability of ~~such benefits~~ shall—must not be the sole basis for determining eligibility for program services of the department. Insurance carriers ~~shall—must~~ not deny payment of benefits otherwise available to the insured solely on the basis that an individual has applied for, or has been deemed eligible to receive, or has received, services, or on the basis that payments have been made for services by the department.

Section 44-1-260. Upon conducting an early periodic screening, diagnosis, and treatment screening (EPSDT), or another physical examination of a child from which it is determined that the child may benefit from the use of assistive technology, the department or person conducting the screening or examination may refer the child to an appropriate agency for an assistive technology evaluation. For purposes of this section, “assistive technology” means a device or service which is used to increase, maintain, or improve the functional capacities of an individual with a disability. An “assistive technology device” ~~is—means~~ an item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capacities of an individual with a disability including, but not limited to, aids for daily living, augmentative communication devices, wheelchairs, and mobility aids, seating and positioning aids, computer aids, environmental controls, home and workplace modifications, prosthetics and orthotics, or aids for vision or hearing impairments. An “assistive technology service” is a service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Section 44-1-280. The ~~Board and~~ Department of Public Health~~—and Environmental Control~~ in establishing priorities and funding for programs and services which impact on children and families during the first years of a child's life, within the powers and duties granted to it, must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59, Chapter 152, at the state and local levels.

Section 44-1-310. (A) The Department of Public Health~~—and Environmental Control~~ shall establish a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop

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strategies for the prevention of maternal deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee also may review severe maternal morbidity. The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.

(B) The State Registrar shall provide the following necessary data from death certificates of women who died within a year of pregnancy to the department staff for review to assist in identifying maternal death information:

- (1) name;
- (2) date and time of death;
- (3) state and county of residence;
- (4) date of birth;
- (5) marital status;
- (6) citizenship status;
- (7) United States armed forces veteran status;
- (8) educational background;
- (9) race and ethnicity;
- (10) date and time of injury;
- (11) place of injury;
- (12) location where injury occurred;
- (13) place of death (facility name and/or address);
- (14) manner of death;
- (15) whether an autopsy was performed and findings available as to the cause of death;
- (16) whether tobacco contributed to death;
- (17) primary and contributing causes of death.

(C) The State Registrar shall provide the following necessary data from birth certificates or fetal death reports linked to the woman for whom data from the death certificate was provided pursuant to subsection (B), where available, to department staff for review to assist in identifying maternal death information:

- (1) medical record number;
- (2) date of delivery;
- (3) location of event;
- (4) name of mother;
- (5) mother's date of birth;

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- (6) mother's race and ethnicity;
- (7) mother's pregnancy history;
- (8) mother's height and weight;
- (9) date of last normal menstrual period;
- (10) date of first prenatal visit;
- (11) number of prenatal visits;
- (12) plurality;
- (13) use of WIC during pregnancy;
- (14) delivery payment method;
- (15) cigarette smoking before and during pregnancy;
- (16) risk factors during pregnancy;
- (17) infections present or treated during pregnancy;
- (18) onset of labor;
- (19) obstetric procedures;
- (20) characteristics of labor and delivery;
- (21) maternal morbidity.

(D) The department must not disclose any information collected under this section that would identify the mother or baby with anyone outside the department, including the committee. Identifying information includes, but may not be limited to, names, addresses more specific than the county of residence, medical record numbers, and dates and times of birth or death.

(E) The department, or its representatives, on behalf of the committee, shall:

- (1) extract necessary data elements from death certificates and birth certificates or fetal death reports, as applicable, and provide de-identified information to the committee for its review and consideration;
- (2) review and abstract medical records and other relevant data;
- (3) contact family members and other affected or involved persons to collect additional data.

(F) The committee shall:

- (1) review information and records provided by the department;
 - (2) determine whether maternal death cases reviewed are pregnancy related, as defined as a death within one year of the pregnancy with a direct or indirect causation related to the pregnancy or postpartum period;
 - (3) consult with relevant experts to evaluate the records and data;
 - (4) make determinations regarding the preventability of maternal deaths;
 - (5) develop recommendations for the prevention of maternal deaths;
- and

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(6) disseminate findings and recommendations pursuant to subsection (J).

(G)(1) Health care providers and pharmacies licensed pursuant to Title 40 shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant medical records associated with a case under review by the committee.

(2) A health care provider, health care facility, or pharmacy providing access to medical records pursuant to this subsection are not liable for civil damages or subject to criminal or disciplinary action for good faith efforts in providing the records.

(3) Coroners and law enforcement shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant records associated with a case under review by the committee.

(H)(1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant to this section are not admissible as evidence in any action of any kind in any court or before another tribunal, board, agency, or person. The information, records, reports, statements, notes, memoranda, or other data must not be exhibited nor their contents disclosed, in whole or in part, by an officer or a representative of the department or another person, except as necessary for the purpose of furthering the review of the committee of the case to which they relate. A person participating in a review may not disclose the information obtained except in strict conformity with the review project.

(2) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the committee, and other persons, agencies, or organizations authorized by the department pursuant to this section are confidential.

(I)(1) All proceedings and activities of the committee, opinions of members of the committee formed as a result of the proceedings and activities, and records obtained, created, or maintained pursuant to this section, including records of interviews, written reports, and statements procured by the department or another person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, are confidential and are not subject to the provisions of Chapter 4, Title 30 relating to open meetings or public records, or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. However, this section must not be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the committee's proceedings.

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(2) Members of the committee must not be questioned in a civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the committee. However, this section must not be construed to prevent a member of the committee from testifying to information obtained independently of the committee or which is public information.

(J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of Public Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.

(K) Members shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(L) The department shall apply for and use any available federal or private monies to help fund the costs associated with implementing the provisions of this section.

SECTION 3. Section 44-9-70 of the S.C. Code is amended to read:

Section 44-9-70. The State Department of Mental Health is hereby designated as the State's mental health authority for purposes of administering Federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The State Department of Mental Health is further designated as the State agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in Federal-State grants-in-aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. ~~Provided, that nothing~~ Nothing in this article shall be construed to prohibit the operation of outpatient mental health clinics by the ~~South Carolina Medical College Medical University of South Carolina Hospital~~ in Charleston. ~~Provided, further, that nothing~~ Further, nothing herein shall be construed to include any of the functions or responsibilities now granted the Department of Public Health and Environmental Control, or the administration of the State Hospital Construction Act (Hill-Burton Act), as provided in the ~~1976~~ S.C. Code of Laws and amendments thereto.

SECTION 4. Chapter 11, Title 25 of the S.C. Code is amended by adding:

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Article 7

South Carolina Veteran Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes to provide treatment for South Carolina veterans who require long-term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult with the Department of Public Health and the Office of the Governor concerning the policies, management, and operation of the South Carolina veterans homes.

Section 25-11-720. For the purpose of Section 25 11 710, "South Carolina veterans" means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

CHAPTER 3

~~Water Resources Planning and Coordination Act~~Department of Environmental Services

Section 49-3-10. ~~(A)(1) This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act.~~There is created the Department of Environmental Services comprised of:

- (a) the Division of Air Quality;
- (b) the Division of Land and Waste Management;
- (c) the Division of Water;
- (d) the Division of Regional and Laboratory Services, which includes the Office of Emergency Response and the Office of Onsite Wastewater and Enforcement; and
- (e) the Division of Coastal Management.

(2) The Director of the Department of Environmental Services may realign the bureaus, divisions, offices, and programs to gain additional efficiencies or to better align resources with changes in environmental statutes or regulation.

Section 49-3-20. ~~As used in this chapter:~~

~~—(1) "Board" means the governing body of the Department of Natural Resources.~~

~~—(2) "Department" means the Department of Natural Resources.~~The Governor shall appoint a Director of the Department of Environmental

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Services pursuant to Section 1-30-10(B) upon the advice and consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1-3-240. The director shall manage the department and may appoint deputies for the divisions pursuant to Section 1-30-10(E). The director shall have all authority and duties as provided for in Chapter 30, Title 1.

The former Water Resources Division of the Department of Natural Resources is transferred to the Division of Water in the Department of Environmental Services. The regulatory functions of the former Water Resources Commission that were transferred to the Department of Health and Environmental Control are further transferred to the Department of Environmental Services.

Section 49-3-40. ~~(a)~~(A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) reviewing any project, plan or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation and coordinating functions as the Governor and the General Assembly may designate.

~~(b)~~(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the

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department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic, and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research and studies of federal, state, interstate, regional, metropolitan and local units, agencies and departments of government.

~~(e)~~(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

~~(d)~~(D) The department shall encourage, assist, and advise regional, metropolitan, and local governmental agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local and regional water resources activities, programs, and plans.

~~(e)~~(E) The department may publish reports, including the results of such studies, inquiries, surveys, and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

~~(f)~~(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

~~(g)~~(G) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes, including but not limited to, the following:

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(1) navigation,
(2) irrigation,
(3) water storage,
(4) aquatic weed management,
(5) flood control,
(6) salinity control,
(7) interstate water concerns, and
(8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

~~(a)~~(1) adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial.

~~(b)~~(2) water of suitable quality for all purposes;

~~(c)~~(3) water availability for recreational and commercial needs;

~~(d)~~(4) hydroelectric power;

~~(e)~~(5) flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses;

~~(f)~~(6) land stabilization measures;

~~(g)~~(7) drainage measures, including salinity control;

~~(h)~~(8) watershed protection and management measures;

~~(i)~~(9) outdoor recreational and fish and wildlife opportunities;

~~(j)~~(10) studies on saltwater intrusion into groundwater and surface water;

~~(k)~~(11) measures to protect the state's fisheries and other aquatic resources; and

~~(l)~~(12) any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United States Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of~~

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~~unused storage capacity within the reservoir to store such return flows.~~All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

~~(B) For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.~~The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

~~(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.~~

~~(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified~~

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mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after receipt of a notice mailed pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the receipt of the decision mailed pursuant to item (1) is received, an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 49-3-65. (A) In making a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 49-3-60(C), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a contested case hearing pursuant to Section 49-3-60(D)(2);

(2) only an applicant, permittee, licensee, or affected person may become a party to a contested case hearing; and

(3) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the

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development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy two hours to provide in writing a withdrawal or rescission of the waiver.

(D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.

(E) For purposes of this section, "affected person" means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.

Section 49-3-70. (A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all correctional facilities, jails, hotels, schools, and other places used by or open to the public;

(2) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;

(3) the use of water in air humidifiers;

(4) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of

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the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and

(5) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment and public life and health. Any rule or order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

Section 49-3-75. (A) There is established within the Department of Environmental Services an Expedited Review Program to provide an expedited process for permit application review. Participation in this program is voluntary, and the program must be supported by expedited review fees promulgated in regulation pursuant to subsection (B)(1). The department shall determine the project applications to review, and the process may be applied to any one or all of the permit programs administered by the department.

(B)(1) Before January 1, 2009, the Department of Health and Environmental Control was directed to promulgate regulations necessary to carry out the provisions of this section. The regulations were to include, but are not limited to, definitions of "completeness" for applications submitted, consideration of joint federal state permitting activities, standards for applications submitted that advance environmental protection, and expedited process application review fees. Beginning the effective date of this act, the Department of Environmental Services shall promulgate regulations it determines necessary to carry out the purposes of this section.

(2) Regulations promulgated pursuant to this section must not alter public notice requirements for permits, certifications, or licenses issued by the Department of Environmental Services.

(C) Until the Department of Health and Environmental Control promulgated regulations pursuant to subsection (B)(1), it was directed to conduct a pilot expedited review program to determine the most environmentally sound, cost efficient, and economically beneficial process for implementation of a statewide expedited review program and to determine which permit programs, or subcomponents of a program, to include in the pilot program and also was authorized to establish pilot program expedited process application fees.

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(D) There was created the Expedited Review Fund that is separate and distinct from the general fund of the State and all other funds. Fees established in regulation pursuant to subsection (B) and assessed pursuant to subsection (C) must be credited to the fund and used for the costs of implementing the Expedited Review Program. Interest accruing to the fund must be retained by the fund and used for the same purposes. Revenue in the fund not expended during a fiscal year, including fees generated pursuant to subsection (C), must be carried forward to the succeeding fiscal year and must be used for the same purposes.

Section 49-3-80. A corporation or person whose only purpose is furnishing, supplying, marketing, or selling treated effluent for irrigation purposes, is not a public utility for purposes of Title 58 by virtue of the furnishing, supplying, marketing, or selling of the treated effluent, provided that the effluent has not been permitted for consumption by the Department of Environmental Services or other regulatory agency.

Section 49-3-85. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Environmental Services, made by the department pursuant to Section 49-3-70, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 49-3-70 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term 'notice' as used in this section means either actual notice or constructive notice.

(E) This section does not apply to fines levied pursuant to Section 49-3-70(2) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

Section 49-3-90. Nothing contained in Section 49-3-70 in any way abridges or limits the right of a person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

Section 49-3-95. (A) For purposes of the section, "impacted location" means any facility issued or otherwise subject to a permit, license, or approval from the North Carolina Department of Environment and Natural Resources that has now been determined to be located within the jurisdiction of the South Carolina Department of Environmental Services as a result of the amendments to Section 1-1-10, effective January 1, 2017.

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(B) Notwithstanding any other provision of law, the South Carolina Department of Environmental Services, in issuing any environmental permit, license, or approval to an impacted location shall provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater than five years to come into compliance with any South Carolina environmental rule, regulation, or standard established by the department or by law that has no corresponding rule, regulation, or standard under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or standard established under North Carolina law or regulation. The department may include increments of progress applicable in each year of the schedule established under this subsection, and may shorten the period of compliance as necessary to prevent an imminent threat to the public health and environment. The department may extend a permittee's compliance schedule under this section beyond five years upon written application by the permittee only if the department determines that circumstances reasonably require such an extension, and the extension of time would pose no threat to public health or the environment.

Section 49-3-100. (A) Notwithstanding any other provision of law, shellfish that is the subject of a violation of law, including regulations, may be confiscated and disposed of at the discretion of the arresting officer.

(B) A person convicted of a second offense of harvesting shellfish in a polluted area, upon conviction, must be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not less than thirty days and not more than sixty days.

(C) A person convicted of a third or subsequent offense of harvesting shellfish in a polluted area, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not less than sixty days and not more than ninety days.

(D) All equipment including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area, may be impounded at the discretion of the arresting officer. The equipment impounded must be delivered to the sheriff of the county in which the arrest was made and must be retained by the sheriff. The equipment may not be returned to the owner until the case has been finally disposed of. All equipment including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of

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harvesting shellfish in a polluted area, must be confiscated. All confiscated equipment must be sold at auction by the sheriff of the county in which the second, third, or subsequent offense took place and by a representative of the Department of Environmental Services, except for weapons, which, following confiscation, must be disposed of in the manner set forth in Sections 16-23-50, 16-23-460, and 16-23-500.

Section 49-3-105. Notwithstanding any other provision of law, all revenue from a fine or a forfeiture of bond for a violation of a shellfish law or regulation provided by this title must be deposited monthly with the treasurer of the county in which the arrest for the violation was made. One third of the revenue must be retained by the county treasurer to be used for the general operating needs of the county pursuant to the direction of the governing body of the county. Two thirds of the revenue must be remitted quarterly to the Department of Environmental Services of which one half is to be used in enforcing shellfish laws and regulations and one half is to be remitted quarterly to the state's general fund. All monies derived from auction sales of confiscated equipment pursuant to Section 49-3-100 must be deposited, retained, remitted, and used in the same manner as provided in this section for all revenue derived from a fine or a violation of a shellfish law or regulation. A report of fines for forfeitures of bonds regarding shellfish violations must be sent to the department monthly by each magistrate and clerk of court in this State. A report of monies derived from auction of sales of confiscated equipment must be sent to the department monthly by each sheriff.

Section 49-3-110. When a person is apprehended by a shellfish patrolman upon a charge of violating the health and sanitary aspects of shellfish, crab, and shrimp laws or regulations, the person upon being served with a summons by the patrolman in lieu of being immediately brought before the proper judicial officer may enter into a formal recognizance or deposit a proper sum of money in lieu of a recognizance or incarceration with the patrolman as bail which must not be less than the minimum or more than the maximum fine, but in no case exceed one hundred dollars. The bail must be turned over to the proper judicial officer. A receipt for the sum deposited must be given to the person by the patrolman. The summons duly served must give the judicial officer jurisdiction to dispose of the matter. Upon receipt of bail the patrolman shall release the person so charged, and the person may appear in court at the time stated in and required by the summons.

SECTION 6. Section 44-2-20(3) of the S.C. Code is amended to read:

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(3) “Committed funds” means that portion of the Superb Account reserved as a result of action by the Department of ~~Health and Environmental Control~~ Services to approve costs for planned site rehabilitation activities.

SECTION 7. Section 44-2-20(5) of the S.C. Code is amended to read:

(5) “Department” means the Department of ~~Health and Environmental Control~~ Services.

SECTION 8. Section 44-2-40(A) of the S.C. Code is amended to read:

(A)(1) There is created within the state treasury two separate and distinct accounts which are to be administered by the Department of ~~Health and Environmental Control~~ Services. The “Superb Account” and the “Superb Financial Responsibility Fund” are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.

(2) The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.

(3) The Superb Financial Responsibility Fund must be used for compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.

(4) Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.

SECTION 9. Section 44-2-60(C) of the S.C. Code is amended to read:

(C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected

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in the same manner that the one-fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of ~~Health and Environmental Control~~ Services which shall deposit the fees as provided for in Section 44-2-40.

SECTION 10. Section 44-2-130(E)(1) of the S.C. Code is amended to read:

(E)(1) An owner or operator of an underground storage tank or his agent seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a written application to the department. The written application must be on a form specified by the department and include certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance with applicable law and regulations, and all registration fees have been paid. The department shall accept certification that the release at the site is in need of rehabilitation if the certification is provided jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final determination the department shall provide written notice to the applicant of its findings including detailed reasons for any denial. Any denial of an application must be appealable to ~~the Board of Health and Environmental Control~~ court with appropriate jurisdiction pursuant to the Administrative Procedures Act. The department is exempt from this time frame for applications which are received within three months of the close of the grace period allowed in Section 44-2-110.

SECTION 11. Section 44-4-130(F) of the S.C. Code is amended to read:

(F) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of ~~Public Health and Environmental Control~~.

SECTION 12. Section 44-4-130(I) of the S.C. Code is amended to read:

(I) ~~“DHEC”~~ “Department” means the Department of ~~Public Health and Environmental Control~~ or any person authorized to act on behalf of the Department of Health and Environmental Control.

SECTION 13. Section 44-4-130(W) of the S.C. Code is amended to read:

(W) “Trial court” is the circuit court for the county in which the isolation or quarantine is to occur or to the circuit court for the county in which a public health emergency has been declared. If that court is unable to function because of the isolation, quarantine, or public health

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emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Public Health and Environmental Control.

SECTION 14. Section 44-4-540(B)(1) of the S.C. Code is amended to read:

(B)(1) ~~DHEC~~ The department may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the ~~commissioner~~ director or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize ~~DHEC's~~ the department's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others. Any emergency order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

SECTION 15. Section 44-7-130(3) of the S.C. Code is amended to read:

(3) ~~"Board" means the State Board of Health and Environmental Control.~~ Reserved

SECTION 16. Section 44-7-130(8) of the S.C. Code is amended to read:

(8) "Department" means the Department of Public Health and Environmental Control.

SECTION 17. Section 44-7-150(3) of the S.C. Code is amended to read:

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department ~~and approved by the board~~ to carry out the department's licensure and Certificate of Need duties under this article, including regulations to deal with competing applications;

SECTION 18. Section 44-7-180(A) of the S.C. Code is amended to read:

(A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor's appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. ~~The chairman of the board~~ director of the department shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four-year terms, and may serve only two consecutive

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terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office.

SECTION 19. Section 44-7-180(C) of the S.C. Code is amended to read:

(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the ~~board~~ department for final revision and adoption. Once adopted by the ~~board~~ department, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.

SECTION 20. Section 44-7-190(A) of the S.C. Code is amended to read:

(A) The department shall adopt, ~~upon approval of the board~~, Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

SECTION 21. Section 44-7-200(C) of the S.C. Code is amended to read:

(C) ~~Upon publication of this notice and until a contested case hearing is requested pursuant to Section 44-1-60(G):~~

~~— (1) members of the board and persons appointed by the board to hold a final review conference on staff decisions may not communicate directly or indirectly with any person in connection with the application; and~~

~~— (2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board and persons appointed by the board to hold a final review conference on staff decisions.~~

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~~—A person who violates this subsection is subject to the penalties provided in Section 1-23-360. Reserved~~

SECTION 22. Section 44-7-210(C) of the S.C. Code is amended to read:

(C) On the basis of staff review of the application, the ~~staff department~~ shall make a ~~staff department~~ decision to grant or deny the Certificate of Need and the ~~staff department~~ shall issue a decision in accordance with Section 44-1-60(D)(C). ~~Notice of the decision must be sent to the applicant and affected persons who have asked to be notified. The decision becomes the final agency decision unless a timely written request for a final review is filed with the department as provided for in Section 44-1-60(E).~~

~~—However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.~~

SECTION 23. Section 44-7-210(D) of the S.C. Code is amended to read:

SECTION 24. Section 44-7-210(E) of the S.C. Code is amended to read:

~~(E)(D)~~ A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60(G)(D). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the ~~staff~~ departmental review.

SECTION 25. Section 44-7-230(D) of the S.C. Code is amended to read:

(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. ~~The board may grant further extensions of up to nine months each only if it determines that substantial~~

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~~progress has been made in accordance with the procedures set forth in regulations.~~

SECTION 26. Section 44-7-320(B) of the S.C. Code is amended to read:

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing ~~before the board, or its designee,~~ pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

SECTION 27. Section 44-7-370 of the S.C. Code is amended to read:

Section 44-7-370. (A) The South Carolina Department of Public Health and Environmental Control shall establish a Residential Care Committee to advise the department regarding licensing and inspection of community residential care facilities.

(1) The committee consists of the Long Term Care Ombudsman, three operators of homes with ten beds or less, four operators of homes with eleven beds or more, and three members to represent the department appointed by the ~~commissioner~~ director for terms of four years.

(2) The terms must be staggered and no member may serve more than two consecutive terms. Any person may submit names to the ~~commissioner~~ director for consideration. The advisory committee shall meet at least once annually with representatives of the department to evaluate current licensing regulations and inspection practices. Members shall serve without compensation.

(B) The Department of Public Health and Environmental Control shall appoint a Renal Dialysis Advisory Council to advise the department regarding licensing and inspection of renal dialysis centers. The council must be consulted and have the opportunity to review all regulations promulgated by the ~~board~~ department affecting renal dialysis prior to submission of the proposed regulations to the General Assembly.

(1) The council is composed of a minimum of fourteen persons, one member recommended by the Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three physicians specializing in nephrology recommended by the South Carolina Renal Physicians

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Association; two administrators of facilities certified for dialysis treatment or kidney transplant services; one member recommended by the South Carolina Kidney Foundation; one member recommended by the South Carolina Hospital Association; one member recommended by the South Carolina Medical Association; one member of the general public; one member representing technicians working in renal dialysis facilities; one member recommended by the Council of Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists. The directors of dialysis programs at the Medical School of the University of South Carolina and the Medical University of South Carolina, or their designees, are ex officio members of the council.

(2) Members shall serve four-year terms and until their successors are appointed and qualify. No member of council shall serve more than two consecutive terms. The council shall meet as frequently as the ~~board~~ department considers necessary, but not less than twice each year. Members shall serve without compensation.

SECTION 28. Section 44-7-2430(C)(1) of the S.C. Code is amended to read:

(C)(1) The ~~Board-Department of Public Health and Environmental Control~~ shall appoint an advisory committee that must have an equal number of members representing all involved parties. The ~~board~~ department shall seek recommendations for appointments to the advisory committee from organizations that represent the interests of hospitals, consumers, businesses, purchasers of health care services, physicians, and other professionals involved in the research and control of infections.

SECTION 29. Section 44-29-10 of the S.C. Code is amended to read:

Section 44-29-10.(A) In all cases of known or suspected contagious or infectious diseases occurring within this State the attending physician must report these diseases to the county health department within twenty-four hours, stating the name and address of the patient and the nature of the disease. The county health department must report to the Department of ~~Public Health and Environmental Control~~ all such cases of infectious and contagious diseases as have been reported during the preceding month, these reports to be made upon blanks furnished by the Department of ~~Public Health and Environmental Control~~. The Department of ~~Public Health and Environmental Control~~ must designate the diseases it considers contagious and infectious. The Department of ~~Public Health and Environmental Control~~ may also designate other diseases for mandatory reporting by physicians. Any physician who fails to comply with the provisions of this section is guilty of a misdemeanor

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and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for a period not exceeding thirty days.

(B) A health care provider, coroner, medical examiner, or any person or entity that maintains a database containing health care data must report all cases of persons who harbor any illness or health condition that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The Department of Public Health and Environmental Control must designate reportable illnesses and health conditions as set forth in subsection (A).

SECTION 30. Section 44-29-10(D) of the S.C. Code is amended to read:

(D) The reports of conditions must be made in the form and manner as prescribed by ~~DHEC~~ the department in regulations concerning infectious diseases. The reports must be made to the Bureau of Disease Control in the manner required in the regulations. When available, clinical information supporting the diagnoses, including results of specific diagnostic tests, must be included.

SECTION 31. Section 44-29-150 of the S.C. Code is amended to read:

Section 44-29-150. No person will be initially hired to work in any public or private school, kindergarten, nursery or day care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the ~~Board~~ Department of Public Health and Environmental Control. Re-evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.

SECTION 32. Section 44-29-210(A) of the S.C. Code is amended to read:

(A)(1) If the ~~Board of the Department of Health and Environmental Control or the Director of the Department of Public Health and Environmental Control~~ approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. ~~Neither the board nor the~~ The director may not

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approve the project unless ~~either the department~~ finds that the project conforms to good medical and public health practice.

(2) For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has received the necessary training for and approval of the department for participation in the project.

SECTION 33. Section 44-53-110(11) of the S.C. Code is amended to read:

(11) "Department" means the State Department of Public Health ~~and Environmental Control~~.

SECTION 34. Section 44-53-160(C) of the S.C. Code is amended to read:

(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, ~~at the first regular or special meeting of the South Carolina Board of Health and Environmental Control~~ within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

SECTION 35. Section 44-53-280(C) of the S.C. Code is amended to read:

(C) A class 20-28 registration, as provided for by the ~~board~~ department in regulation, expires October first of each year. The registration of a registrant who fails to renew by October first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

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SECTION 36. Section 44-53-280(D) of the S.C. Code is amended to read:

(D) All registrations other than class 20-28, as provided for by the ~~board-department~~ in regulation, expire on April first of each year. The registration of a registrant who fails to renew by April first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

SECTION 37. Section 44-53-290(i) of the S.C. Code is amended to read:

(i) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The ~~board-department~~ shall register an applicant to dispense but not prescribe narcotic drugs to individuals for maintenance treatment or detoxification treatment, or both:

(1) if the applicant is a practitioner who is otherwise qualified to be registered under the provisions of this article to engage in the treatment with respect to which registration has been sought;

(2) if the ~~board-department~~ determines that the applicant will comply with standards established by the ~~board-department~~ respecting security of stocks of narcotic drugs for such treatment, and the maintenance of records in accordance with Section 44-53-340 and the rules issued by the ~~board-department~~ on such drugs; and

(3) if the ~~board-department~~ determines that the applicant will comply with standards established by the ~~board-department~~ respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.

SECTION 38. Section 44-53-310(a) of the S.C. Code is amended to read:

(a) An application for a registration or a registration granted pursuant to Section 44-53-300 to manufacture, distribute, or dispense a controlled substance, may be denied, suspended, or revoked by the ~~Board department~~ upon a finding that the registrant:

(1) has materially falsified any application filed pursuant to this article;

(2) has been convicted of a felony or misdemeanor under any State or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

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(4) has failed to comply with any standard referred to in Section 44-53-290(i).

SECTION 39. Section 44-53-320(b) of the S.C. Code is amended to read:

(b) The department, without an order to show cause, may suspend any registration simultaneously with the institution of proceedings under Section 44-53-310, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. A failure to comply with a standard referred to in Section 44-53-290(i) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. The suspension shall continue in effect until withdrawn by the ~~Board~~ department or dissolved by a court of competent jurisdiction.

SECTION 40. Section 44-53-360(g) of the S.C. Code is amended to read:

(g) The ~~Board~~ department shall, by rules and regulations, specify the manner by which prescriptions are filed.

SECTION 41. Section 44-53-740 of the S.C. Code is amended to read:

Section 44-53-740. The ~~Board of the~~ Department of Public Health and Environmental Control shall promulgate regulations necessary to carry out the provisions of this article.

SECTION 42. Section 44-55-20(1), (2), and (7) of the S.C. Code is amended to read:

Section 44-55-20. As used in this article:

(1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Safe Drinking Water Act.~~ Reserved

(2) ~~“Commissioner”~~ “Director” means the ~~commissioner~~ director of the department or his authorized agent.

(7) “Department” means the South Carolina Department of ~~Health and Environmental Control~~ Services, including personnel authorized and empowered to act on behalf of the department ~~or board~~. The department is charged with the responsibility for implementation of the Safe Drinking Water Act.

SECTION 43. Section 44-55-30 of the S.C. Code is amended to read:

Section 44-55-30. In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The ~~board~~ department shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design

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criteria, the requirements for the issuance of construction and operation permits, operation and maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.

SECTION 44. Section 44-55-40(G) of the S.C. Code is amended to read:

(G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the ~~board~~department considers necessary and desirable; however, these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.

SECTION 45. Section 44-55-40(K) of the S.C. Code is amended to read:

(K) The ~~Commissioner~~Director of the Department of ~~Health and Environmental Control~~Services shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:

Group I Treatment A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.

Group II Treatment A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

Group III Treatment A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ~~ultra-violet~~ultraviolet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.

Group IV Treatment A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate

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gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a surface water source or a groundwater source which is under the direct influence of surface water.

Group V Treatment A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.

Group VI Treatment A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

Group VII Treatment Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.

SECTION 46. Section 44-55-40(L) of the S.C. Code is amended to read:

(L) The ~~Commissioner~~Director of the Department of ~~Health and Environmental Control~~Services shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:

Group I Distribution Distribution systems associated with state and transient noncommunity water systems.

Group II Distribution Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.

Group III Distribution Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.

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Group IV Distribution Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.

Group V Distribution Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.

SECTION 47. Section 44-55-40(O) of the S.C. Code is amended to read:

(O) The ~~board~~department, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10₁ et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10₁ et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10₁ et seq. For these excepted wells, the ~~board~~department may promulgate regulations. The ~~board~~department shall further ensure that all wells are constructed in accordance with the standards. The ~~board~~department shall make available educational training on the standards to well drillers who desire this training.

SECTION 48. Section 44-55-45 of the S.C. Code is amended to read:

Section 44-55-45. (A) An advisory committee to the ~~board~~department must be appointed for the purpose of advising the ~~board~~department during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the board. The Advisory Committee is composed of eight members appointed by the board. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the Advisory Committee, one of whom must be an employee of the Department of ~~Health and Environmental Control~~Services, and appointed by the ~~commissioner~~director; and two of whom must be employees of the

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South Carolina Department of Natural Resources and appointed by the director.

(B) The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

SECTION 49. Section 44-55-50 of the S.C. Code is amended to read:

Section 44-55-50. (A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the ~~board or~~ department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and reasons for these decisions.

(B) If the ~~board or~~ department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the ~~board or~~ department is entitled to request a public hearing, which the ~~board or~~ department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the ~~board or~~ department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the ~~board or~~ department may be appealed to the circuit court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the ~~board or~~ department within fifteen days after it has affirmed or reevaluated its initial findings and copies also must be served on known interested parties.

(C) A public water system utilizing a fully owned and protected watershed as its water supply is exempt from this section.

SECTION 50. Section 44-55-60 of the S.C. Code is amended to read:

Section 44-55-60. (A) An imminent hazard is considered to exist when in the judgment of the ~~commissioner~~ director there is a condition which may result in a serious immediate risk to public health in a public water system.

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(B) In order to eliminate an imminent hazard, the ~~commissioner~~ director may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate means. An emergency order issued by the ~~commissioner~~ director must be effected immediately and binding until the order is reviewed and modified by the ~~board~~ department or modified or rescinded by a court of competent jurisdiction.

SECTION 51. Section 44-55-70 of the S.C. Code is amended to read:

Section 44-55-70. (A) A public water system shall, as soon as practicable, give public notice if it:

(1) is not in compliance with the State Primary Drinking Water Regulations;

(2) fails to perform required monitoring;

(3) is granted a variance for an inability to meet a maximum contaminant level requirement;

(4) is granted an exemption; or

(5) fails to comply with the requirements prescribed by a variance or exemption.

(B) The ~~board~~ department shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the ~~board~~ department.

SECTION 52. Section 44-55-120(C) of the S.C. Code is amended to read:

(C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and providing an annual review to the department and General Assembly on the fee schedule and the use of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory committee which must be composed of one member representing water systems with fifty thousand or more service connections, one member representing water systems with at least twenty-five thousand but fewer than fifty thousand service connections, one member representing water systems with at least ten thousand but fewer than twenty-five thousand water service connections, one member representing water systems with at least one thousand but fewer than ten thousand service connections, one member representing water systems with fewer than one thousand service connections, and the Executive Director of the Office of Regulatory Staff and the ~~Commissioner~~

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Director of the Department of ~~Health and Environmental Control~~Services, or a designee.

SECTION 53. Section 44-55-690 of the S.C. Code is amended to read:

Section 44-55-690. The county board of health may permit and approve the installation of temporary septic tanks in the case of unusual, temporary or emergency conditions. Such temporary septic tank shall be constructed and installed in accordance with the specifications, rules and regulations promulgated by the county board of health relating to the use of such tanks, and the ~~board~~ department may determine the period of time for which such temporary septic tank may be used.

SECTION 54. Section 44-55-860 of the S.C. Code is amended to read:

Section 44-55-860. Whenever any lot or parcel of land without improvement thereon upon which an owner intends to construct a building or place a mobile home is not accessible to a sewer line for a tap-on and the county board of health or other appropriate agency in which the lot or parcel of land is situated certifies that such lot or land is not suitable to accommodate a septic tank or other individual sewage disposal system, the ~~board or agency~~ department shall state in writing to the owner within thirty days following inspection of the property the reason such septic tank or system cannot be used. At the same time the ~~board or agency~~ department shall inform the owner of the property in detail of any corrective measures that may be taken to remedy the sewage problem.

SECTION 55. Section 44-56-20(1) through (3) of the S.C. Code is amended to read:

Section 44-56-20. Definitions as used in this chapter:

(1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Hazardous Waste Management Act.~~ Reserved

(2) “Director” means the director of the department or his authorized agent.

(3) “Department” means the Department of ~~Health and Environmental Control~~Services, including personnel thereof authorized by the board to act on behalf of the department or board. The department is charged with the responsibility for implementation of the Hazardous Waste Management Act.

SECTION 56. Section 44-56-30 of the S.C. Code is amended to read:

Section 44-56-30. The ~~board~~ department shall promulgate such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment from the effects of improper, inadequate, or unsound

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management of hazardous wastes. Such regulations may prescribe contingency plans; the criteria for the determination of whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits required by this chapter; standards for the transportation, containerization, and labeling of hazardous wastes consistent with those issued by the United States Department of Transportation; operation and maintenance standards; reporting and recordkeeping requirements; and other appropriate regulations.

SECTION 57. Section 44-56-60(a)(1) of the S.C. Code is amended to read:

(a)(1) In order to provide the General Assembly with the information it needs to accomplish the above goals, the Department of ~~Health and Environmental Control~~ Services shall evaluate annually the effects of new and existing waste management technologies, alternate methods of storage or disposal, recycling, incineration, waste minimization laws and practices, and other factors that tend to reduce the volume of hazardous waste. The results of the department's evaluation must be reported to the General Assembly not later than February first of each year, beginning in 1991, in a form that will permit the General Assembly to determine whether or not hazardous waste landfill capacity in this State should be reduced.

SECTION 58. Section 44-56-100 of the S.C. Code is amended to read:

Section 44-56-100. The ~~board~~ department may issue, modify, or revoke any order to prevent any violation of this chapter.

SECTION 59. Section 44-56-130(3) of the S.C. Code is amended to read:

(3) It shall be unlawful for any person to fail to comply with this chapter and rules and regulations promulgated pursuant to this chapter; to fail to comply with any permit issued under this chapter; or to fail to comply with any order issued by the ~~board~~, director, or the department.

SECTION 60. Section 44-56-160(A) of the S.C. Code is amended to read:

(A) The Department of ~~Health and Environmental Control~~ Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.

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SECTION 61. Section 44-56-200(B) of the S.C. Code is amended to read:

(B) The Department of ~~Health and Environmental Control Services~~ is empowered to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public Law 96-510), and subsequent amendments to Public Law 96-510 as of the effective date of the amendments.

SECTION 62. Section 44-56-210 of the S.C. Code is amended to read:

Section 44-56-210. (A) The Department of ~~Health and Environmental Control Services~~, in its discretion, shall assign not more than two full-time health inspectors to serve at each commercial hazardous waste treatment, storage, and disposal facility located in South Carolina for the purpose of assuring the protection of the health and safety of the public by monitoring the receipt and handling of hazardous waste at these sites. For any facilities to which a full-time inspector is not assigned, there must be one or more inspectors who shall monitor these facilities on a rotating basis.

(B) The department shall implement a fee schedule to cover the costs of implementing this inspection program and the fees must be collected by the facilities from the hazardous waste generators utilizing these sites.

SECTION 63. Section 44-56-405 of the S.C. Code is amended to read:

Section 44-56-405. The purpose of the South Carolina Drycleaning Facility Restoration Trust Fund is to collect and manage funds for the investigation and remediation of environmental contamination arising from the operation of eligible drycleaning facilities and eligible wholesale supply facilities. The Department of Revenue shall collect, and enforce the payment of surcharges and fees, which constitute the fund, as required by this article. The Department of ~~Health and Environmental Control Services~~ shall administer the fund to ensure that the sites that pose the greatest threat to human health and the environment are remediated first and that the remediation is accomplished in compliance with this article.

SECTION 64. Section 44-56-410(2) of the S.C. Code is amended to read:

(2) "Department" means the Department of ~~Health and Environmental Control Services~~.

SECTION 65. Section 44-56-420(B) of the S.C. Code is amended to read:

(B) The ~~board of the~~ Department of ~~Health and Environmental Control Services~~ shall establish a moratorium on administrative and judicial actions by the department concerning drycleaning facilities and

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wholesale supply facilities resulting from the release of drycleaning solvent to soil or waters of the State. This moratorium applies only to those sites deemed eligible as defined in Section 44-56-470. The ~~board~~ department may review and determine the appropriateness of the moratorium as needed. The review by the ~~board~~ department must include, but is not limited to, consideration of these factors:

- (1) the solvency of the fund as described in this article;
- (2) prioritization of the sites;
- (3) public health concerns related to the sites;
- (4) eligibility of the sites; and

(5) corrective action plans submitted to the department. After review, the board may suspend all or a portion of the moratorium if necessary.

SECTION 66. Section 44-56-495(C) of the S.C. Code is amended to read:

(C) Members enumerated in subsections (B)(1) through (B)(3) are appointed by the ~~board of the~~ Department of ~~Health and Environmental Control Services~~ and shall serve terms of two years and until their successors are appointed. The chairman of the council is elected by the members of the council at the first meeting of each new term.

SECTION 67. Section 44-56-720(4) of the S.C. Code is amended to read:

(4) "Department" means the South Carolina Department of ~~Health and Environmental Control Services~~.

SECTION 68. Section 44-56-840(A) of the S.C. Code is amended to read:

(A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds generated from the fees imposed under Section 44-56-170(C) and (E) and designated for the fund under Section 44-56-810. The committee shall oversee the research efforts and projects approved for funding by the foundation. Notwithstanding any other provision of law, the committee is composed of:

- (1) the Governor or his designee;
- (2) the Chairman of the House Agriculture and Natural Resources Committee or his designee;
- (3) the Chairman of the Senate Agriculture and Natural Resources Committee or his designee;
- (4) the Chairman of the House Labor, Commerce and Industry Committee or his designee;
- (5) the Chairman of the Senate Labor, Commerce and Industry Committee or his designee;

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(6) the Director of the Department of ~~Health and Environmental Control Services~~ or his designee;

(7) one member representing business and industry appointed by the Governor;

(8) one public member appointed by the Governor; and

(9) one member representing environmental interests appointed by the Governor.

SECTION 69. Section 44-61-20(5) of the S.C. Code is amended to read:

(5) ~~“Board” means the governing body of the Department of Health and Environmental Control or its designated representative.~~Reserved

SECTION 70. Section 44-61-20(8) of the S.C. Code is amended to read:

(8) “Department” means the administrative agency known as the Department of ~~Public Health and Environmental Control~~.

SECTION 71. Section 44-61-30 of the S.C. Code is amended to read:

Section 44-61-30. (A) The Department of Public Health~~and Environmental Control~~, with the advice of the Emergency Medical Services Advisory Council and the State Medical Control Physician, shall develop standards and promulgate regulations for the improvement of emergency medical services (hereinafter referred to as EMS) in the State. All administrative responsibility for this program is vested in the department.

(B) The EMS Program shall include:

(1) the regulation and licensing of public, private, volunteer, or other type ambulance services; however, in developing these programs for regulating and licensing ambulance services, the programs must be formulated in such a manner so as not to restrict or restrain competition;

(2) inspection and issuance of permits for ambulance vehicles;

(3) the licensing of emergency medical responder agencies;

(4) training and certification of EMS personnel;

(5) development, adoption, and implementation of EMS standards and state plan;

(6) the development and coordination of an EMS communications system;

(7) designation of trauma centers and the categorization of hospital emergency departments; and

(8) the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation.

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(C) An Emergency Medical Services Advisory Council must be established composed of representatives of the Department of Public Health and Environmental Control, the South Carolina Medical Association, the South Carolina Trauma Advisory Council, the South Carolina Hospital Association, the South Carolina Heart Association, Medical University of South Carolina, University of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South Carolina Emergency Nurses Association, Emergency Management Division of the Office of the Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical and Comprehensive Education, Governor's Office of Highway Safety, Department of Health and Human Services, four regional Emergency Medical Services councils, and one EMT first responder agency. Membership on the council must be by appointment by the board. Three members of the advisory council must be members of organized rescue squads operating in this State, three members shall represent the private emergency services systems, and three members shall represent the county emergency medical services systems. The advisory council shall serve without compensation, mileage, per diem, or subsistence.

SECTION 72. Section 44-61-40(B) of the S.C. Code is amended to read:

(B) Applicants shall file license applications with the appropriate official of the department having authority over emergency services. At a minimum, license applications shall contain evidence of ability to conform to the standards and regulations established by the ~~board~~ department and such other information as may be required by the department. If the application is approved, the license will be issued. If the application is disapproved, the applicant may appeal in a manner pursuant to Article 3, Chapter 23, Title 1.

SECTION 73. Section 44-61-50 of the S.C. Code is amended to read:

Section 44-61-50. A vehicle must not be operated as an ambulance, unless its licensed owner applies for and receives an ambulance permit issued by the department for that vehicle. Prior to issuing an original permit for an ambulance, the vehicle for which the permit is issued shall meet all requirements as to vehicle design, construction, staffing, medical and communication equipment and supplies, and sanitation as set forth in this article or in the standards and regulations promulgated by the ~~board~~ department. Absent revocation or suspension, permits issued for ambulances are valid for a period not to exceed two years.

SECTION 74. Section 44-61-60 of the S.C. Code is amended to read:

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Section 44-61-60. (A) Such equipment as deemed necessary by the department must be required of organizations applying for ambulance permits. Each licensee of an ambulance shall comply with regulations as may be promulgated by the ~~board~~ department and shall maintain in each ambulance, when it is in use as such, all equipment as may be prescribed by the ~~board~~ department.

(B) The transportation of patients and the provision of emergency medical services shall conform to standards promulgated by the ~~board~~ department.

SECTION 75. Section 44-61-70(C) of the S.C. Code is amended to read:

(C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while in the performance of his duties or violates a provision of this article or regulation of the ~~board~~ department promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment for not less than ten days nor more than six months for each offense. Information pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is consistent with applicable statutory provisions.

SECTION 76. Section 44-61-80(G) of the S.C. Code is amended to read:

(G) All instructors of emergency medical technician training courses must be certified by the department pursuant to requirements established by the ~~board; and department; and~~ department; and all such training courses shall be supervised by certified instructors.

SECTION 77. Section 44-61-130 of the S.C. Code is amended to read:

Section 44-61-130. A certified emergency medical technician may perform any function consistent with his certification, according to guidelines and regulations that the ~~board~~ department may prescribe. Emergency medical technicians, trained to provide advanced life support and possessing current Department of ~~Public Health and Environmental Control~~ certification while on duty with a licensed service, are authorized to possess limited quantities of drugs, including controlled substances, as may be approved by the ~~Department of Health and Environmental Control~~ department for administration to patients during the regular course of duties of emergency medical technicians, pursuant to the written or verbal order of a physician possessing a valid license to practice medicine in this State; however, the physician must be

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registered pursuant to state and federal laws pertaining to controlled substances.

SECTION 78. Section 44-61-310 of the S.C. Code is amended to read:

Section 44-61-310. As used in this article:

(1) “Advanced life support” means an advanced level of prehospital, interhospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care, and other techniques and procedures authorized by the department pursuant to regulations.

(2) “Basic life support” means a basic level of prehospital care which includes patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the department pursuant to regulations.

(3) ~~“Board” means the governing body of the Department of Health and Environmental Control or its designated representative.~~ Reserved

(4) “Department” means the Division of Emergency Medical Services and Trauma within the Department of Public Health and Environmental Control.

(5) “Director” means the Director of the Department of Public Health and Environmental Control.

(6) “EMSC Program” means the Emergency Medical Services for Children Program established pursuant to this article and other relevant programmatic activities conducted by the department in support of appropriate treatment, transport, and triage of ill or injured children.

(7) “Emergency medical services personnel” means persons trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support prehospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.

(8) “Emergency medical technician” or “EMT” means, when used in general terms for emergency medical personnel, an individual possessing a valid, emergency medical technician (EMT), advanced emergency medical technician (AEMT), or paramedic certificate issued by the State pursuant to the provisions of this article.

(9) “Manager” means the person coordinating the EMSC Program within the Department of Public Health and Environmental Control.

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(10) “Prehospital care” means the provision of emergency medical care or transportation by trained and certified or licensed emergency medical services personnel at the scene of an emergency and while transporting sick or injured persons to a medical care facility or provider.

SECTION 79. Section 44-61-350(B) of the S.C. Code is amended to read:

(B) Committee members must be appointed by the ~~board~~director of the department.

SECTION 80. Section 44-61-720(19) of the S.C. Code is amended to read:

(19) “State EMS Authority” means the ~~board, office, or other agency~~department with the legislative mandate to license EMS personnel.

SECTION 81. Section 44-61-800(B)(1) of the S.C. Code is amended to read:

(B)(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one ~~board~~department, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the State will determine which entity will be responsible for assigning the delegate.

SECTION 82. Section 44-63-10 of the S.C. Code is amended to read:

Section 44-63-10. The Department of Public Health~~—and Environmental Control~~ shall prepare the necessary methods and forms for obtaining vital statistics.

SECTION 83. Section 44-63-20 of the S.C. Code is amended to read:

Section 44-63-20. The Department of Public Health~~—and Environmental Control~~ shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification.

SECTION 84. Section 44-63-30 of the S.C. Code is amended to read:

Section 44-63-30. The Director of the Department of Public Health~~and Environmental Control~~ is the state registrar of vital statistics and shall carry into effect the regulations and orders of the department. The

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department shall provide suitable apartments properly equipped with fireproof vaults and filing cases for the permanent preservation of all official records.

SECTION 85. Section 44-63-86 of the S.C. Code is amended to read:

Section 44-63-86. Copies of marriage certificates and reports of divorce registered with the Department of Public Health~~and Environmental Control~~ must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.

SECTION 86. Section 44-63-110 of the S.C. Code is amended to read:

Section 44-63-110. For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44-63-60, 44-63-80, 44-63-90 or 44-63-100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the ~~Board of the Department of Public Health and Environmental Control~~ must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The amount of the fee established by the ~~board~~ department may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.

SECTION 87. Section 44-63-161(A)(1) of the S.C. Code is amended to read:

(A) It is unlawful for a person:

(1) other than the Department of Public Health~~and Environmental Control~~ and county health departments to issue copies or certified copies of birth and death certificates or a document purporting to be a birth or death certificate;

SECTION 88. Section 44-63-163 of the S.C. Code is amended to read:

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Section 44-63-163. Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

SECTION 89. Section 44-69-20(1) through (3) of the S.C. Code is amended to read:

Section 44-69-20. As used in this chapter:

(1) ~~“Board” shall mean the South Carolina Board of Health and Environmental Control.~~ Reserved

(2) “Branch office” shall mean a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.

(3) “Department” shall mean South Carolina Department of Public Health and Environmental Control.

SECTION 90. Section 44-69-30 of the S.C. Code is amended to read:

Section 44-69-30. (A) No person, private or public organization, political subdivision, or other governmental agency shall establish, conduct, or maintain a home health agency or represent itself as providing home health services without first obtaining a license from the Department of Public Health and Environmental Control. This license is effective for a twelve-month period following the date of issue. A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with

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this act. Subunits of parent home health agencies must be separately licensed.

(B) The department may enter into public and private joint partnerships or enter into other appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and agreements to include the sale of the entity and/or the transfer of licenses held by the department or its subdivisions to other qualified providers, if appropriate, when doing so would result in continued high quality patient care, continued provision of services to indigent patients, assurance of the employment of the department's home health employees, and provision of home care services adequate to meet the needs of the State. The department may facilitate the negotiation, contracting, or transfer of these activities through licensure and without requirement of a Certificate of Need as set out in Section 44-69-75 and without regard to the Procurement Code, Section 11-35-10, et. seq. However, a sale of the entity is subject to the provisions of the Procurement Code.

(C) At least thirty days before entering any negotiations regarding a contractual agreement or a public/private partnership concerning the provision of home health services, the department shall place a public notice in a newspaper of general circulation for a period of no less than three consecutive days within the area where the services will be performed.

(D) The department may establish requirements and conditions upon those entities joined in partnership or receiving transfer of the home care services, licensing, and Certificate of Need including, but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions to the department to continue the provision of basic public health services as determined by the department. ~~All agreements must be reviewed and approved by the board of the department.~~ The department may monitor and enforce the contract or partnership provisions and/or conditions of transfer or any other conditions or requirements of agreements entered into pursuant to this section.

(E) All funds paid to or received by the department pursuant to this section must be deposited in an account separate and distinct from the general fund entitled the Public Health Fund (PHF). The funds deposited in this fund must be used solely by the department to support basic public health services determined to be necessary by the department. The appropriation of the funds must be through the General Appropriations Act.

(F) Notwithstanding any of the provisions of this section, the department may continue to provide public health services in the clinic,

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the home, and the community necessary to ensure the protection and promotion of the public's health.

SECTION 91. Section 44-69-50 of the S.C. Code is amended to read:

Section 44-69-50. Reasonable fees shall be established by the ~~Board~~department. Such fees shall be paid into the State Treasury or refunded to the applicant if the license is denied. Governmental home health agencies are exempt from payment of license fees.

SECTION 92. Section 44-70-20(1) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of Public Health~~and Environmental Control~~.

SECTION 93. Section 44-71-20 of the S.C. Code is amended to read:

Section 44-71-20. As used in this chapter:

(1) ~~"Board" means the South Carolina Board of Health and Environmental Control.~~Reserved

(2) "Department" means the South Carolina Department of Public Health~~and Environmental Control~~.

SECTION 94. Section 44-75-20 of the S.C. Code is amended to read:

Section 44-75-20. As used in this chapter:

~~(a)~~(1) "Athletic trainer" means an allied health professional with specific qualifications as set forth in Section 44-75-50 who, upon the advice and consent of a licensed physician, carries out the practice of care, prevention, and physical rehabilitation of athletic injuries, and who, in carrying out these functions, may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

~~(b)~~(2) "Certificate" means official acknowledgment by the department that an individual has successfully completed educational and other requirements referred to in this act which entitle that individual to perform the functions and duties of an athletic trainer.

~~(c)~~(3) "Department" means the Department of Public Health~~and Environmental Control~~.

~~(d)~~(4) ~~"Board" means the Board of Health and Environmental Control.~~Reserved

SECTION 95. Section 44-75-30(b) of the S.C. Code is amended to read:

~~(b)~~(1) An Athletic Trainers' Advisory Committee is created consisting of nine members appointed by the ~~board~~department. Two members must be from the department, one must be from the State Board of Medical Examiners, four must be certified athletic trainers, and two must be from

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the general public who are not certified or licensed in any health care field and are not connected in any way with athletic trainers.

(2) Membership on the committee is by appointment by the ~~board~~department. The terms of the members are for four years or until successors are appointed except that of those first appointed four are appointed to a term of two years.

(3) The committee must meet at least once each year to review the standards and regulations for improving athletic training services and make recommendations to the department.

SECTION 96. Section 44-75-40(e) of the S.C. Code is amended to read:

(e) Any person whose application is denied, suspended, or revoked is entitled to a hearing before the ~~board~~department if he submits a written request to the ~~board~~department. Proceedings for denial, revocation, or suspension of a certificate must be conducted consistent with ~~Act 176 of 1977 (Administrative Procedures Act)~~Chapter 23, Title 1, the Administrative Procedures Act.

SECTION 97. Section 44-78-15(3) of the S.C. Code is amended to read:

(3) "EMS personnel" means emergency medical personnel certified by the South Carolina Department of Public Health and Environmental Control including first responders who have completed a Department of Public Health and Environmental Control approved medical first responder program.

SECTION 98. Section 44-80-10(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health and Environmental Control.

SECTION 99. Section 44-80-10(4) of the S.C. Code is amended to read:

(4) "Director" means the Director of the South Carolina Department of Public Health and Environmental Control.

SECTION 100. Section 44-87-10 of the S.C. Code is amended to read:

Section 44-87-10. As used in this chapter:

(1) "Asbestos abatement entity" means any individual, partnership, firm, association, corporation, sole proprietorship, or other business concern, as well as an employee or member of a governmental, religious, or social organization, that is involved in asbestos abatement.

(2) "Asbestos project" means an activity associated with abatement, including inspection, design, air monitoring, in-place management,

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encapsulation, enclosure, renovation, repair, removal, any other disturbance of regulated asbestos-containing materials, and demolition of a regulated facility.

(3) "Contractor" means an individual partnership, corporation, or other business concern that performs asbestos abatement for a facility owner which is not a permanent employee of the facility owner.

(4) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 101. Section 44-87-10(4) of the S.C. Code is amended to read:

(4) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 102. Section 44-89-30(2) of the S.C. Code is amended to read:

(2) ~~"Board" means the South Carolina Board of Health and Environmental Control.~~ Reserved

SECTION 103. Section 44-89-30(4) of the S.C. Code is amended to read:

(4) "Department" means the South Carolina Department of Public Health ~~and Environmental Control~~.

SECTION 104. Section 44-93-20(C) of the S.C. Code is amended to read:

(C) ~~"Board" means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Infectious Waste Management Act.~~ Reserved

SECTION 105. Section 44-93-20(F) of the S.C. Code is amended to read:

(F) "Department" means the Department of ~~Health and Environmental Control~~ Services, including personnel of the department authorized by the board to act on behalf of the department ~~or board~~. The department is charged with the responsibility for implementation of the Infectious Waste Management Act.

SECTION 106. Section 44-93-150(A) of the S.C. Code is amended to read:

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement or the department may bring civil action for injunctive relief in the appropriate court; or, the department may request that the Attorney General bring civil or criminal enforcement action under subsection (B) or (C) of this section. Violation

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of a court order issued pursuant to this section is contempt of the issuing court and punishable as provided by law. The department also may invoke civil penalties as provided in this section for violations of the provisions of this chapter, including an order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board~~ to the Court of Common Pleas.

SECTION 107. Section 44-93-160(B) of the S.C. Code is amended to read:

(B) The owner or operator of a facility required to be permitted pursuant to this chapter treating infectious waste shall submit, not later than the tenth day of each month, to the Department of ~~Health and Environmental Control~~ Services:

(1) a report detailing the total weight of infectious waste received for treatment during the preceding month and its point of origin;

(2) a check made payable to the department for the fee due for the preceding month;

(3) in case of failure to file a return on or before the date prescribed by law or failure to pay a fee on or before the date prescribed by law, there must be added a penalty of twenty-five percent of the amount of fee due. The department may revoke a permit to operate for failure to pay any fees, penalties, or interest required by law. Upon payment the department may reinstate the permit to an operator of a permitted treatment facility treating infectious waste in this State. The penalty provided by this item may be reduced or waived by the department for reasonable cause.

SECTION 108. Section 44-96-40(9) of the S.C. Code is amended to read:

(9) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 109. Section 44-96-40(24) of the S.C. Code is amended to read:

(24) "Lead-acid battery collection facility" means a facility authorized by the Department of ~~Health and Environmental Control~~ Services to accept lead-acid batteries from the public for temporary storage prior to recycling.

SECTION 110. Section 44-96-40(29) of the S.C. Code is amended to read:

(29) "Office" means the Office of Solid Waste Reduction and Recycling established within the Department of ~~Health and Environmental Control~~ Services pursuant to Section 44-96-110.

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SECTION 111. Section 44-96-40(51) of the S.C. Code is amended to read:

(51) “Solid Waste Management Trust Fund” means the trust fund established within the Department of ~~Health and Environmental Control~~ Services pursuant to Section 44-96-120.

SECTION 112. Section 44-96-40(55) of the S.C. Code is amended to read:

(55) “State solid waste management plan” means the plan which the Department of ~~Health and Environmental Control~~ Services is required to submit to the General Assembly and to the Governor pursuant to Section 44-96-60.

SECTION 113. Section 44-96-60(C) of the S.C. Code is amended to read:

(C) Not later than six months after this chapter is effective, there shall be established a State Solid Waste Advisory Council. The council shall consist of the following sixteen members:

(1) twelve members appointed by the Governor which shall include one member to represent manufacturing interests; one member to represent the retail industry; two members to represent the solid waste disposal industry; one member to represent existing private recycling industry; two members to represent the general public; three members to represent county governments to be recommended by the South Carolina Association of Counties, one shall represent a county with a population of 50,000 or less, one shall represent a county with a population more than 50,000 and up to 100,000, and the final county representative shall represent a county with a population over 100,000; and two members shall represent municipalities to be recommended by the South Carolina Municipal Association. County, regional, and municipal representatives who are elected officials shall serve ex officio;

(2) the consumer advocate or his designee;

(3) one member to represent the Department of ~~Health and Environmental Control~~ Services;

(4) the Secretary of Commerce or his designee; and

(5) one member to represent the Governor.

The members of the council in (1) above appointed after May 27, 1997, shall serve terms of four years dating from May 27, 1997, except that the member representing manufacturing interests, one member representing the solid waste disposal industry, the member representing existing private recycling industry, one member representing the general public, the member representing a county with a population of over one hundred thousand, and one municipal member must be appointed for a

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term of two years dating from May 27, 1997, and subsequent appointment of these members must be for a term of four years. No member appointed after May 27, 1997, may serve more than two terms. Members named in (2), (3), (4), and (5) above shall serve co-terminus with their office or at the pleasure of the respective appointing authority. No member appointed before May 27, 1997, shall serve past May 27, 2001. Members shall promulgate regulations concerning meeting attendance. The council shall advise the department on the preparation of the state solid waste management plan, on methods of implementing the state plan on the preparation of the annual reports by the department on solid waste management and provide technical expertise regarding solid waste management grants and planning. The council shall be provided with drafts of the plan and reports and shall be given adequate opportunity to comment. The council also shall be advised on a regular basis by the department regarding the grant applications which have been accepted or denied under the Solid Waste Management Grant Program and on the status of the Solid Waste Management Trust Fund.

SECTION 114. Section 44-96-85(A) of the S.C. Code is amended to read:

(A) There is established a Solid Waste Emergency Fund to be administered by the ~~department~~ Department of ~~Health and Environmental Control~~ Services.

(1) Beginning the state fiscal year after the effective date of this section, the department shall transfer two and one-half percent of the funds remitted quarterly to the Solid Waste Management Trust Fund pursuant to Sections 44-96-160, 44-96-170, 44-96-180, and 44-96-200 to a special sub-fund designated as the Solid Waste Emergency Fund.

(2) The department shall deposit quarterly payments into the Solid Waste Emergency Fund until the unencumbered balance equals \$1,500,000.

(3) When expenditures from the account occur, the department shall, on a quarterly basis, transfer funds in accordance with this section until such time as the unencumbered balance of the fund equals \$1,500,000.

SECTION 115. Section 44-96-100(A) of the S.C. Code is amended to read:

(A) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this article regarding Sections 44-96-160(X) (Used Oil), 44-96-170(H) (Waste Tires), or 44-96-190(A) (Yard trash, compost), the department may issue an order requiring the person to comply with the regulation or the department may bring civil

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action for injunctive relief in the appropriate court or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to this article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A). After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board of~~ to the court of common pleas, pursuant to the Administrative Procedures Act.

SECTION 116. Section 44-96-120(C) of the S.C. Code is amended to read:

(C) The department shall report on a quarterly basis to the State Solid Waste Advisory Council, House Ways and Means Committee, Senate Finance Committee, and the Joint Legislative Committee on Energy on the condition of the Solid Waste Management Trust Fund and on the use of all funds allocated from the Solid Waste Management Trust Fund. Quarterly reports shall be made not later than sixty days after the last day of each fiscal quarter beginning with the first full quarter after this chapter is effective. Notwithstanding Chapter 39 of Title 11, the Department of ~~Health and Environmental Control~~Services, through the Office of Solid Waste Reduction and Recycling, shall make decisions on the allocation of oil overcharge funds transferred to the Solid Waste Management Trust Fund pursuant to Section 44-96-120(B)(9). The department's decisions shall be made upon the approval of the statewide Solid Waste Advisory Council and after consultation with the Governor's Office and the Joint Legislative Committee on Energy to ensure that the funds are administered according to decisions of the federal courts and requirements of the United States Department of Energy. If all oil overcharge funds transferred to the Solid Waste Management Trust Fund are not committed for projects or programs authorized by this chapter five years from the date this chapter is effective, they shall be returned to the Governor's Office.

SECTION 117. Section 44-96-165 of the S.C. Code is amended to read:

Section 44-96-165. The Department of ~~Health and Environmental Control~~Services, with the approval of the State Auditor, shall contract with one or more qualified, independent certified public accountants on a one-year basis to audit revenues and disbursements from the Solid Waste Management Trust Fund and the Waste Tire Trust Fund established pursuant to Section 44-96-120 and from the Petroleum Fund

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established pursuant to Section 44-96-160(V). The auditors may audit relevant records of a public or private entity that has submitted, kept, handled, or tracked monies for any of the three funds. This contract must be funded by the Solid Waste Management Trust Fund, the Petroleum Fund, and the Waste Tire Trust Fund.

SECTION 118. Section 44-96-170(N) of the S.C. Code is amended to read:

(N)(1) For sales made on or after November 1, 1991, there is imposed a fee of two dollars for each new tire sold with a Department of Transportation number to the ultimate consumer, whether or not the tire is mounted by the seller. The wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee imposed by this subsection.

(2) The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the same manner that the sales and use taxes are collected pursuant to Chapter 36 of Title 12. The fee imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed pursuant to Section 12-36-2610, the taxpayer may retain three percent of the total fees collected as an administrative collection allowance. This allowance applies whether or not the return is timely filed.

(3) The department shall deposit all fees collected to the credit of the State Treasurer who shall establish a separate and distinct account from the state general fund.

(4) The State Treasurer shall distribute one and one-half dollars for each tire sold, less applicable credit, refund, and discount, to each county based upon the population in each county according to the most recent United States Census. The county shall use these funds for collection, processing, or recycling of waste tires generated within the State.

(5) The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the administration of the South Carolina Department of ~~Health and Environmental Control~~ Services.

(6) The General Assembly shall review the waste tire disposal recycling fee every five years.

SECTION 119. Section 44-96-170(P) of the S.C. Code is amended to read:

(P) The Office of Solid Waste Reduction and Recycling of the Department of ~~Health and Environmental Control~~ Services may provide grants from the Waste Tire Trust Fund to counties which have exhausted

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all funds remitted to counties under Section 44-96-170(N), to regions applying on behalf of those counties and to local governments within those counties to assist in the following:

- (1) constructing, operating, or contracting with waste tire processing or recycling facilities;
- (2) removing or contracting for the removal of waste tires for processing or recycling;
- (3) performing or contracting for the performance of research designed to facilitate waste tire recycling; or
- (4) the purchase or use of recycled products or materials made from waste tires generated in this State.

SECTION 120. Section 44-96-170(Q) of the S.C. Code is amended to read:

(Q) Waste tire grants must be awarded on the basis of written grant request proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the commissioner representing:

- (1) the South Carolina Tire Dealers and Retreaders Association;
- (2) the South Carolina Association of Counties;
- (3) the South Carolina Association of Regional Councils;
- (4) the South Carolina Department of ~~Health and Environmental Control~~ Services;
- (5) tire manufacturers;
- (6) the general public;
- (7) a public interest environmental organization;
- (8) the South Carolina Department of Natural Resources;
- (9) the Office of the Governor; and
- (10) the South Carolina Municipal Association.

Members of the committee shall serve for terms of three years and until their successors are appointed and qualify.

Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. The representative of the department shall serve as chairman. The committee shall review grant requests and proposals and make recommendations on grant awards to the State Solid Waste Advisory Council. Grants must be awarded by the State Solid Waste Advisory Council.

SECTION 121. Section 44-96-250(B)(1) through (4) of the S.C. Code is amended to read:

- (B) The following definitions are applicable in this article:

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(1) “Applicant” means an individual, corporation, partnership, business association, or government entity that applies for the issuance, transfer, or modification of a permit under this article.

(2) “Ash” means the solid residue from the incineration of solid waste.

(3) “Closure” means the discontinuance of operation by ceasing to accept, treat, store, or dispose of solid waste in a manner which minimizes the need for further maintenance and protects human health and the environment.

(4) “Director” means the Director of the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 122. Section 44-96-440(C) of the S.C. Code is amended to read:

(C) It shall be unlawful for any person to fail to comply with this article and any regulations promulgated pursuant to this article, or to fail to comply with any permit issued under this article, or to fail to comply with any order issued by the ~~board, commissioner, director~~ or the department.

SECTION 123. Section 44-96-450(A) of the S.C. Code is amended to read:

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provisions of this article, including any order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board~~ to the court of common pleas.

SECTION 124. Section 44-113-20(3) of the S.C. Code is amended to read:

(3) “Department” means the South Carolina Department of Public Health and Environmental Control.

SECTION 125. Section 44-115-80(A) of the S.C. Code is amended to read:

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(A) A physician, or other owner of medical records as provided for in Section 44-115-130, may charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not exceed:

(1) Sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed one hundred fifty dollars per request, but to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(2) Sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per request, and to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Public Health—~~and Environmental Control~~ is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

SECTION 126. Section 44-115-130 of the S.C. Code is amended to read:

Section 44-115-130. (A) A physician may not sell medical records to someone other than a physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital licensed by the South Carolina Department of Public Health—~~and Environmental Control~~. Exceptions to this prohibition may be granted and approved by the South Carolina State Board of Medical Examiners.

(B) Before a physician may sell medical records, he must cause to be published a public notice of his intention to sell the records in a newspaper of general circulation in the area of his practice at least three times in the ninety days preceding the sale. The notice shall advise patients that they may retrieve their records if they prefer that their records not be included in the sale.

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SECTION 127. Section 44-128-20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health and Environmental Control shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by minors.

SECTION 128. Section 44-128-50(B) of the S.C. Code is amended to read:

(B) Notwithstanding the provisions of Section 8-13-770, the membership of the advisory commission is as follows:

(1) two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives;

(2) two members appointed by the President of the Senate from the membership of the Senate; and

(3) eleven members appointed by the Governor as follows:

(a) one representative of the Department of Public Health and Environmental Control;

(b) one representative of the Department of Alcohol and Other Drug Abuse Services;

(c) three health professionals;

(d) two youths between the ages of twelve and eighteen; and

(e) five citizens of the State with knowledge, competence, experience, or interest in youth smoking prevention, or other relevant background including, but not limited to, youth education, public health, social science, and business expertise.

SECTION 129. Section 44-130-20(3) of the S.C. Code is amended to read:

(3) “Department” means the Department of Health and Environmental Control.

SECTION 130. Section 44-130-20(3) of the S.C. Code is amended to read:

(3) “Department” means the Department of Public Health and Environmental Control.

SECTION 131. Title 46 of the S.C. Code is amended by adding:

CHAPTER 57

Food Safety

Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions contained in this chapter.

Section 46-57-20. (A) For the purposes of this section:

(1) ‘Home-based food production operation’ means an individual, operating out of the individual’s dwelling, who prepares, processes,

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packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.

(2) 'Nonpotentially hazardous foods' means candy and baked goods that are not potentially hazardous foods.

(3) 'Person' means an individual consumer.

(4) 'Potentially hazardous foods' means:

(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

Aw values		pH values	
	4.6 or less	> 4.6 – 5.6	> 5.6
< 0.92	non-PHF	non-PHF	non-PHF
> 0.92 – 0.95	non-PHF	non-PHF	PHF
> 0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;

(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;

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(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.

(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:

(1) department approved water supply;

(2) a separate storage place for ingredients used in foods intended for sale;

(3) a properly functioning refrigeration unit;

(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;

(5) adequate facilities for the storage of utensils and equipment;

(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

(7) a properly functioning toilet facility;

(8) no evidence of insect or rodent activity; and

(9) department approved sewage disposal, either on site treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

(1) the name and address of the home-based food production operation;

(2) the name of the product being sold;

(3) the ingredients used to make the product in descending order of predominance by weight; and

(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: 'NOT FOR RESALE PROCESSED AND PREPARED BY A HOME BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS.'

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(E) Home-based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home-based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25.

(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.

(G) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).

Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty-five degrees Fahrenheit, or sixty eight degrees Celsius, unless otherwise ordered by the immediate consumer.

(B) The food service provider, its business or its employees or agents, are not liable for any adverse effects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, and be given to the purchaser:

- (1) in writing;
- (2) as stated on the menu; or
- (3) by visible sign warning.

(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty-five degrees Fahrenheit (sixty-eight degrees Celsius), the individual must be eighteen years of age or older.

Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.

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Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit; and

(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products.; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants.

Section 46-57-60. The department may not use any funds appropriated or authorized to the department to enforce Regulation 61 25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Section 46-57-70. (A) Except as provided in Section 46-57-50, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term 'notice' as used in this section means either actual notice or constructive notice.

SECTION 132. Section 47-5-20(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Health and Environmental Control Services, including county health departments.

SECTION 133. Chapter 5, Title 47 of the S.C. Code is amended by adding:

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Section 47-5-220. The Department of Environmental Services and the Department of Public Health are authorized to consult with one another and share otherwise confidential information with one another related to victims of bites from rabid animals.

SECTION 134. Section 47-17-320 of the S.C. Code is amended to read:

Section 47-17-320. The Department of ~~Health and Environmental Control~~Agriculture is charged with the enforcement of the provisions of this article. All meat found by the Department of ~~Health and Environmental Control~~Agriculture which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.

SECTION 135. Section 48-1-10(9) of the S.C. Code is amended to read:

(9) "Department" means the Department of ~~Health and Environmental Control~~Services;

SECTION 136. Section 48-1-20 of the S.C. Code is amended to read:

Section 48-1-20. It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of ~~Health and Environmental Control~~Services shall have authority to abate, control and prevent pollution.

SECTION 137. Section 48-1-55 of the S.C. Code is amended to read:

Section 48-1-55. On any navigable river in this State where an oyster factory is located, the Department of ~~Health and Environmental Control~~Services may utilize qualified personnel of the county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water quality and other environmental standards the department is required to enforce. The assistance may be provided at the request of the department and upon the consent of the county or municipality concerned.

SECTION 138. Section 48-1-85(D) of the S.C. Code is amended to read:

(D) Houseboat holding tanks may be emptied only by a pump-out system permitted by the South Carolina Department of ~~Health and Environmental Control~~Services.

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SECTION 139. Section 48-1-95(A) of the S.C. Code is amended to read:

(A) As used in this section:

(1) “Action plan” or “plan” means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize future repetitive significant spills of untreated or partially treated domestic sewage.

(2) “Capacity, Management, Operation, and Maintenance or ‘CMOM’ plan” means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:

(a) better manage, operate, and maintain collection systems;

(b) investigate capacity constrained areas of the collection system; and

(c) respond to sanitary sewer overflow events.

(3) “Comprehensive review” or “review” means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

(4) “Department” means the Department of ~~Health and Environmental Control~~ Services.

(5) “Significant spill” means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. “Significant spill” does not include spills caused by a natural disaster, direct act of a third party, or other act of God.

(6) “Wastewater utility” or “utility” means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. “Wastewater utility” does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.

SECTION 140. Section 48-1-100 of the S.C. Code is amended to read:

Section 48-1-100. (A) A person affected by the provisions of this chapter or the rules and regulations adopted by the department desiring to make a new outlet or source, or to increase the quantity of discharge from existing outlets or sources, for the discharge of sewage, industrial waste or other wastes, or the effluent therefrom, or air contaminants, into the waters or ambient air of the State, first shall make an application to

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the department for a permit to construct and a permit to discharge from the outlet or source. If, after appropriate public comment procedures, as defined by department regulations, the department finds that the discharge from the proposed outlet or source will not be in contravention of provisions of this chapter, a permit to construct and a permit to discharge must be issued to the applicant. The department, if sufficient hydrologic and environmental information is not available for it to make a determination of the effect of the discharge, may require the person proposing to make the discharge to conduct studies that will enable the department to determine that its quality standards will not be violated.

(B) The Department of ~~Health and Environmental Control~~ Services is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.

(C) The Department of ~~Health and Environmental Control~~ Services is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or ~~privately owned~~ privately owned systems for the disposal of offal and human or animal wastes.

SECTION 141. Section 48-1-130 of the S.C. Code is amended to read:

Section 48-1-130. A person discharging sewage, industrial waste, or other waste or air contaminant into the environment of the State, in such manner or quantity as to cause pollution, without regard to the time that the discharge began or whether or not the continued discharge has been by virtue of a permit issued by the department, shall discontinue the discharge upon receipt of an order of the department. An order is subject to review pursuant to Section ~~44-1-60~~ 49-3-60 and the Administrative Procedures Act. This section does not abrogate any of the department's emergency powers.

SECTION 142. Section 48-1-280 of the S.C. Code is amended to read:

Section 48-1-280. Nothing herein contained shall be construed to postpone, stay or abrogate the enforcement of the provisions of the public health laws of this State and rules and regulations promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor to prevent the Department of ~~Health and Environmental Control~~ Services from exercising its right to prevent or abate nuisances.

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SECTION 143. Section 48-2-20(2) of the S.C. Code is amended to read:

(2) “Department” means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 144. Section 48-2-70 of the S.C. Code is amended to read:

Section 48-2-70. Under each program for which a permit processing fee is established pursuant to this article, the promulgating authority also shall establish by regulation a schedule for timely action by the Department of ~~Health and Environmental Control~~ Services on permit applications under that program. These schedules shall contain criteria for determining in a timely manner when an application is complete and the maximum length of time necessary and appropriate for a thorough and prompt review of each category of permit applications and shall take into account the nature and complexity of permit application review required by the act under which the permit is sought. If the department fails to grant or deny the permit within the time frame established by regulation, the department shall refund the permit processing fee to the permit applicant.

SECTION 145. Section 48-2-320(1) through (3) of the S.C. Code is amended to read:

Section 48-2-320. As used in this article:

(1) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of ~~Health and Environmental Control~~ Services.

(2) “Department” means the Department of ~~Health and Environmental Control~~ Services.

(3) “Environmental Emergency” means a situation, to be determined by the ~~commissioner~~ director, that constitutes an immediate threat to the environment or public health, or both, and providing immediate, but temporary relief to the situation may require the expenditure of funds to effect a solution, provide temporary relief, or retain the services of appropriate technical personnel or contractors.

SECTION 146. Section 48-2-330(A) of the S.C. Code is amended to read:

(A) There is created within the Department of ~~Health and Environmental Control~~ Services a restricted account to be known as the Environmental Emergency Fund.

SECTION 147. Section 48-2-340(A) of the S.C. Code is amended to read:

(A) The department, through the ~~commissioner~~ director or the ~~commissioner's~~ director's designee, shall certify that funding for a specific emergency was necessary to protect the environment or public

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health, or both. Annually, the department shall prepare an independent accounting of all revenue in the fund. The report must be submitted to the ~~chairman of the Board of the Department of Health and Environmental Control~~ Governor and must be made available to the public upon request.

SECTION 148. Section 48-3-10(6) of the S.C. Code is amended to read:

(6) "Department" shall mean the Department of ~~Health and Environmental Control~~ Services of South Carolina.

SECTION 149. Section 48-3-140(A) of the S.C. Code is amended to read:

(A) No bonds may be issued pursuant to the provisions of this chapter until the proposal of the governing board to issue the bonds receives the approval of the State Fiscal Accountability Authority. Whenever a governing board proposes to issue bonds pursuant to the provisions of this chapter, it shall file its petition with the State Fiscal Accountability Authority or the Department of Administration, as applicable, setting forth:

(1) a brief description of the pollution control facilities proposed to be undertaken;

(2) a statement setting forth the action taken by the Department of ~~Health and Environmental Control~~ Services in connection with the pollution control facilities;

(3) a reasonable estimate of the cost of the pollution control facilities;

(4) a general summary of the terms and conditions of the loan agreement; and

(5) such other information as the State Fiscal Accountability Authority or the Department of Administration, as applicable, requires.

SECTION 150. Section 48-4-10 of the S.C. Code is amended to read:

Section 48-4-10. (A) The South Carolina Department of Natural Resources ~~is created to~~ shall administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The department must be comprised of a Law Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, and a Land, Water, and Conservation Division. Each division of the department must have the functions and powers provided by law.

~~—(B) All functions, powers, and duties provided by law to the South Carolina Wildlife and Marine Resources Department, the Geological Survey Division of the Budget and Control Board, to include the State~~

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Geologist, and the South Carolina Migratory Waterfowl Committee are transferred to the Department of Natural Resources. All nonregulatory functions, powers, and duties provided by law to the South Carolina Water Resources Commission and the State Land Resources Conservation Commission are transferred to the Department of Natural Resources. All rules, regulations, standards, orders, or other actions of these entities remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act.

~~(C)~~(B) All divisions are directly accountable to and subject to the Department of Natural Resources.

~~(D) The Wildlife and Marine Resources Commission, the Land Resources Conservation Commission, and the Water Resources Commission are abolished.~~

SECTION 151. Section 48-5-20(6) of the S.C. Code is amended to read:

(6) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 152. Section 48-14-20(1) and (6) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

(6) "Designated Watershed" means a watershed designated by a local government and approved by the Department of ~~Health and Environmental Control~~Services and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

SECTION 153. Section 48-18-20(8) of the S.C. Code is amended to read:

(8) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 154. Section 48-18-20(11) of the S.C. Code is amended to read:

(11) ~~"Board" means the board of the department.~~Reserved

SECTION 155. Section 48-18-50(1) of the S.C. Code is amended to read:

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:

South Carolina Association of Counties

South Carolina Municipal Association

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South Carolina Association of Conservation Districts
South Carolina Home Builders Association
Associated General Contractors, Inc.
South Carolina Association of Realtors
South Carolina Chapter, American Society of Landscape Architects
South Carolina Chapter, American Society of Civil Engineers
Council of Governments Executive Director's Committee
South Carolina Farm Bureau
South Carolina State Grange
Office of the Governor
USDA-Soil Conservation Service
Clemson University
South Carolina Department of ~~Health and~~ Environmental
~~Control Services~~
South Carolina Forestry Commission
South Carolina Forestry Association
South Carolina Chapter
American Institute of Architects

SECTION 156. Section 48-20-30 of the S.C. Code is amended to read:

Section 48-20-30. The South Carolina Department of ~~Health and~~ Environmental ~~Control Services~~ is responsible for administering the provisions and requirements of this chapter. This includes the process and issuance of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, conduct of environmental appraisals, technical assistance to mine operators and the public, implementation of research and demonstration projects, and inspections of all mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities may necessitate that the department seek comment from other relevant state agencies regarding matters within their respective areas of statutory responsibility or primary interests. The department has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of this chapter regulating and controlling such activity.

SECTION 157. Section 48-20-40(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of ~~Health and~~ Environmental ~~Control Services~~. Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as he designates.

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SECTION 158. Section 48-20-70(3) of the S.C. Code is amended to read:

(3) the operation will violate standards of air quality, surface water quality, or groundwater quality which have been promulgated by the South Carolina Department of ~~Health and Environmental Control~~ Services;

SECTION 159. Section 48-21-20(b) of the S.C. Code is amended to read:

(b) The council shall be composed of eleven members. One member shall be the State Geologist and one member shall be the Secretary of Commerce or his designee. Three members, appointed by the Governor, shall be representatives of mining industries; three members, appointed by the Governor, shall be representatives of nongovernmental conservation interests; two members, appointed by the Governor, shall be representatives of the Department of ~~Health and Environmental Control~~ Services who shall be knowledgeable in the principles of water and air resources management; and one member, appointed by the Governor, shall be his official representative to the Interstate Mining Compact Commission. Any public official appointed to the council shall serve ex officio. The term of office for the Secretary of Commerce or his designee and the Governor's official representative to the Interstate Mining Compact Commission shall be coterminous with that of the Governor. Of the remaining eight members appointed by the Governor, six shall be appointed for terms of six years, two shall be appointed for terms of two years and beginning July 1, 1976, the term of office for all new appointments and reappointments to these eight positions shall be for four years. The term of each member of the council shall expire on June thirtieth of the year in which his term expires. Any vacancy occurring on the council by death, resignation, or otherwise shall be filled for the unexpired term of the person creating the vacancy by the Governor.

SECTION 160. Section 48-21-20(c) of the S.C. Code is amended to read:

(c) In accordance with Article V(i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the Director Department of ~~Health and Environmental Control~~ Services.

SECTION 161. Section 48-34-40(B) of the S.C. Code is amended to read:

(B) Prescribed fires conducted pursuant to this chapter:

(1) must have a written prescribed fire plan that:

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(a) complies with the South Carolina Smoke Management Guidelines;

(b) is prepared before authorization to burn is issued by the State Commission of Forestry; and

(c) is on site and followed during the burn;

(2) must have present at least one certified prescribed fire manager who must:

(a) be certified by the commission;

(b) personally supervise the burn from ignition until the certified prescribed fire manager determines the burn to be safe;

(c) fully consider both fire behavior and related smoke management issues during and after the burn;

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition pursuant to R. 61-62.2 and are acceptable to the Department of ~~Health and Environmental Control~~ Services if the fire is for:

(a) burning forest lands for specific management practices;

(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;

(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;

(4) are considered a property right of the property owner.

SECTION 162. Section 48-39-10(C) of the S.C. Code is amended to read:

(C) "Division" means the Coastal Division of the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 163. Section 48-39-10(V) of the S.C. Code is amended to read:

(V) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 164. Section 48-39-10(W) of the S.C. Code is amended to read:

(W) "~~Board~~" means the board of the department. Reserved

SECTION 165. Section 48-39-35 of the S.C. Code is amended to read:

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Section 48-39-35. The Coastal Division of the Department of Health and Environmental Control is created July 1, 1994. The division is transferred to the Department of Environmental Services on July 1, 2024.

SECTION 166. The undesignated, introductory paragraph of Section 48-39-50 of the S.C. Code is amended to read:

Section 48-39-50. The South Carolina Department of ~~Health and Environmental Control~~ Services shall have the following powers and duties:

SECTION 167. Section 48-39-50(S) of the S.C. Code is amended to read:

(S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the South Carolina Department of ~~Health and Environmental Control~~ Services, the United States Coast Guard and the Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.

SECTION 168. Section 48-39-270(3) of the S.C. Code is amended to read:

(3) ~~Department~~ “Department” means the Department of ~~Health and Environmental Control~~ Services.

SECTION 169. Section 48-39-280(F) of the S.C. Code is amended to read:

(F)~~(4)~~ A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request for a review conference with the department board via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred dollar review fee per property.

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~~— (2) The initial decision to establish a baseline or setback line must be a department staff decision.~~

~~— (3) No later than sixty calendar days after the receipt of a request for review, the board must:~~

~~— (a) decline to schedule a review conference in writing; or~~

~~— (b) conduct a review conference in accordance with the provisions of item (4).~~

~~— (4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:~~

~~— (a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.~~

~~— (b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.~~

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~~— (5) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after:~~

~~— (a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;~~

~~— (b) the sixty calendar day deadline to hold the review conference has lapsed and no conference has been held; or~~

~~— (c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner.~~

SECTION 170. Section 48-39-320(C) of the S.C. Code is amended to read:

(C) Notwithstanding any other provision of law contained in this chapter, ~~the board, or the Office of Ocean and Coastal Resource~~the Division of Coastal Management, may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area. If success is demonstrated, ~~the board, or the Office of Ocean and Coastal Resource~~the Division of Coastal Management, may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.

SECTION 171. Section 48-40-20(2) of the S.C. Code is amended to read:

(2) ~~“Office” “Division” means the Office of Ocean and Coastal Resource~~Division of Coastal Management of the Department of Health and Environmental Control Services.

SECTION 172. Section 48-40-40(B) of the S.C. Code is amended to read:

(B) The trust fund must be administered by the ~~Office of Ocean and Coastal Resource~~Division of Coastal Management of the Department of Health and Environmental Control Services pursuant to this chapter and its regulations governing application, review, ranking, and approval procedures for grants.

SECTION 173. Section 48-43-10(B) of the S.C. Code is amended to read:

(B) “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

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SECTION 174. Section 48-43-10(W) of the S.C. Code is amended to read:

(W) "Sanitary landfill" means a solid waste disposal facility regulated by the Department of ~~Health and Environmental Control~~ Services.

SECTION 175. Section 48-43-10(X) of the S.C. Code is amended to read:

(X) "~~Board~~" ~~means board of the department.~~ Reserved

SECTION 176. Section 48-43-30(B)(5) and (6) of the S.C. Code is amended to read:

(5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect correlative rights, to govern the practice and procedure before the ~~board~~ department and to fulfill its duties and the purposes of this chapter.

(6) To regulate the exploration, drilling, production, and transportation of methane gas in and related to sanitary landfills. The department is authorized to exercise discretion in regulating such activities and may impose any requirement of this chapter as is necessary, in the opinion of the department, to prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air, and land by oil and gas. The department is further authorized to require any person applying for a drilling permit or otherwise producing methane gas in a sanitary landfill to comply with one of the following requirements for financial responsibility in an amount deemed sufficient by the department in its discretion in order to achieve the purpose specified in Section 48-43-30(A)(1):

(i) furnish a bond consistent with the requirements of Section 48-43-30(B)(1)(e); or

(ii) furnish proof of insurance with the State of South Carolina as beneficiary. Before the issuance of drilling permits for methane gas recovery from sanitary landfills, the department must certify that the proposed activity is consistent with the Department of ~~Health and Environmental Control~~ Services regulations governing the operation, monitoring, and maintenance of the landfills and applicable permit conditions.

SECTION 177. Section 48-43-40(D) of the S.C. Code is amended to read:

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(D) All rules, regulations and orders made by the Department of ~~Health and Environmental Control~~ Services shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the department or the department, under its seal, shall be received in evidence in all courts of this State with the same effect as the original.

SECTION 178. Section 48-43-50 of the S.C. Code is amended to read:

Section 48-43-50. (A) The ~~board-department~~ or an Administrative Law Judge shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.

(B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the ~~board-department~~ pursuant to this section, or upon the refusal of any witness to testify as to any matter regarding which he may be interrogated and which is pertinent to the hearing or investigation, any circuit court in the State, upon the application of the ~~board-department~~, may issue an order to compel such person to comply with such subpoena, and to attend before the ~~board-department~~ and produce such records, books and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

SECTION 179. Section 48-43-60 of the S.C. Code is amended to read:

Section 48-43-60. Any person, who is aggrieved and has a direct interest in the subject matter of any final order issued by the ~~board-department~~, may appeal such order to the circuit court.

SECTION 180. Section 48-43-100 of the S.C. Code is amended to read:

Section 48-43-100. All rules and regulations adopted by the Department of ~~Health and Environmental Control~~ Services, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; provided, however, no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule, or regulation of the Federal Government or any department or agency thereof.

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SECTION 181. Section 48-43-390(A) of the S.C. Code is amended to read:

(A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond Review Committee as necessary, hereinafter referred to as the authority, is hereby designated as the state agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of ~~Health and Environmental Control~~ Services is hereby designated as the exclusive agent for the authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the authority.

SECTION 182. Section 48-43-510(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of ~~Health and Environmental Control~~ Services.

SECTION 183. Section 48-43-510(13) of the S.C. Code is amended to read:

(13) "~~Board~~" means the Department of ~~Health and Environmental Control~~ Reserved

SECTION 184. Section 48-43-520(4) of the S.C. Code is amended to read:

(4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of ~~Health and Environmental Control~~ Services power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of pollution occasioned thereby; and

SECTION 185. Section 48-43-570(a) of the S.C. Code is amended to read:

(a) The Department of Transportation, the Department of Natural Resources, and any other agency of this State, shall cooperate with and lend assistance to the Department of ~~Health and Environmental Control~~ Services by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.

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SECTION 186. Section 48-46-30(7) of the S.C. Code is amended to read:

(7) “Extended care maintenance fund” means the “escrow fund for perpetual care” that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of ~~Health and Environmental Control~~ Services and for activities associated with closure of the site as provided for in Section 13-7-30(4).

SECTION 187. Section 48-46-30(10) of the S.C. Code is amended to read:

(10) “Maintenance” means active maintenance activities as specified by the Department of ~~Health and Environmental Control~~ Services, including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

SECTION 188. Section 48-46-30(19) of the S.C. Code is amended to read:

(19) “Regional waste” means waste generated within a member state of the Atlantic Compact. Consistent with the regulatory position of the Department of ~~Health and Environmental Control~~ Services, Bureau of Radiological Health, dated May 1, 1986, some waste byproducts shipped for disposal that are derived from wastes generated within the Atlantic Compact region, such as residues from recycling, processing, compacting, incineration, collection, and brokering facilities located outside the Atlantic Compact region may also be considered regional waste.

SECTION 189. Section 48-46-30(22) of the S.C. Code is amended to read:

(22) “Waste” means Class A, B, or C low-level radioactive waste, as defined in Title I of Public Law 99-240 and Department of ~~Health and Environmental Control~~ Services Regulation 61-63, 7.2.22, that is eligible for acceptance for disposal at a regional disposal facility.

SECTION 190. Section 48-46-40(B)(7)(a) and (9) of the S.C. Code is amended to read:

(7)(a) If the office, upon the advice of the compact commission or the site operator, concludes based on information provided to the office, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the office shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as

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there is sufficient waste to cover the site operator's operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of ~~Health and Environmental Control~~ Services with respect to safety and environmental protection.

(9) In all proceedings held pursuant to this section, the office shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of ~~Health and Environmental Control~~ Services shall participate in proceedings where necessary to determine or define the activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC's proceedings upon satisfaction of standing requirements and compliance with the PSC's procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC's procedures.

SECTION 191. Section 48-46-50(A) of the S.C. Code is amended to read:

(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of ~~Health and Environmental Control~~ Services, the office, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.

SECTION 192. Section 48-46-80 of the S.C. Code is amended to read:

Section 48-46-80. Pursuant to Section 48-2-10, et seq., the Department of ~~Health and Environmental Control~~ Services may adjust the radioactive materials license fee for Low-Level Radioactive Waste Shallow Land Disposal in Regulation 61-30 in an amount that will offset changes to its annual operating budget caused by projected increases or

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decreases in the number of permittees expected to pay fees for Radioactive Waste Transport Permits under the same regulation for shipment of low-level radioactive waste for disposal within the State.

SECTION 193. Section 48-46-90 of the S.C. Code is amended to read:

Section 48-46-90. (A) In accordance with Section 13-7-30, the office, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of ~~Health and Environmental Control~~ Services is responsible for continued site monitoring.

(B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of the Department of ~~Health and Environmental Control~~ Services to regulate activities involving radioactive materials and radioactive wastes.

SECTION 194. Section 48-52-810(10)(b)(v) of the S.C. Code is amended to read:

(v) a building project funded by the Department of ~~Health and Environmental Control~~ Services in which the primary purpose of the building project is for the storage of archived documents.

SECTION 195. Section 48-52-865(A)(1)(c) of the S.C. Code is amended to read:

(c) the Director of the Department of ~~Health and Environmental Control~~ Services, or his designee;

SECTION 196. Section 48-55-10(A) of the S.C. Code is amended to read:

(A) The South Carolina Environmental Awareness Award must be presented annually by a committee of two members appointed from each of the following:

(1) South Carolina Department of ~~Health and Environmental Control~~ Services by its ~~commissioner~~ director;

(2) State Commission of Forestry by its chairman;

(3) South Carolina Sea Grant Consortium by its executive director;

(4) Water Resources Division of the Department of Natural Resources by the department's director;

(5) Wildlife and Freshwater Fish Division of the Department of Natural Resources by the department's director;

(6) Land Resources and Conservation Districts Division of the Department of Natural Resources by the department's director; and

(7) Coastal Division of the Department of ~~Health and Environmental Control~~ Services by the department's director;

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(8) Marine Resources Division of the Department of Natural Resources by the department's director.

SECTION 197. Section 48-56-20(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 198. Section 48-57-20(1) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 199. Section 48-60-20(11) of the S.C. Code is amended to read:

(11) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 200. Section 48-60-55(E) of the S.C. Code is amended to read:

(E)(1) Not later than thirty calendar days after submission of the plan pursuant to subsection (B), the department shall determine whether or not to approve the plan. The department shall approve the plan for the establishment of a consumer electronic device stewardship program by the submitting representative organization if it meets the requirements of subsections (B) and (C). If the department finds activities included in the plan that do not fulfill those requirements, it shall specify in writing what the department believes to be the plan's deficiencies, promptly meet with the representative organization to discuss the department's concerns, and allow the representative organization at least thirty calendar days after the denial notice to submit a revised plan. If a revised plan is submitted, the department shall review and approve or disapprove the plan within thirty calendar days of submission.

(2) If the department disapproves a plan submitted pursuant to item (1), and the representative organization chooses not to submit a revised plan or the department disapproves the revised plan, the representative organization shall have the right to appeal pursuant to Section ~~44-1-60~~ 49-3-60.

(3) If the plan is disapproved on appeal, the representative organization may resubmit a plan pursuant to item (1) which conforms with the guidance of the appellate opinion or member companies may comply with subsection (K).

SECTION 201. Chapter 62, Title 48 of the S.C. Code is amended by adding:

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Section 48-62-25. The office shall administer the state flood mitigation program, which includes administration of the national flood program for the State.

SECTION 202. Section 49-1-15 of the S.C. Code is amended to read:

Section 49-1-15. (A) Except as otherwise provided herein, no person may erect, construct, or build any structure or works in order to dam or impound the waters of a navigable stream or any waters which are tributary to a navigable stream for the purpose of generating hydroelectricity without securing a permit from the Department of ~~Health and Environmental Control~~Services. Any projects that are subject to Chapter 33, of Title 58 of the Utility Facility Siting and Environmental Protection Act are exempted from this section. Further exempted are projects where the project developer without exercising condemnation authority is the existing owner of the property upon which the project is to be constructed and projects which do not exceed sixty acres including in both cases inundated land.

(B) The Department of ~~Health and Environmental Control~~Services may issue a permit for the projects in this subsection after a thorough review of the proposed project and a finding that it meets any regulations of the ~~board department~~ and the following standards:

(1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily frequenting the reach of the watercourse in question.

(2) The projects proposed for shoaled areas of the watercourse provide a means of portage or bypass of the project structure.

(3) The need for the proposed project far outweighs the historical and current uses of the stream in question.

(4) The impact of the proposed project will not threaten or endanger plant or animal life.

(5) The recreational and aesthetic benefits or detriments caused by the proposed project do not alter the watercourse or damage riparian lands.

(C) The Attorney General shall represent before any federal agency the department, if so requested by the department, respecting the same application.

SECTION 203. Section 49-1-16 of the S.C. Code is amended to read:

Section 49-1-16. The Department of ~~Health and Environmental Control~~Services may charge a fee to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in navigable waters of the State. If the project is commercial or industrial and is in support of operations that charge for the production, distribution, or sale

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of goods or services, a fee of five hundred dollars must be charged, except if the aerial crossing of navigable waters by conductors or other wires supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State Treasurer and shall be issued a credit for any portion of the fees necessary to offset its costs in processing, investigating and taking final action on each permit application. Any remaining portion shall be credited to the general fund of the State.

SECTION 204. Section 49-1-18 of the S.C. Code is amended to read:

Section 49-1-18. The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of ~~Health and Environmental Control Services~~, hereinafter the department, for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of ~~Health and Environmental Control Services~~ retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels. Beginning July 1, 2024, the authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean going container or commerce vessels are transferred to and devolved upon the Department of Environmental Services.

SECTION 205. Section 49-4-20(5) of the S.C. Code is amended to read:

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(5) “Department” means the Department of ~~Health and Environmental Control~~Services.

SECTION 206. Section 49-4-170(B) of the S.C. Code is amended to read:

(B)(1) The department may, in consultation with the Department of Natural Resources, negotiate agreements, accords, or compacts on behalf of and in the name of the State with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the ~~board~~department pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented. The department also may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states which may affect this State. The provisions in this section do not apply to the Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in which the State is a party or interested.

(2) The department must notify the Chairman of the Senate Agriculture and Natural Resources Committee and the Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee when the department enters into negotiations or otherwise represents the State as provided in item (1). The department also must periodically report, as necessary or upon request, to the chairmen concerning the progress of the negotiations or representation.

SECTION 207. Section 49-5-30(3) of the S.C. Code is amended to read:

(3) ~~“Board” means the Board of the Department of Health and Environmental Control.~~Reserved

SECTION 208. Section 49-5-30(5) of the S.C. Code is amended to read:

(5) “Department” means the Department of ~~Health and Environmental Control~~Services.

SECTION 209. Section 49-5-60 of the S.C. Code is amended to read:

Section 49-5-60. (A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the ~~board~~department, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department,

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local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the ~~board~~ department based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries.

(B) After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. ~~The plan must be approved by the board before the department may issue groundwater withdrawal permits for the area.~~

(C) ~~Once the board approves the groundwater management plan for a designated capacity use area~~ is developed pursuant to subsection (A), each groundwater withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.

(D) A person or entity affected may appeal a decision of the ~~board~~ department on a capacity use area designation within thirty days after the filing of the decision to the court of common pleas of any county which is included in whole or in part within the disputed capacity use area. The department shall certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the decision. The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional or statutory provisions;
- (2) in excess of the statutory authority of the agency;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or
- (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

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SECTION 210. Section 49-6-10 of the S.C. Code is amended to read:

Section 49-6-10. (A) There is hereby created the South Carolina Aquatic Plant Management Program for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant problems in public waters of South Carolina. The program will coordinate the receipt and distribution of available federal, state, and local funds for aquatic plant management activities and research in public waters.

(B) The Department of ~~Natural Resources~~Environmental Services (department) is designated as the state agency to administer the Aquatic Plant Management Program and to apply for and receive grants and loans from the federal government or such other public and private sources as may be available for the Aquatic Plant Management Program and to coordinate the expenditure of such funds.

SECTION 211. Section 49-6-30 of the S.C. Code is amended to read:

Section 49-6-30. (A) There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ten members as follows:

~~1. (1) The council shall include one~~One representative from each of the following agencies, to be appointed by the chief executive officer of each agency:

(a) Water Resources Division of the Department of ~~Natural Resources~~Environmental Services;

~~(b) South Carolina Department of Health and Environmental Control;~~

~~(c)~~(b) Wildlife and Freshwater Fisheries Division of the Department of Natural Resources;

~~(d)~~(c) South Carolina Department of Agriculture;

~~(e)~~(d) Coastal Division of the Department of ~~Health and Environmental Control~~Services;

~~(f)~~(e) South Carolina Public Service Authority;

~~(g)~~(f) Land Resources and Conservation Districts Division of the Department of Natural Resources;

~~(h)~~(g) South Carolina Department of Parks, Recreation and Tourism;

~~(i)~~(h) Clemson University, Department of Fertilizer and Pesticide Control.

~~2. (2)~~ The council shall include one representative from the Governor's Office, to be appointed by the Governor.

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~~3.~~(3) The representative of the Water Resources Division of the Department of Natural Resources ~~Environmental Services~~ shall serve as chairman of the council and shall be a voting member of the council.

(B) The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

SECTION 212. Section 49-11-120(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of ~~Health and Environmental Control Services~~ or its staff or agents.

SECTION 213. Section 49-11-170(E) of the S.C. Code is amended to read:

(E) The owner of a dam or reservoir determined through a preliminary inspection not to be maintained in good repair or operating condition or to be unsafe and a danger to life or property may request a hearing before the ~~board of the~~ department within thirty days after notice of the findings are delivered. The owner may submit written or present oral evidence which must be considered by the ~~board of the~~ department in the issuance of the order.

SECTION 214. Section 49-11-260(D) of the S.C. Code is amended to read:

(D) A person against whom a final order or decision has been made, except for emergencies specified in Section 49-11-190, may appeal to the ~~board under~~ Administrative Law Court pursuant to the Administrative Procedures Act. The burden of proof is on the party attacking an order or a decision of the department to show that the order is unlawful or unreasonable.

SECTION 215. Section 13-7-10(11) of the S.C. Code is amended to read:

(11) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of ~~Health and Environmental Control Services~~, and for activities associated with closure of the site as provided for in Section 13-7-30(4).

SECTION 216. Section 13-7-10(12) of the S.C. Code is amended to read:

(12) "Maintenance" means active maintenance activities as specified by the Department of ~~Health and Environmental Control Services~~

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including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

SECTION 217. Section 13-7-30(4) of the S.C. Code is amended to read:

(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the ~~board-department~~ may undertake, the ~~board-department~~ may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the ~~board's-department's~~ custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the ~~board-department~~, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated "extended care maintenance fund", to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance fund. Except as authorized in Section 48-46-40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post-closure and observation period specified by the Department of ~~Health and Environmental Control~~Services, and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post-closure observation period until all funds in the decommissioning trust account are exhausted.

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SECTION 218. Section 13-7-40(A) of the S.C. Code is amended to read:

(A) The Department of ~~Health and Environmental Control~~ Services is designated as the agency of the State which is responsible for the control and regulation of radiation sources but, notwithstanding anything in this article, does not have the power to regulate, license, or control nuclear reactors of facilities or operations incident to them in duplication of an activity of the federal government which has not been discontinued by agreement pursuant to Section 13-7-60.

SECTION 219. Section 13-7-45(A)(1) of the S.C. Code is amended to read:

(A)(1) The South Carolina Department of ~~Health and Environmental Control~~ Services shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

SECTION 220. Section 13-7-60(B) of the S.C. Code is amended to read:

(B) Any person who on the effective date of an agreement under subsection (A) of this section possesses a license issued by the Federal Government authorizing activities, the regulation of which is assumed by the State under such agreement, shall be deemed to possess a license issued under this article, which shall expire either ninety days after receipt from the Department of ~~Health and Environmental Control~~ Services of a notice of expiration of such license, or upon the date of expiration specified in the Federal license; whichever is earlier.

SECTION 221. Section 13-7-70(1) of the S.C. Code is amended to read:

(1) The South Carolina Department of ~~Health and Environmental Control~~ Services (the department) shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina which, in the judgment of the department, shall protect the public health and safety and protect the environment. Such rules and regulations shall include, but not be limited to, provisions for the use of signs designating radioactive material ~~enrge; for cargo; for~~ enrge; for cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to

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determine whether the material which is offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the transportation of radioactive waste which is regulated by Article 2 of this chapter.

SECTION 222. Section 13-7-90 of the S.C. Code is amended to read:

Section 13-7-90. Any person who is practicing as an operator of sources of ionizing radiation on May 26, 1986 is exempt from the certification requirements promulgated by the Department of ~~Health and Environmental Control~~ Services provided that such person applies for certification as an operator within sixty days of May 26, 1986.

SECTION 223. Section 13-7-120 B. of the S.C. Code is amended to read:

B. "Department" means the Department of ~~Health and Environmental Control~~ Services, including personnel authorized to act on behalf of the department.

SECTION 224. Section 13-7-160 of the S.C. Code is amended to read:

B. Final regulations shall be promulgated by the department within one hundred twenty days from the effective date of the article and shall be subject to the procedures set forth in chapter 23 of title 1 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the disposal facility, to identify the primary route within the State to give at least seventy-two hours written notice to the department prior to any transportation of radioactive waste into or within this State, and establishing a schedule of fees for permits, which fees shall be assessed annually.

In preparing its regulations, the Department of ~~Health and Environmental Control~~ Services is authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general public.

SECTION 225. Section 1-30-10(A) of the S.C. Code is amended to read:

(A) There are hereby created, within the executive branch of the state government, the following departments:

- ~~1.~~(1) Department of Administration
- ~~2.~~(2) Department of Agriculture
- ~~3.~~(3) Department of Alcohol and Other Drug Abuse Services

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(4) Department of Public Health

- ~~4.~~(5) Department of Commerce
- ~~5.~~(6) Department of Corrections
- ~~6.~~(7) Department of Disabilities and Special Needs
- ~~7.~~(8) Department of Education
- ~~8.~~(9) Department of ~~Health and Environmental Control~~ Services
- ~~9.~~(10) Department of Health and Human Services
- ~~10.~~(11) Department of Insurance
- ~~11.~~(12) Department of Juvenile Justice
- ~~12.~~(13) Department of Labor, Licensing and Regulation
- ~~13.~~(14) Department of Mental Health
- ~~14.~~(15) Department of Motor Vehicles
- ~~15.~~(16) Department of Natural Resources
- ~~16.~~(17) Department of Parks, Recreation and Tourism
- ~~17.~~(18) Department of Probation, Parole and Pardon Services
- ~~18.~~(19) Department of Public Safety
- ~~19.~~(20) Department of Revenue
- ~~20.~~(21) Department of Social Services
- ~~21.~~(22) Department of Transportation
- ~~22.~~(23) Department of Employment and Workforce
- ~~23.~~(24) Department on Aging
- ~~24.~~(25) Department of Veterans' Affairs.

SECTION 226. Section 1-30-75 of the S.C. Code is amended to read:

Section 1-30-75. ~~Effective on July 1, 1994, the~~ The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with the agency, except for those subdivisions specifically included under another department, ~~are transferred to and incorporated in, and~~ must be administered as part of the Department of Natural Resources. The department must be divided ~~initially~~ into divisions for Land Resources and Conservation Districts, ~~Water Resources,~~ Marine Resources, Wildlife and Freshwater Fisheries, and State Natural Resources Enforcement. ~~The South Carolina Wildlife and Marine Resources Commission, as constituted on June 30, 1993, and after that time, under the provisions of Section 50-3-10 et seq. is the governing authority for the department:~~

(1) Geological Survey of the Research and Statistical Services Division of the Budget and Control Board, to include the State Geologist, formerly provided for at Section 1-11-10, et seq.;

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(2) State Land Resources Conservation Commission, less the regulatory division, formerly provided for at Section 48-9-10, et seq.;

(3) South Carolina Migratory Waterfowl Commission, formerly provided for at Section 50-11-20, et seq.;

~~(4) Water Resources Commission, less the regulatory division, formerly provided for at Section 49-3-10, et seq.;~~

~~(5)~~(4) South Carolina Wildlife and Marine Resources Commission, formerly provided for at Section 50-3-10, et seq.

SECTION 227. Chapter 62, Title 48 of the S.C. Code is amended by adding:

Section 1-30-140. (A) There is hereby created, within the executive branch of the state government, the Department of Public Health, headed by a director appointed by the Governor pursuant to Section 44-1-20. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions, related to regulation and protection of the health prior to July 1, 2024, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Health.

(B) There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 49-3-20. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

SECTION 228. Section 1-23-600(H) of the S.C. Code is amended to read:

(H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section of~~timely filed requests for a contested case hearing of decisions by ~~departments governed by a board or commission authorized to exercise the sovereignty of the State~~the

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Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

~~(2)(a) A request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may not be stayed by the filing of the request. A party seeking to stay a decision of the Department of Environmental Services during the pendency of contested case proceedings must request a stay with the request for a contested case hearing. The request shall automatically stay the decision until a hearing on the stay is heard and ruled upon by the Administrative Law Court. If the request is filed for a decision is concerning a subsequent license related to issues substantially similar to those considered in a previously licensed matter, then the license may is not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be considered not to affect those portions of such orders imposing substantive requirements.~~

(b) Notwithstanding subitem (a), a request for a contested case hearing to challenge a non-emergency enforcement action or a new license or permit concerning hazardous waste automatically stay those decisions, regardless of whether a request for a stay is filed with the request for a contested case hearing. The automatic stay for those decisions must not be lifted until all judicial review is concluded and a final judicial decision is issued on the matter.

~~— (3) The general rule of item (2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.~~

~~(4)(3)(a) Ninety days after a contested case is initiated before the Administrative Law Court, if a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A files a request for a stay with its request for a contested case~~

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hearing, then a hearing on the request for an automatic stay must be held within thirty-sixty days after any party files a motion with the court and serves the motion upon the parties the request for a contested case hearing is filed. The automatic stay shall remain in effect until the Administrative Law Court makes a determination about whether to continue the automatic stay. The court shall lift-continue the automatic stay unless-if the moving party shows that requested a contested case hearing proves: (i) the likelihood of irreparable harm if the automatic stay is lifted, (ii) the substantial likelihood that the moving party requesting the contested case and stay will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than ~~fifteen-thirty~~ business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to lift a stay as provided in this item does not apply to a contested case concerning a new permit or license involving hazardous waste as defined in Section 44-56-20(6),), and a stay in such a contested case must not be lifted until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

~~(5)(4)~~ A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court or the Court of Appeals or the Supreme Court.

~~(6)(5)~~ Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court.

SECTION 229. Section 24-9-20 of the S.C. Code is amended to read:

Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases of operation, fire safety, and health and sanitation conditions at the

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respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of ~~Health and Environmental Control~~Agriculture. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of ~~Health and Environmental Control~~Agriculture shall each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

SECTION 230. Section 39-37-120 of the S.C. Code is amended to read:

Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to the provisions of this chapter. The Department of ~~Health and Environmental Control~~Agriculture shall establish and enforce sanitary regulations pertaining to the manufacture and distribution of frozen desserts, including the sanitary condition of (a) buildings, ground and equipment where frozen desserts are manufactured, (b) persons in direct physical contact with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped and (d) premises, buildings, surroundings and equipment where frozen desserts are sold. Such rules and regulations shall be filed and open for public inspection at the principal office of the ~~Department~~department and shall have the force of law.

SECTION 231. Section 13-7-50 of the S.C. Code is amended to read:

Section 13-7-50. (A) Whenever the Department of Environmental Services finds that an emergency, as hereinabove defined, exists requiring immediate action to protect the public health and safety the ~~Department~~department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action

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be taken as is necessary to meet the emergency. Notwithstanding any other provision of law, such order shall be effective immediately.

(B) Any person to whom such order is directed shall comply therewith immediately, but on application to the ~~Department~~ department shall be afforded a hearing within thirty days. On the basis of such hearing, the emergency order shall be continued, modified or revoked within thirty days after such hearing.

SECTION 232. Section 40-25-20(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of Public Health ~~and Environmental Control~~.

SECTION 233. Sections 6-19-30 through 6-19-40 of the S.C. Code are amended to read:

Section 6-19-30. The fund for such grants must be from either revenue-sharing trust funds or from general appropriations to the Department of ~~Health and Environmental Control~~ Services, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition an employee of the Department of ~~Health and Environmental Control~~ Services, designated by the commissioner thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.

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Section 6-19-35. The objective of the South Carolina Rural Water and Sewer Act is to assure that the financing available for rural area facilities is fully utilized by communities, authorities or districts in accordance with State guidelines and sound local priorities. Consistent with this objective the act shall consist of but not be limited to the following criteria:

(1) The advisory committee will be responsible for coordinating the activities of the federal and state agencies and for working with State, regional and local planning agencies to develop the necessary area plans and priority listings. To the extent feasible, the State coordination program will be utilized to foster consolidated approaches to the delivery of water and waste disposal services and other common policies among existing agencies that will lead to improved and expanded service. State government funds will be applied when necessary to assist projects not eligible for supplementary assistance from other sources.

(2) The Department of ~~Health and Environmental Control~~ Services may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act.

Section 6-19-40. (a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of Health and Environmental Control. The Department of ~~Health and Environmental Control~~ Services, on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all State grant requests appropriated under this chapter, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:

- (1) preliminary engineering costs study;
- (2) bonded indebtedness of the district, authority or community;
- (3) financial conditions of the district, authority or community;
- (4) costs per connection;
- (5) economic level in the district, area or community;
- (6) ratio of contracted users to potential users which shall not be less than sixty-seven percent;
- (7) conformity to overall State, regional or local plans;
- (8) operation and maintenance costs identified and proper replacement costs;
- (9) amount of connection charges and minimum user charges; and

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(10) sustaining costs of rural water and sewer systems.

(b) No funds shall be dispensed until the applicant furnishes evidence of a commitment from the primary financial source.

SECTION 234. Section 56-35-50(B) of the S.C. Code is amended to read:

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of ~~Health and Environmental Control~~ Services for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

SECTION 235. Section 56-35-60 of the S.C. Code is amended to read:

Section 56-35-60. (A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of ~~Health and Environmental Control~~ Services.

(B) The Department of ~~Health and Environmental Control~~ Services, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

SECTION 236. Section 56-35-80 of the S.C. Code is amended to read:

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Section 56-35-80. The Department of ~~Health and Environmental Control~~ Services may promulgate regulations to administer and enforce the provisions of this chapter.

SECTION 237. Sections 3-5-40 through 3-5-60 of the S.C. Code are amended to read:

Section 3-5-40. If the title to any part of the lands, including submerged lands, property or property rights, required by the United States Government for the construction and maintenance of the aforesaid intracoastal waterway from Winyah Bay, South Carolina, to the State boundary line in the Savannah River and any changes, modifications or extensions thereto and any tributaries thereof, and the Ashley River and Shipyard River projects shall be in any private person, firm, or corporation, telephone or telegraph company or other public service corporation or shall have been donated or condemned for public or public service purposes by any political subdivision of this State or any public service corporation, the South Carolina Department of ~~Health and Environmental Control~~ Services may, acting for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon, across and through such lands, including submerged lands, or any part thereof, including oyster beds, telephone and telegraph lines, railroad lines, property of other public service corporations and other property and property rights, by purchase, donation or otherwise, through agreement with the owner when possible. And when any such easement or property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-50. If for any reason the South Carolina Department of ~~Health and Environmental Control~~ Services is unable to secure any rights-of-way and spoil disposal area upon, across, or through any such land, including submerged lands, property, or rights, by voluntary agreement with the owner, the South Carolina Department of ~~Health and Environmental Control~~ Services, acting for and on behalf of the State may condemn it.

Section 3-5-60. If the United States Government shall so determine, it may condemn and use all lands, including submerged lands, property and property rights which may be needed for the purposes set forth in Section 3-5-40 under the authority of the United States Government and according to the provisions existing in the federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands, including submerged lands, property and property rights, the

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South Carolina Department of ~~Health and Environmental Control~~ Services may pay all expenses of such condemnation proceedings and any award that may be made thereunder out of any monies appropriated for such purposes.

SECTION 238. Section 3-5-80 of the S.C. Code is amended to read:

Section 3-5-80. For the purpose of determining the lands, easements and property necessary for the uses herein set out, the South Carolina Department of ~~Health and Environmental Control~~ Services or the United States Government, or the agents of either, may enter upon any lands along the general line of the rights of way for the purposes of locating definitely the specific lines of such rights of way and the land required for such purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

SECTION 239. Section 3-5-100 of the S.C. Code is amended to read:

Section 3-5-100. If any of the lands or property, the use of which is acquired for the rights-of-way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights-of-way and spoil disposal areas other equal areas lying without the rights-of-way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of ~~Health and Environmental Control~~ Services may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of ~~Health and Environmental Control~~ Services, acting for the State, may condemn the rights and property of the lessees in the leased areas.

SECTION 240. Sections 3-5-120 through 3-5-130 of the S.C. Code are amended to read:

Section 3-5-120. If and when any such oyster beds or oysters growing therein shall have been damaged by muddy water or by other effects of such dredging operations any person holding such oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged in the prosecution of the work of constructing the waterway shall be privileged to apply to the South Carolina Department of ~~Health and Environmental Control~~ Services to survey such oyster beds and oysters and to determine the extent and amount of such damage. Upon any such application, the Department of ~~Health and Environmental Control~~ Services shall proceed promptly to survey the damage done to such oyster beds and oysters and to determine the identity of the person

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causing such damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering such damage. The South Carolina Department of ~~Health and Environmental Control~~ Services may subpoena witnesses to assist in the determination of such facts. The department of ~~Health and Environmental Control~~ Services must afford the owner of the alleged damaged oyster beds and oysters and the person alleged to have caused the damage an opportunity to be heard.

Section 3-5-130. Staff of the Coastal Division of the Department of ~~Health and Environmental Control~~ Services shall make a determination of the amount of actual damage.

SECTION 241. Sections 3-5-150 through 3-5-160 of the S.C. Code are amended to read:

Section 3-5-150. Upon the filing with the clerk of court of any such award there shall be added thereto as a part thereof the costs of the survey held to determine the damage resulting in such award. Such costs shall be repaid to the Department of ~~Health and Environmental Control~~ Services by the person against whom the award is given. If it shall be finally determined that no damage has been done the cost of the survey shall be paid by the person requesting the survey.

Section 3-5-160. The Department of ~~Health and Environmental Control~~ Services shall account for all monies recovered under the provisions of Sections 3-5-110 to 3-5-150 to the State Treasurer.

SECTION 242. Section 3-5-190 of the S.C. Code is amended to read:

Section 3-5-190. Any person, his heirs, executors, administrators, successors or assigns, who may be compensated for damage to oysters during the construction or maintenance of said intracoastal waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the Department of ~~Health and Environmental Control~~ Services, the contractor engaged on the work or the United States, shall be estopped from making further claim for damage to oysters in or upon the same area on account of dredging operations during maintenance or further improvement of the waterway and its tributaries or Ashley River or Shipyard River.

SECTION 243. Sections 3-5-320 through 3-5-340 of the S.C. Code are amended to read:

Section 3-5-320. If the title to any part of the lands required by the United States Government for the construction of the aforesaid inland waterway from the North Carolina-South Carolina State line at Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad company, canal company, telephone or telegraph company or other public service corporation or shall have been donated

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or condemned for any such use by any political subdivision of this State, the Department of ~~Health and Environmental Control Services~~ may, acting for and on behalf of the State, secure a right of way of the width aforesaid for such inland waterway upon, across and through such lands or any part thereof by purchase, donation or otherwise, through agreement with the owner when possible, and when any such property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-330. If for any reason the Department of ~~Health and Environmental Control Services~~ is unable to secure the right-of-way upon, across, or through the property by voluntary agreement with the owner, the Department of ~~Health and Environmental Control Services~~ acting for the State, may condemn the right-of-way. The Governor and the Secretary of State shall promptly execute a deed for the condemned property to the United States.

Section 3-5-340. If the United States Government shall so determine, it may condemn and use all lands and property which may be needed for the purposes set forth in Section 3-5-310 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands and property, the Department of ~~Health and Environmental Control Services~~ may pay all expenses of the condemnation proceedings and any award that may be made thereunder out of any moneys appropriated or which may be appropriated for such purposes.

SECTION 244. Section 3-5-360 of the S.C. Code is amended to read:

Section 3-5-360. For the purpose of determining the lands and property necessary for the uses herein set out the Department of ~~Health and Environmental Control Services~~ or the United States Government, or the agents of either, may enter upon any lands along the general line of said right of way and make such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely locating the specific lines of said right of way and the lands required for said purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

SECTION 245. (A) This SECTION is effective upon approval of the Governor.

(B) There is created the South Carolina Health Optimization Task Force, whose purpose is to analyze the missions and delivery models of all state agencies concerned with the overall public health of the state, as

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well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging.

(C) The task force shall consider reorganizations or mergers of existing health agencies, as well as the establishment of any new health agencies, the purpose of any structural change being an improved service delivery model to an identifiable specific population, as well as the aggregate population of the State.

(D) The task force will be composed of three members of the Senate appointed by the President, three members of the House of Representatives appointed by the Speaker and one member appointed by the Governor. The three members from each legislative body shall select the co chairs. The task force will utilize the staff of the Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Affairs Committee.

(E) The task force shall retain a third party, independent, expert consultant or consultants to advise the study committee and issue its own opinion as to what measures studied, if any, benefit South Carolina. They must advise on the benefits of each course of action and also must make their recommendation to the task force. They must be selected by the co chairs of the task force. Engagements procured under this provision are exempt from the South Carolina Procurement Code.

(F) A final report of the work of the task force shall include draft legislation and shall be submitted to the General Assembly and the Governor by January 15, 2024. The South Carolina Health Optimization Task Force shall dissolve and terminate upon the submission of its final report.

SECTION 246. Sections 1-30-45, 44-11-30, and 44-11-40 of the S.C. Code are repealed.

SECTION 247. (A) The Code Commissioner is directed to change all references to the "Department of Health and Environmental Control" in Chapters 3, 5, 6, 7, 8, 9, 20, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 49, 52, 53, 61, 63, 69, 70, 74, 78, 80, 81, 99, 113, 115, 117, 122, 125, 128, and 130 of Title 44 of the S.C. Code to the "Department of Public Health".

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(B) The Code Commissioner is directed to change all references to “DHEC” in Chapter 4, Title 44 of the S.C. Code to “department”.

(C) The Code Commissioner is directed to change all references to the “Department of Health and Environmental Control” in Chapter 55, Title 44 of the S.C. Code to the “Department of Environmental Services”.

SECTION 248. Monthly progress reports on the transfer and consolidation of state agencies as directed by this act by the Department of Administration shall be issued to the Chairmen of the Senate Finance Committee, Senate Medical Affairs Committee, Senate Agriculture and Natural Resources Committee, House Ways and Means Committee, House Medical, Military, Public and Municipal Affairs Committee, and House Agriculture, Natural Resources and Environmental Affairs Committee. Reports must include a summation of material progress and the expenditures made relevant to the current report, an overview of tasks yet to be accomplished, the associated estimated expenditures, and a projected timeline for completion of those tasks and the entire transfer and consolidation of state agencies as directed by this act. The report also must include information from the receiving agencies regarding the absorption of the transferring agencies and their organization within the receiving agencies. Notwithstanding any of the above, final completion, as directed by this act, shall occur no later than June 30, 2024.

Subject to sufficient appropriations for the requirements of this SECTION, the Department of Administration shall procure the necessary experts, consultants, and advisors to conduct annual studies of and provide reports on the effectiveness and efficiency of the services provided by both the Department of Public Health and the Department of Environmental Services for the duration provided for in this SECTION. The studies shall include a review of, among other things, the organizational structure, the financial performance, and use of funding, including grant funding, the adequacy of staffing and other personnel issues, and the services provided as they relate to the mission of each agency. In performing the studies, the experts, consultants, and advisors procured by the Department of Administration shall receive input from the stakeholders and clients of each agency. The experts, consultants, and advisors procured by the Department of Administration shall prepare reports detailing the findings of the studies with recommendations necessary for increased operational efficiencies and effectiveness, and for the maximization of resource utilization. Beginning on the effective date of this act, the experts, consultants, and advisors procured by the Department of Administration shall perform the annual studies for a period of five years and issue reports based on the

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studies to the Chairmen of the Senate Finance Committee, the Senate Medical Affairs Committee, the Senate and Natural Resources Committee, the House Ways and Means Committee, the House Medical, Military, Public and Municipal Affairs Committee, and the House Agriculture, Natural Resources and Environmental Affairs Committee. The initial report shall be due on September 30, 2025 with succeeding reports due each September 30th thereafter through September 30, 2029.

Procurements by the Department of Administration of all experts, consultants, and advisors pursuant to and required by this SECTION are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. Procurements made by the Department of Administration pursuant to this SECTION shall be made with as much competition as practicable under the circumstances. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Division shall assist in procuring the necessary services. If needed, the Department of Administration may use the experts, consultants, and advisors procured pursuant to this SECTION to assist in performing the duties otherwise specified in this act.

SECTION 249. (A)(1) Beginning July 1, 2024, the Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Public Health. The interim director is subject to removal by the Governor pursuant to Section 1-3-240.

(2) Beginning July 1, 2024, and until the initial director of the Department of Environmental Services is appointed and qualifies, the Director of the Division of Environmental Affairs of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Environmental Services. The interim director is subject to removal by the Governor pursuant to Section 1-3-240.

(B) When the provisions of this act transfer particular state agencies, departments, boards, commissions, committees, or entities, or sections, divisions, or portions thereof (transferring departments), to another state agency, department, division, or entity or make them a part of another department or division (receiving departments), the employees, authorized appropriations, bonded indebtedness if applicable, and real and personal property of the transferring department also are transferred to and become part of the receiving department or division unless otherwise specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division, or position employed by these transferring departments on the effective date of this act, either by contract or by

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employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C)(1) When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity, or official, regulations promulgated by that transferred agency, department, entity, or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it.

(2) When powers and duties of the Department of Health and Environmental Control are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

(D) References to the names of agencies, departments, entities, or public officials changed by this act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials, or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered to be and must be construed to mean appropriate references.

(E) Employees or personnel of agencies, departments, entities, or public officials, or sections, divisions, or portions thereof, transferred to or made a part of another agency, department, division, or official pursuant to the terms of this act shall continue to occupy the same office locations and facilities which they now occupy to the greatest extent possible. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency, department, entity, or official formerly employing these personnel to the greatest extent possible. The records and files of the agencies that formerly employed these personnel shall continue to remain the property of these transferring agencies, except that these personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

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(F) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

(G) When the functions of former agencies have been devolved on more than one department or departmental division, the general support services of the former agency must be transferred to the restructured departments or departmental divisions as provided by the General Assembly in the annual general appropriations act.

(H)(1) The Code Commissioner of the Legislative Council is directed to change or correct all references to the agencies, divisions, and programs thereof in the S.C. Code to reflect the transfers of authority and responsibility as provided in this act. References to the agencies, divisions, and programs thereof in the S.C. Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(2) By July 1, 2024, the Code Commissioner shall prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the S.C. Code Laws reflecting the provisions of this act relating to the government restructuring described in item (1). The affected agencies shall coordinate with the Code Commissioner for purposes of preparing the report.

(I) The Code Commissioner of the Legislative Council shall cause the changes to the S.C. Code as contained in this act to be printed in replacement volumes or in cumulative supplements as he considers practical and economical.

SECTION 250. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 251. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 252. (A) The provisions contained in SECTION 4 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2024, for the veterans homes for which the Department of Mental health has a service contract with a third party provider as of May 1, 2023. The provisions contained in SECTION 4 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2025, for the veterans homes for which the Department of Mental Health does not have a service contract with a third party provider as of May 1, 2023.

(B) SECTION 248 and SECTION 249 of this act, and any other directives in this act pertaining to the Department of Administration's duties to facilitate the transfer and consolidation of state agencies as directed by this act, take effect upon the approval of the Governor.

(C) The remainder of this act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator CORBIN proposed the following amendment (SR-399.KM0031S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTIONS to read:

SECTION __. Section 44-4-120 of the S.C. Code is amended to read:

The purposes of this act are:

(1) to authorize the collection of data and records, ~~the control of property, the management of persons, and access to communications as may be strictly~~ necessary to accomplish the purposes of this act;

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(2) to facilitate the early detection of a qualifying health event or public health emergency, and allow for immediate investigation of such an emergency ~~by granting access to individuals' health information under specified circumstances;~~

(3) to grant state officials the authority to use and appropriate property as necessary for the care, treatment, and housing of patients, and for the destruction or decontamination of contaminated materials;

(4) to grant state officials the authority to provide care and treatment to persons who are ill or who have been exposed to infection, ~~and to separate affected individuals from the population at large for the purpose of interrupting the transmission of infectious disease;~~

(5) to ensure that the needs of infected or exposed persons will be addressed to the fullest extent possible, ~~given the primary goal of controlling serious health threats;~~

(6) to provide state officials with the ability to prevent, detect, manage, and contain emergency health threats without ~~unduly~~ interfering with civil rights and liberties; and

(7) to require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency.

SECTION __. Article 3 and 5 of Chapter 4, Title 44 of the S.C. Code is amended to read:

ARTICLE 3

Special Powers During State of Public Health Emergency: Control of
Property

~~Section 44-4-300. After the declaration of a state of public health emergency, DHEC may exercise, in coordination with state agencies, local governments, and other organizations responsible for implementation of the emergency support functions in the State Emergency Operations Plan for handling dangerous facilities and materials, for such period as the state of public health emergency exists, the following powers over dangerous facilities or materials:~~

~~(1) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health; and~~

~~(2) to decontaminate or cause to be decontaminated, any material of which there is reasonable cause to believe that it may endanger the public health.~~

~~Section 44-4-310. DHEC, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary~~

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~~for emergency response, require a health care facility to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the State as a health care facility. When DHEC needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the health care facility must be coordinated with DHEC to ensure protection of existing patients and compliance with the terms of this act.~~

Section 44-4-320. (A) DHEC must coordinate with coroners, medical examiners, and funeral directors, for such period as the state of public health emergency exists, to exercise, in addition to existing powers, the following powers regarding the safe disposal of human remains:

(1) to take possession or control of any human remains which cannot be safely handled otherwise;

(2) to order the disposal of human remains of a person who has died of an infectious disease through burial or cremation within twenty four hours after death;

(3) to require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State to accept any human remains or provide the use of its business or facility if these actions are reasonable and necessary for emergency response. When necessary during the period of time of the public health emergency, DHEC must coordinate with the business or facility on the management or supervision of the business or facility; and

(4) to procure, by order or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(B) Where possible, existing provisions set forth in the State Emergency Operations Plan for the safe disposal of human remains must be used in a public health emergency. Where the State Emergency Operations Plan is not sufficient to handle the safe disposal of human remains for a public health emergency, DHEC, in coordination with coroners, medical examiners, and funeral directors, must adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary for emergency response. These measures may be related to procedures including, but not limited to, death certificates, autopsies, embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains.

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(C) All human remains prior to disposal must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease.

(D) Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. All information gathered under this paragraph must be promptly forwarded to DHEC. Identification must be handled by the agencies that have laboratories suitable for DNA identification.

Section 44-4-330. (A) After the declaration of a public health emergency, DHEC may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it considers advisable in the interest of preparing for or controlling a public health emergency, without any additional legislative authorization.

~~(B)(1) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by subsection (a), whether or not such product has been purchased by DHEC, DHEC may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the State. In making rationing or other supply and distribution decisions, DHEC must give preference to health care providers, disaster response personnel, and mortuary staff.~~

~~(2) During a state of public health emergency, DHEC may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.~~

~~(3) If a public health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow DHEC to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing their fair and equitable distribution among affected states.~~

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Section 44-4-340. To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under this article, DHEC in coordination with the applicable law enforcement agency must institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this State ~~or any such rules that may be developed by the courts for use during a state of public health emergency~~. Any property acquired by DHEC through such proceedings must, after entry of the decree, be disposed of by destruction as the court may direct.

ARTICLE 5

Special Powers During State of Public Health Emergency: Control of Persons

~~Section 44-4-500. During a state of public health emergency, DHEC must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.~~

~~Section 44-4-510. (A)(1) During a state of public health emergency, DHEC may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals.~~

~~(2) DHEC may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44-1-140, any person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health.~~

~~(B)(1) Physical examinations or tests may be performed by any qualified person authorized to do so by DHEC.~~

~~(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.~~

Section 44-4-520. (A) During a state of public health emergency, DHEC may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:

(1) to vaccinate persons on a voluntary basis as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease;

(2) to treat persons exposed to or infected with disease; and

(3) to prevent the spread of contagious or possibly contagious disease, DHEC may recommend isolation or quarantine for ~~isolate or quarantine, pursuant to the applicable sections of this act~~, persons who are unable or unwilling for any reason (including, but not limited to,

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health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.

(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree to the vaccinations or treatment, or both.

(C)(1) Vaccination may be performed by any qualified person authorized by DHEC.

(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.

(D)(1) Treatment must be administered by any qualified person authorized to do so by DHEC.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

Section 44-4-530. (A) During a public health emergency, DHEC may ~~recommend that an individual or groups of individuals isolate or quarantine an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Sections 44-4-510 and 44-4-520. DHEC may also establish and maintain places of isolation and quarantine, and set rules and make orders.~~

~~(B) DHEC must adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:~~

~~(1) isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;~~

~~(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;~~

~~(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;~~

~~(4) if a quarantined individual becomes infected or is reasonably believed to be infected with a contagious or possibly contagious disease, he or she must be promptly removed to isolation;~~

~~(5) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others;~~

~~(6) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication~~

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~~with those in isolation or quarantine and outside these settings, medication, and competent medical care;~~

~~(7) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and~~

~~(8) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises.~~

~~(C) A person subject to isolation or quarantine must comply with DHEC's rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.~~

~~(D)(1) DHEC may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.~~

~~(2) No person, other than a person authorized by DHEC, shall enter isolation or quarantine premises. Failure to comply with this provision constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.~~

~~(3) A person entering an isolation or quarantine premises with or without authorization of DHEC may be isolated or quarantined as provided for in this chapter.~~

~~(4) The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44-4-540(B)(3) or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44-4-540, law enforcement officers may provide written or verbal notice of the order. Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine rules after the rules are established and the individual is given written or verbal notice of the rules. An arrest warrant or an additional isolation or quarantine order is not required for arrest, isolation, or quarantine under Section 44-4-530(D)(4).~~

~~(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order~~

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issued pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.

~~Section 44-4-540. (A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.~~

~~(B)(1) DHEC may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the commissioner or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize DHEC's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.~~

~~(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.~~

~~(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if impractical to be given to a group of individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.~~

~~(4) Within ten days after issuing the emergency order, DHEC must file a petition pursuant to subsection (C) of this section for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.~~

~~(C)(1) DHEC may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.~~

~~(2) A petition under subsection (C)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44-4-530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of DHEC attesting to the facts asserted in the petition, together with any further~~

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~~information that may be relevant and material to the court's consideration.~~

~~(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty four hours in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.~~

~~(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, DHEC may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.~~

~~(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.~~

~~(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.~~

~~(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.~~

~~(d) Prior to the expiration of an order issued pursuant to this item, DHEC may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.~~

~~(D)(1) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.~~

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~~(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.~~

~~(b) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court must fix a date for hearing on the matters alleged not more than twenty four hours from receipt of the request.~~

~~(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.~~

~~(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, DHEC may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of the necessary witnesses and evidence.~~

~~(E) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.~~

~~(F) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the duration of the isolation or quarantine of the individual or groups of individuals. DHEC must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for DHEC from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.~~

~~(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses~~

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and evidence, the court may order the consolidation of individual claims into groups of claims where:

- ~~(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;~~
- ~~(2) there are questions of law or fact common to the individual claims or rights to be determined;~~
- ~~(3) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and~~
- ~~(4) the entire group will be adequately represented in the consolidation.~~

~~(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44-130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44-180, 44-110, 44-140, 44-4520, 44-4530, or 44-4540 must be undertaken in accordance with the procedures provided in this section.~~

Section 44-4-550. (A)(1) DHEC may, for such period as the state of public health emergency exists, collect or cause to be collected specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary to respond to the public health emergency.

(2) Specimens shall be collected only from those individuals who agree to have specimens collected or who agree to have tests performed.

(3) All specimens must be clearly marked.

(4) Specimen collection, handling, storage, and transport to the testing site must be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(5) Any person authorized to collect specimens or perform tests must use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on site testing kits.

(B) Any business, facility, or agency authorized to collect specimens or perform tests must provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

Section 44-4-560. (A) Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by DHEC during a public health emergency is limited to those persons having a legitimate need to:

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(1) provide treatment to the individual who is the subject of the health information;

(2) conduct epidemiological research; or

(3) investigate the causes of transmission.

(B) Protected health information held by DHEC must not be disclosed to others without individual specific informed authorization except for disclosures made:

(1) directly to the individual;

(2) to the individual's immediate family members or life partners;

(3) to appropriate state or federal agencies or authorities when necessary to protect public health;

(4) to health care personnel where needed to protect the health or life of the individual who is the subject of the information; or

~~(5) pursuant to a court order or executive order of the Governor to avert a clear danger to an individual or the public health; or~~

~~(6)~~(5) to coroners, medical examiners, or funeral directors or others dealing with human remains to identify a deceased individual or determine the manner or cause of death.

Section 44-4-570. (A) DHEC, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:

~~(1) to require in-state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in this State;~~

(2)(1) to accept the volunteer services of in-state and out-of-state health care providers consistent with Title 8, Chapter 25, to appoint such in state and out of state health care providers as emergency support function volunteers, and to prescribe the duties as may be reasonable and necessary for emergency response; and

~~(3)~~(2) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(B)(1) The appointment of in-state and out-of-state health care providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. DHEC may terminate the in-state and out-of-state appointments at any time or for any reason provided that any termination

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will not jeopardize the health, safety, and welfare of the people of this State.

(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for health care providers from other jurisdictions to practice in this State.

(C)(1) Any health care provider appointed by the department pursuant to this section must not be held liable for any civil damages as a result of medical care or treatment including, but not limited to, trauma care and triage assessment, related to the appointment of the health care provider and the prescribed duties unless the damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(2) This subsection applies if the health care provider does not receive payment from the State other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the health care provider is an employee of the State, the health care provider may continue to receive compensation from the health care provider's employer. This subsection applies whether the health care provider was paid, should have been paid, or expected to be paid for the services at the time of rendering the services from sources including, but not limited to, Medicaid, Medicare, reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 512, et seq., or private health insurance.

(D)(1) The appointment of emergency assistant medical examiners or coroners pursuant to this section may be for a limited or unlimited time, but must not exceed the termination of the state of public health emergency. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason, if the termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this section is immune from civil liability for damages resulting from services relating to and performed during the period of appointment unless the damages result from providing, or failing to provide, services under circumstances demonstrating a reckless disregard for the consequences.

Renumber sections to conform.

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Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was withdrawn.

Senators SETZLER, DAVIS and GAMBRELL proposed the following amendment (SR-399.JG0052S), which was adopted:

Amend the bill, as and if amended, by deleting item (6) in Section 1.

Amend the bill further by striking SECTION 201 and inserting:
SECTION 201. Chapter 62, Title 48, of the S.C. Code is amended by adding:

Section 48-62-25. Prior to entering into contracts to utilize funds appropriated or authorized by the General Assembly to acquire interests in land for natural resource protection, flood mitigation, or rural land preservation, including conservation easements, the Office of Resilience shall coordinate and collaborate with the South Carolina Conservation Bank to maximize the most cost-effective options available for the acquisition with the greatest public benefit. The Conservation Bank shall coordinate with the Office of Resilience to ensure that the funds are used for projects that support the agency's objectives, the state's broader conservation objectives, and that demonstrate a satisfactory degree of financial leverage, partnerships, and other indicators of quality as

determined by the South Carolina Conservation Bank and the Office of Resilience.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (LC-399.AHB0044S), which was withdrawn:

Amend the bill, as and if amended, SECTION 228, by striking Section 1-23-600(H)(3)(a) and inserting:

~~(4)(3)(a) Ninety days after a contested case is initiated before the Administrative Law Court, If a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic~~

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~~stay. A~~files a request for a stay with its request for a contested case hearing, then a hearing on the request for an automatic stay must be held within thirty days after any party files a motion with the court and serves the motion upon the partiesdiscovery is completed. The automatic stay shall remain in effect until the Administrative Law Court makes a determination about whether to continue the automatic stay. The court shall ~~lift~~continue the automatic stay ~~unless if the moving party shows that requested a contested case hearing proves:~~ (i) the likelihood of irreparable harm if the automatic stay is lifted, (ii) the substantial likelihood that the moving party ~~requesting the contested case and stay~~ will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than ~~fifteen~~thirty business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to lift a stay as provided in this item does not apply to a contested case concerning a new permit or license involving hazardous waste as defined in Section 44-56-20(6), - and a stay in such a contested case must not be lifted until the

~~contested case is concluded and the Administrative Law Court has filed its final order in the matter.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was withdrawn.

Senator DAVIS proposed the following amendment (LC-399.VR0037S), which was adopted:

Amend the bill, as and if amended, SECTION 249, by striking (A)(1) and inserting:

(A)(1) Beginning July 1, 2024, the Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Public Health. The interim director is subject to removal by the Governor pursuant to Section 1-3-240(B).

Amend the bill further by adding a new SECTION to read:

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SECTION X. (A) This SECTION is effective upon approval of the Governor.

(B) Subject to sufficient appropriations for the requirements of this SECTION, the Department of Administration shall identify, select, retain, and procure the services of independent, third-party experts, consultants, or advisors to analyze the missions and delivery models of all state agencies concerned with the overall public health of the state, as well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control and its successor entities, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging. Any agencies identified by the Department of Administration as being subject to this analysis shall provide the department with any and all information requested and shall fully participate as requested and required.

(C) The analysis procured by the Department of Administration shall consider whether structural changes are necessary to improve health services delivery in the State, recognize operational efficiencies, and maximize resource utilization. Structural changes to be analyzed include reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as the establishment of any new health agencies or the privatization of services currently provided by existing health agencies.

(D) The third-party experts, consultants, or advisors must make appropriate recommendations based on the analysis required pursuant to this section and the benefits of each recommendation.

(E) The Department of Administration shall prepare a final report summarizing the aforementioned analysis and recommendations and shall submit the final report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Medical Affairs Committee, the Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department of Administration of all experts, consultants and advisors pursuant to and required by this SECTION are exempt from the purchasing procedures of the South Carolina

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Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist in procuring the necessary services.

(F) The Department of Health and Human Services shall give support to the Department of Administration in fulfilling the purposes of this SECTION.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and HUTTO proposed the following amendment (LC-399.AHB0059S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by deleting Section 49-3-60(D)(2) and (3) and inserting:

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

Amend the bill further, by deleting SECTION 228 and inserting:

SECTION 228. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section of~~ timely filed requests for a contested case hearing of decisions by ~~departments governed by a board or commission authorized to exercise the sovereignty of the State~~ the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

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Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (SR-399.KM0060S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-1-100 and inserting:

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of ~~Public Health and Environmental Control~~ and must carry out and obey his orders, or those of the ~~Department of Health and Environmental Control~~ department, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.

Amend the bill further, SECTION 60, by striking Section 44-56-160(A) and inserting:

(A) The Department of ~~Health and Environmental Control~~ Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.

Amend the bill further, SECTION 211, by striking Section 49-6-30(3)(3) and inserting:

(3)(3) The representative of the Water Resources Division of the Department of ~~Natural Resources~~ Environmental Services shall serve as chairman of the council and shall be a voting member of the council.

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(B) The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

OBJECTION

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

Senator HARPOOTLIAN objected to consideration of the Bill.

RECOMMITTED

S. 732 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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On motion of Senator HEMBREE, the Resolution was recommitted to the Committee on Education.

COMMITTED

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

On motion of Senator CLIMER, the Bill was committed to the Committee on Finance.

AMENDED, READ THE SECOND TIME

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER proposed the following amendment (LC-639.HDB0003S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 7-7-530(A) of the S.C. Code is amended to read:

(A) In York County there are the following voting precincts:

Adnah
Airport
Allison Creek
Anderson Road
Baxter
Bethany
Bethel
Bethel School
Bowling Green
Bullocks Creek
Cannon Mill
Carolina

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Catawba
Celanese
Clover
Cotton Belt
Crescent
Delphia
Dobys Bridge
Ebenezer
Ebinport
Edgewood
Fairgrounds
Ferry Branch
Fewell Park
Field Day
Filbert
Fort Mill No. 1
Fort Mill No. 2
Fort Mill No. 3
Fort Mill No. 4
Fort Mill No. 5
Fort Mill No. 6
Friendship
Gold Hill
Hampton Mill
Hands Mill
Harvest
Hickory Grove
Highland Park
Hollis Lakes
Hopewell
Independence
India Hook
Kanawha
Lakeshore
Lakewood
Larne
Laurel Creek
Lesslie
Manchester
McConnells
Mill Creek

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Mountain View

Mt. Holly
Mt. Gallant
Nation Ford
Neelys Creek
New Home
Newport
Northside
Northwestern
Oakridge
Oakwood
Old Pointe
Ogden
Orchard Park
Palmetto
Pleasant Road
Pole Branch
River's Edge
River Hills
Riverview
Rock Creek
Rock Hill No. 2
Rock Hill No. 3
Rock Hill No. 4
Rock Hill No. 5
Rock Hill No. 6
Rock Hill No. 7
Rock Hill No. 8
Roosevelt
Rosewood
Sharon
Shoreline
Six Mile
Smyrna
Springdale
Springfield
Stateline
Steele Creek
Tega Cay
Tirzah
Tools Fork

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University
Waterstone
Windjammer
Wylie
York No. 1
York No. 2

Amend the bill further, SECTION 2, by striking Section 7-7-530(B) and inserting:

(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, or its successor agency, designated as document ~~P-91-24~~P-91-23A and as shown on copies provided to the Board of Voter Registration and Elections of York County by the Revenue and Fiscal Affairs Office.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin

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Williams

Young

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

S. 639--Ordered to a Third Reading

On motion of Senator PEELER, S. 639 was ordered to receive a third reading on Thursday, May 4, 2023.

OBJECTION

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

Senator HARPOOTLIAN objected to consideration of the Bill.

OBJECTION

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO

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ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

Senator HARPOOTLIAN objected to consideration of the Bill.

OBJECTION

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING

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THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO

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BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

Senator FANNING objected to consideration of the Bill.

READ THE SECOND TIME

H. 4350 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator PEELER explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin

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Williams

Young

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

H. 4350--Ordered to a Third Reading

On motion of Senator PEELER, H. 4350 was ordered to receive a third reading on Thursday, May 4, 2023.

ADOPTED

S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKELEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 768 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LONG BRANCH RIVER ALONG DR. MARY MCLEOD BETHUNE ROAD IN LEE COUNTY "WATSON BRANCH" IN MEMORY OF W. BURKE WATSON AND JEANNE CARR WATSON AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS, AND REQUEST THAT THE COST OF THESE SIGNS OR MARKERS ARE NOT PAID FOR WITH PUBLIC FUNDS.

The Resolution was adopted, ordered sent to the House.

H. 3974 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-75 (E WASHINGTON STREET) IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS

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INTERSECTION WITH LAURENS ROAD TO ITS CONVERGENCE WITH S-1077 “STEWART SPINKS ROAD” AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4332 -- Reps. Ott, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2023 AS “NF AWARENESS MONTH” AND FURTHER TO DECLARE MAY 17, 2023, AS “NF AWARENESS DAY” IN THE STATE OF SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call H. 3728 from the Contested Calendar.

The motion under Rule 32B was adopted.

MOTION ADOPTED

At 5:05 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

CARRIED OVER

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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On motion of Senator HEMBREE, the Bill was carried over.

CONCURRENCE

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator M. JOHNSON explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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On motion of Senator M. JOHNSON, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 3, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen, Turner, Davis and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen, Turner, Davis and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator DAVIS explained the House amendments.

Senator MALLOY proposed the following amendment (SMIN-164.AA0043S), which was withdrawn:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-7-130(8) and inserting:

(8) "Crisis stabilization unit facility" means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals five and older, twenty-four hours a day, seven days a week.

Renumber sections to conform.

Amend title to conform.

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Senator MALLOY explained the amendment.

The amendment was withdrawn.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley

Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

On motion of Senator DAVIS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Recorded Vote

2733

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Senator SETZLER desired to be recorded as voting in favor of concurrence with the House amendments.

THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.

AMENDED, READ THE SECOND TIME

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator VERDIN explained the Bill.

Amendment No. 2

Senator HUTTO proposed the following amendment (SJ-3681.MB0006S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This bill may be cited as the "Omnibus Tobacco Enforcement Act of 2023".

Amend the bill further, SECTION 1, by striking Section 44-95-45(A)(2) and inserting:

(2) electronic smoking devices, e-liquid, vapor products, or tobacco products, each as defined in Section 16-17-501; or

Amend the bill further, by striking SECTION 2 and inserting:

Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices,

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e-liquid, vapor products, tobacco products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 16-17-500 of the S.C. Code is amended to read:

Section 16-17-500. (A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product ~~or an alternative nicotine product~~ to a minor under the age of eighteen years.

(B) It is unlawful to sell a tobacco product ~~or an alternative nicotine product~~ to an individual ~~who does not present upon~~ without a demand of proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection.

(C) A person engaged in the sale of tobacco products ~~or alternative nicotine products~~ made through the internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product ~~or alternative nicotine product~~ will be released to the purchaser, unless the internet or other remote sales methods employ the following protections to ensure age verification:

(1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or

(2) the customer is required to upload a copy of his ~~or her~~ government-issued identification in addition to a current photograph of the customer; and

(3) delivery is made to the customer's name and address.

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(D) It is unlawful to sell a tobacco product ~~or an alternative nicotine product~~ through a vending machine ~~unless the vending machine is located in an establishment:~~

~~— (1) which is open only to individuals who are eighteen years of age or older; or~~

~~— (2) where the vending machine is under continuous control by the owner or licensee of the premises, or an employee of the owner or licensee, can be operated only upon activation by the owner, licensee, or employee before each purchase, and is not accessible to the public when the establishment is closed.~~

(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;

(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.

(2) In lieu of the fine, the court may require an individual, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Abuse Services approved merchant tobacco enforcement education program.

(3) A tobacco retailer who knowingly violates or permits an employee to violate a provision of subsections (A), (B), (C), (D), or (J) in the tobacco retail establishment is subject to an administrative penalty as follows:

(a) for a first violation, issued a warning;

(b) for a second violation within a thirty-six month period, fined not less than three hundred dollars;

(c) for a third violation within a thirty-six month period, fined not less than six hundred dollars;

(d) for a fourth and subsequent violation within a thirty-six month period, fined not less than one thousand two hundred dollars and the tobacco retailer is prohibited from selling or distributing tobacco products for a period of at least seven days and no greater than thirty days. For purposes of this subsection, a tobacco retailer that knowingly sells or distributes during the period that the tobacco retailer is prohibited from selling or distributing is subject to a fine of not more than two hundred dollars and is prohibited from selling or distributing tobacco products for an additional period of seven days, and

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(e) A tobacco retailer or tobacco retail establishment may request a contested case hearing for the fine or for the prohibition from selling or distributing tobacco products in front of the South Carolina Administrative Law Court, pursuant to the South Carolina Administrative Procedures Act, Section 1-23-310, et seq.

(4) In lieu of the fine and prohibition from selling or distributing tobacco products, the court may require the tobacco retailer or tobacco retail establishment's employees, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Services - approved merchant tobacco enforcement education program.

(5) Failure of an individual to require identification for the purpose of verifying a person's age is prima facie evidence of a violation of this section.

(6) Local law enforcement and the State Law Enforcement Division may enforce subsections (A), (B), (C), (D), (E), or (J). The Department of Revenue must administer the provisions of subsection (E)(3) and the State Law Enforcement Division may enforce subsection (E)(3).

(7) A violation of subsection (A), (B), (C), (D), or (J) is prima facie evidence of a violation of subsection (E)(3). The Department of Revenue is authorized to present evidence of a violation of subsection (A), (B), (C), (D), or (J) to establish the violation of subsection (E)(3). Evidence of compliance with a merchant tobacco enforcement education program is an affirmative defense to subsection (E)(3)(a) and (b).

~~(F)(1)(a) A minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product or an alternative nicotine product, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.~~

~~(b) A minor under the age of eighteen years is prohibited from entering a tobacco retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, unless the minor is actively supervised and accompanied by an adult.~~

~~(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco or alternative nicotine products. The testing must be conducted under the direct supervision of a law enforcement agency, and the law enforcement agency must have the minor's parental consent of a parent or legal guardian of the minor.~~

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(2) A minor who knowingly ~~violates a provision of item (1) in person, by agent, or in any other way~~misrepresents his age to purchase or attempt to purchase a tobacco product commits a noncriminal offense and is subject to a civil fine of twenty-five dollars. ~~The civil fine is subject to all applicable court costs, assessments, and surcharges.~~

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Health and Environmental Control - approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

~~—(4) If a minor fails to pay the civil fine, successfully complete a smoking cessation or tobacco prevention program, or perform the required hours of community service as ordered by the court, the court may restrict the minor's driving privileges to driving only to and from school, work, and church, or as the court considers appropriate for a period of ninety days beginning from the date provided by the court. If the minor does not have a driver's license or permit, the court may delay the issuance of the minor's driver's license or permit for a period of ninety days beginning from the date the minor applies for a driver's license or permit. Upon restricting or delaying the issuance of the minor's driver's license or permit, the court must complete and remit to the Department of Motor Vehicles any required forms or documentation. The minor is not required to submit his driver's license or permit to the court or the Department of Motor Vehicles. The Department of Motor Vehicles must clearly indicate on the minor's driving record that the restriction or delayed issuance of the minor's driver's license or permit is not a traffic violation or a driver's license suspension. The Department of Motor Vehicles must notify the minor's parent, guardian, or custodian of the restriction or delayed issuance of the minor's driver's license or permit. At the completion of the ninety day period, the Department of Motor Vehicles must remove the restriction or allow for the issuance of the minor's license or permit. No record may be maintained by the Department of Motor Vehicles of the restriction or delayed issuance of the minor's driver's license or permit after the ninety day period. The restriction or delayed issuance of the minor's driver's license or permit must not be considered by any insurance company for automobile insurance purposes or result in any automobile insurance penalty, including any penalty under the Merit Rating Plan promulgated by the Department of Insurance.~~

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~~(5)~~(4) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be ~~detained~~, taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine, successfully complete a smoking cessation or tobacco prevention program, or perform community service.

~~(6)~~(5) A violation of this subsection is not grounds for denying, suspending, or revoking an individual's participation in a state college or university financial assistance program including, but not limited to, a Life Scholarship, a Palmetto Fellows Scholarship, or a need-based grant.

~~(7)~~(6) The uniform traffic ticket, established pursuant to Section 56-7-10, may be used by law enforcement officers for a violation of this subsection, including civil penalties and warnings. A violation of subsection (F) does not constitute a criminal offense. A law enforcement officer issuing a uniform traffic ticket pursuant to this subsection must immediately seize the tobacco product ~~or alternative nicotine product~~. ~~The law enforcement officer also must notify a minor's parent, guardian, or custodian of the minor's offense, if reasonable, within ten days of the issuance of the uniform traffic ticket.~~

(G) This section does not apply to the possession of a tobacco product ~~or an alternative nicotine product~~ by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

(H) Jurisdiction to hear a violation of this section is vested exclusively in the municipal court and the magistrates court. A hearing pursuant to subsection (F) must be placed on the municipal or magistrates court's appropriate docket for traffic violations, and not on the court's docket for civil matters. For the purposes of contesting a tobacco retailer being fined or prohibited from selling or distributing tobacco products under subsection (E)(3), the jurisdiction is vested in the South Carolina Administrative Law Court.

(I) A retail establishment ~~that distributes tobacco products or alternative nicotine products~~ must train all tobacco retail sales employees regarding the unlawful distribution of tobacco products ~~or alternative nicotine products~~ to minors.

(J)(1) A tobacco retail establishment that has as its primary purpose the sale of tobacco products, ~~alternative nicotine products, or both~~, must prohibit minors under the age of eighteen years ~~of age~~ from entering the tobacco retail establishment, unless the minor is actively supervised and

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accompanied by an adult, and shall determine whether a person is at least eighteen years by requiring proper proof of age in accordance with subsection (B), prior to the ~~purchase-sale~~ of a tobacco ~~or alternative nicotine~~ product.

(2) A tobacco retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states "NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to ~~purchasesale~~.";

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(3) For purposes of this section, whether a tobacco retail establishment has as its primary purpose the sale of tobacco products, ~~alternative nicotine products, or both,~~ must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the tobacco retail establishment's business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco ~~and alternative nicotine~~ products.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.

SECTION X. Section 16-17-501 of the S.C. Code is amended to read:

Section 16-17-501. As used in this section and Sections 16-17-500, 16-17-502, 16-17-503, ~~and~~ 16-17-504, and 16-17-506:

(1) "Distribute" means to sell, furnish, give, ~~or provide, or attempt to do so, whether gratuitously or for any type of compensation,~~ tobacco products ~~and alternative nicotine products,~~ including tobacco product samples ~~and alternative nicotine product samples,~~ cigarette paper, or a substitute for them, to the ultimate consumer.

(2) "Distribution" means the act of selling, furnishing, giving, providing, or attempting to do so, whether gratuitously or for any type of compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(3) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-

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cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic smoking device” includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance includes nicotine. “Electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(4) “E-liquid” means a substance that:

(a) may or may not contain nicotine;

(b) is intended to be vaporized and inhaled using an electronic smoking device; and

(c) is a legal substance under the laws of this State and the laws of the United States.

“E-liquid” does not include cannabis or CBD as defined under the laws of this State and the laws of the United States unless it also contains nicotine.

(2)(5) “Proof of age” means a driver's license or identification card issued by this State or any other state or a United States Armed Services identification card.

(3)(6) “Sample” means a tobacco product or an alternative nicotine product distributed to members of the general public at no cost for the purpose of promoting the products.

(4)(7) “Sampling” means the distribution of samples to members of the general public in a public place.

(5)(8) “Tobacco product” means: a product that contains tobacco and is intended for human consumption. “Tobacco product” does not include an alternative nicotine product.

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(c) any component, part, or accessory of item (a) or item (b), whether or not any of these contain tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination

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products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(9) “Tobacco retail establishment” means any place of business where tobacco products are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(10) “Tobacco retailer” means any person, partnership, joint venture, society, club, trustee, trust association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the nonmanagement employees of any tobacco retail establishment.

~~—(6) “Alternative nicotine product” means any vaping product, whether or not it includes nicotine, including electronic smoking devices, that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. “Alternative nicotine product” does not include:~~

~~—(a) a cigarette, as defined in Section 12-21-620, or other tobacco products, as defined in Section 12-21-800;~~

~~—(b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1);~~

~~—(c) a device pursuant to 21 U.S.C. 321(h); or~~

~~—(d) a combination product described in 21 U.S.C. 353(g).~~

~~—(7) “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, vapor product, or e-hookah. “Electronic smoking device” includes any component, part or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance includes nicotine. “Electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.~~

~~—(8) “E-liquid” means a substance that:~~

~~—(a) may or may not contain nicotine;~~

~~—(b) is intended to be vaporized and inhaled using a vapor product; and~~

~~—(c) is a legal substance under the laws of this State and the laws of the United States;~~

~~—E-liquid does not include cannabis or CBD as defined under the laws of this State and the laws of the United States.~~

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~~—(9) “Vapor product” means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.~~

SECTION X. Section 16-17-502 of the S.C. Code is amended to read:

Section 16-17-502. (A) It is unlawful for a person to distribute a tobacco product ~~or an alternative nicotine product~~ sample to a person under the age of eighteen years.

(B) A person engaged in sampling shall demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of eighteen years.

(C) A person violating this section is subject to ~~a civil penalty of not more than twenty-five dollars for a first violation, not more than fifty dollars for a second violation, and not less than one hundred dollars for a third or subsequent violation. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age is a defense to an action brought pursuant to this section~~ the penalties set forth in Section 16-17-500(E).

(D) A tobacco retail establishment violating this section is subject to administrative penalties as provided in Section 16-17-500(E)(3).

SECTION X. Section 16-17-503 of the S.C. Code is amended to read:

Section 16-17-503. (A) ~~Except as otherwise provided by law, the Director of the Department of Revenue shall provide for the enforcement of Sections 16-17-500 and 16-17-502 in a manner that reasonably may be expected to reduce the extent to which tobacco products or alternative nicotine products are sold or distributed to persons under the age of eighteen years and annually shall conduct random, unannounced inspections at locations where tobacco products or alternative nicotine products are sold or distributed to ensure compliance with the section. The department shall designate an enforcement officer to conduct the annual inspections. The State Law Enforcement Division may conduct unannounced compliance checks for violations of Sections 16-17-500, 16-17-502, and 16-17-506. A person under the age of eighteen may be recruited and authorized by the State Law Enforcement Division to test the tobacco retail establishment’s compliance with Sections 16-17-500, 16-17-502, and 16-17-506. The testing must be under direct supervision of a law enforcement agency and with the consent of the person’s parent or guardian. The State Law Enforcement Division must notify the Department of Revenue of violations under Section 16-17-500(E)(3). The results of compliance checks resulting in a tobacco retailer being prohibited from selling or distributing tobacco products must be published by the Department of Revenue annually and made available to~~

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the public upon request. Penalties collected pursuant to ~~Section~~ Sections 16-17-500, 16-17-502, and 16-17-506 must be used to offset the costs of enforcement.

(B) The Director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall conduct random, unannounced inspections at locations where tobacco products are sold and at locations that have notified the Department of Revenue under Section 12-36-511 that the tobacco retailer sells or distributes tobacco products. A person under the age of twenty-one may be recruited and authorized by a law enforcement agency on behalf of the Department of Alcohol and Other Drug Abuse Services to test a tobacco retail establishment's compliance with federal laws relating to the unlawful sale of tobacco to minors for the purposes of federal reporting requirements. The Director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall provide for the preparation of and submission annually to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. 300x-26) and otherwise is responsible for ensuring the state's compliance with that provision of federal law and implementing regulations promulgated by the United States Department of Health and Human Services.

SECTION X. Section 16-17-504 of the S.C. Code is amended to read:

Section 16-17-504. (A) Sections 16-17-500, 16-17-502, ~~and 16-17-503, and 16-17-506 must be implemented in an equitable and uniform manner throughout the State and enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. Any laws, ordinances, or rules enacted pertaining to tobacco products or alternative nicotine products may not supersede state law or regulation. Nothing in this section affects the right of any person having ownership or otherwise controlling private property to allow or prohibit the use of tobacco products or alternative nicotine products on the property.~~

(B) Smoking ordinances in effect before the effective date of this act are exempt from the requirements of subsection (A).

SECTION X. Section 16-17-506 of the S.C. Code is amended to read:

Section 16-17-506. ~~(A)~~ (A) For purposes of this section, "container" means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the customer.

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~~(2)(B)~~ It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

~~(a)(1)~~ the container satisfies the requirements of 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;

~~(b)(2)~~ the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; and

~~(c)(3)~~ the container complies with federal trademark or copyright laws.

~~(3)(C)~~ A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection ~~(2)(B)~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

~~(4)(D)~~ In addition to the other penalties provided by law, law enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.

(E) Any tobacco retailer or tobacco retail establishment that permits an employee to violate or knowingly violates subsection (B) is subject to the penalties in Section 16-17-500(E)(3).

SECTION X. Section 59-1-380 of the S.C. Code is amended to read:

Section 59-1-380. (A) ~~By August 1, 2019, every~~ Every local school district in the State shall ~~adopt, implement, and enforce~~ a written policy prohibiting at all times the use of any tobacco product ~~or alternative nicotine product~~ by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product ~~or alternative nicotine product~~ by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

(1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;

(2) posting of signs prohibiting at all times the use of tobacco products ~~or alternative nicotine products~~ by any person in and on school property; and

(3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

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(C) Disciplinary actions for violating the policy may include, but not be limited to:

(1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;

(2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;

(3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and

(4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products ~~or alternative nicotine products~~ to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product ~~or alternative nicotine product~~.

(F) For purposes of this section:

~~—(1) “Tobacco~~ “tobacco product” has the same meaning as defined in Section 16-17-501.

~~—(2) “Alternative nicotine product” has the same meaning as defined in Section 16-17-501.~~

SECTION X. Chapter 36, Title 12 of the S.C. Code is amended by adding:

Section 12-36-511. A retailer must submit whether it sells tobacco, tobacco products, including electronic smoking devices or e-liquid, as defined in Section 16-17-501(3) and (4), or any other product used for smoking with its retail application. A retailer not previously designated as a tobacco retail establishment, as defined in Section 16-17-500, shall notify the department in the manner proscribed by the department prior to selling tobacco products. For the purposes of this section, tobacco retailers and tobacco retail establishments that have a retail license must supplement their retail license application to notify the department that

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they sell or distribute tobacco or tobacco products. For the purposes of this section, a retailer that sells tobacco, tobacco products, or any other product used for smoking that does not disclose on their initial retail application or supplement their retail license application is subject to a fine of not more than two hundred dollars and must file within fifteen days of notification of a failure to file. A retailer that fails to file within fifteen days after the notification is subject to a fine of two thousand dollars.

Amend the bill further, by striking SECTION 4 and inserting:

SECTION 4. This act takes effect ninety days after approval by the Governor except SECTION 1, SECTION 2, and SECTION 3 which take effect upon approval by the Governor.
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator KIMPSON proposed the following amendment (LC-3681.VR0010S), which was tabled:

Amend the bill, as and if amended, SECTION X, Section 16-17-501, by striking item (8) and inserting:

~~(5)(8) "Tobacco product" means: a product that contains tobacco and is intended for human consumption. "Tobacco product" does not include an alternative nicotine product.~~

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or flavored tobacco product. For purposes of this item, "flavored tobacco product" means any tobacco product that imparts a taste or odor distinguishable by an ordinary consumer, other than the taste or odor of tobacco, either prior to or during the consumption of such tobacco product including, but not limited to, tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice, or a cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product;

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(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(c) any component, part, or accessory of (a) or (b), whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Point of Quorum

Senator SENN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator SENN moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 15; Nays 26

AYES

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen

McLeod	Sabb	Scott
Senn	Stephens	Williams

Total--15

NAYS

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hutto	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach

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Rice	Setzler	Shealy
Verdin	Young	

Total--26

Having failed to receive the necessary vote, the Senate refused to adjourn.

Senator KIMPSON resumed speaking on the amendment.

Senator VERDIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 16

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Scott
Senn	Setzler	Stephens
Williams		

Total--16

The amendment was laid on the table.

Amendment No. 4

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Senator KIMPSON proposed the following amendment (LC-3681.VR0015S), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Article 7, Chapter 17, Title 16 of the S.C. Code is amended by adding:

Section 16-17-509. The sale of any flavored tobacco product is prohibited in the State of South Carolina.

Renumber sections to conform.

Amend title to conform.

On motion of Senator McELVEEN, the amendment was carried over.

Amendment No. 5

Senator McELVEEN proposed the following amendment (LC-3681.VR0018S), which was tabled:

Amend the bill, as and if amended, by:

SECTION 1. Chapter 95, Title 44 of the 1976 Code is amended to read:

“CHAPTER 95

South Carolina Clean Indoor Air Act

~~Section 44-95-10. This chapter may be cited as the Clean Indoor Air Act of 1990.~~

~~Section 44-95-20. It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public indoor areas except where a smoking area is designated as provided for in this chapter:~~

~~(1) public schools and preschools;~~

~~(2) all other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other childcare facilities, as defined in Section 63-13-20, which are licensed pursuant to Chapter 13, Title 63;~~

~~(3) health care facilities as defined in Section 44-7-130, except where smoking areas are designated in employee break areas. However, nothing in this chapter prohibits or precludes a health care facility from being smoke free;~~

~~(4) government buildings, except health care facilities as provided for in this section, except that smoking may be allowed in enclosed private offices and designated areas of employee break areas. However, smoking policies in the State Capitol and Legislative Office Buildings must be determined by the office of government having control over its respective area of the buildings. "Government buildings" means buildings or portions of buildings which are leased or operated under the~~

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~~control of the State or any of its political subdivisions, except those buildings or portions of buildings which are leased to other organizations or corporations;~~

~~(5) elevators;~~

~~(6) public transportation vehicles, except for taxicabs;~~

~~(7) arenas and auditoriums of public theaters or public performing art centers. However, smoking areas may be designated in foyers, lobbies, or other common areas, and smoking is permitted as part of a legitimate theatrical performance; and~~

~~(8) buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning, as defined in Section 59-103-5, that the governing board of the institution has designated as nonsmoking.~~

~~Section 44-95-30. In areas where smoking is permitted in Section 44-95-20, the owner, manager, or agent in charge of the premises or vehicle referenced in Section 44-95-20 shall conspicuously display signs designating smoking and nonsmoking areas alike, except that signs are not required in private offices.~~

~~Section 44-95-40. In complying with Section 44-95-30, the owner, manager, or agent in charge of the premises shall make every reasonable effort to prevent designated smoking areas from impinging upon designated smoke-free areas by the use of existing physical barriers and ventilation systems.~~

~~Section 44-95-50. A person who violates Section 44-95-20, 44-95-30 or 44-95-40 of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars nor more than twenty-five dollars.~~

~~Section 44-95-60. No person in this State is authorized to require any other person to submit to any form of testing to determine whether or not the person has nicotine or other tobacco residue in his body.~~

Section 44-95-10. This chapter shall be known as the South Carolina Clean Indoor Air Act of 2023.

Section 44-95-20. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

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(2) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

(3) “Electronic smoking device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(4) “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who volunteers his or her services for a nonprofit entity.

(5) “Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

(6) “Enclosed area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

(7) “Health care facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(8) “Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

(9) “Place of employment” means an area under the control of a public or private employer including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms,

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meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.

(10) “Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on State grounds or grounds of any political subdivision of the State.

(11) “Private club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

(12) “Public event” means an event which is open to and may be attended by the general public including, but not limited to, such events as concerts, fairs, farmers’ markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

(13) “Public place” means an area to which the public is invited or in which the public is permitted including, but not limited to, banks, bars, educational facilities, gambling facilities, health care facilities, hotels and motels, laundromats, parking structures, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

(14) “Recreational area” means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged including, but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.

(15) “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and

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public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

(16) “Service line” means an indoor or outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money including, but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

(17) “Shopping mall” means an enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.

(18) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this chapter.

(19) “Sports arena” means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Section 44-95-30. All enclosed areas, including buildings and vehicles owned, leased, or operated by the State or any of its subdivisions, as well as all outdoor property adjacent to such buildings and under the control of the State, shall be subject to the provisions of this chapter.

Section 44-95-40. Smoking is prohibited in all enclosed public places within the State of South Carolina including, but not limited to, the following places:

- (1) aquariums, galleries, libraries, and museums;
- (2) areas available to the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, professional offices, and retail service establishments;
- (3) bars;
- (4) bingo facilities;
- (5) childcare and adult day care facilities;
- (6) convention facilities;

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- (7) educational facilities, both public and private;
- (8) elevators;
- (9) gambling facilities;
- (10) health care facilities;
- (11) hotels and motels;
- (12) lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (13) parking structures;
- (14) polling places;
- (15) public transportation vehicles, including buses and taxicabs, under the authority of the State, and public transportation facilities, including bus, train, and airport facilities;
- (16) restaurants;
- (17) restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (18) retail stores;
- (19) rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the State or a political subdivision of the State;
- (20) service lines;
- (21) shopping malls;
- (22) sports arenas, including enclosed places in outdoor arenas;
- (23) theatres and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Section 44-95-50. (A) Smoking is prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(B) This prohibition on smoking must be communicated to all existing employees by the effective date of this chapter and to all prospective employees upon their application for employment.

Section 44-95-70. Smoking is prohibited in the following enclosed residential facilities:

- (1) all private and semiprivate rooms in nursing homes; and
- (2) all hotel and motel guest rooms.

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Section 44-95-80. Smoking is prohibited in the following outdoor places:

(1) Within a reasonable distance of twenty feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.

(2) On all outdoor property that is adjacent to buildings owned, leased, or operated by the State and that is under the control of the State.

(3) In, and within twenty feet of, outdoor seating or serving areas of restaurants, bars, and gambling facilities.

(4) In outdoor shopping malls, including parking structures.

(5) In all outdoor arenas, stadiums, and amphitheaters. Smoking is also prohibited in, and within twenty feet of, bleachers and grandstands for use by spectators at sporting and other public events.

(6) In outdoor recreational areas, including parking lots.

(7) In, and within twenty feet of, all outdoor playgrounds.

(8) In, and within twenty feet of, all outdoor public events.

(9) In, and within twenty feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the State or any of its subdivisions.

(10) In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within twenty feet of the point of service.

(11) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent of the total outdoor common area, which must be located at least twenty feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Section 44-95-90. (A) Smoking is prohibited in all outdoor places of employment where two or more employees are required to be in the course of their employment. This includes, without limitation, work areas, construction sites, and temporary offices such as trailers, restroom facilities, and vehicles.

(B) This prohibition on smoking must be communicated to all existing employees by the effective date of this chapter and to all prospective employees upon their application for employment.

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Section 44-95-100. Notwithstanding any other provision of this chapter to the contrary, smoking shall not be prohibited in private residences, unless used as a childcare, adult day care, or health care facility.

Section 44-95-110. Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking is prohibited in any place in which a sign conforming to the requirements of Section 44-95-120 is posted.

Section 44-95-120. The owner, operator, manager, or other person in control of a place of employment, public place, private club, or residential facility where smoking is prohibited by this chapter shall:

(1) clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place;

(2) clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post "No Smoking" signs in appropriate locations as determined by the South Carolina Department of Health and Human Services or an authorized designee;

(3) clearly and conspicuously post on every vehicle that constitutes a place of employment under this chapter at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited; and

(4) remove all ashtrays from any area where smoking is prohibited by this chapter, except for ashtrays displayed for sale and not for use on the premises.

Section 44-95-130. (A) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter. Notwithstanding any provision to the contrary, violation of this subsection is a misdemeanor, punishable by a fine not to exceed one thousand dollars for each violation.

(B) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 44-95-140. The South Carolina Department of Health and Human Services shall adopt rules and promulgate regulations as are

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necessary and reasonable to implement the provisions of this chapter. Notice of the provisions of this chapter must be given to all applicants for a business license in the State.

Section 44-95-150. (A) This chapter must be enforced by local health departments, city managers, county administrators, and their authorized designees.

(B) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the local health department, city manager, or county administrator.

(C) Local health departments, fire departments, and their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.

(D) An owner, manager, operator, or employee of an area regulated by this chapter shall direct a person who is smoking in violation of this chapter to extinguish or turn off the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

(E) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.

(F) In addition to the remedies provided by the provisions of this section, local health departments, city managers, county administrators, and any persons aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 44-95-160. (A) A person who smokes in an area where smoking is prohibited by the provisions of this chapter is guilty of an infraction, punishable by a fine not exceeding fifty dollars.

(B) Except as otherwise provided in this chapter, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter is guilty of an infraction, punishable by:

(1) a fine not exceeding one hundred dollars for a first violation;

(2) a fine not exceeding two hundred dollars for a second violation within one year;

(3) a fine not exceeding five hundred dollars for each additional violation within one year.

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(C) In addition to the fines established by this section, violation of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(D) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by restraining order, preliminary and permanent injunction, or other means provided for by law.

(E) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

Section 44-95-170. Nothing in this chapter shall be construed to prevent a political subdivision of the State from adopting local ordinances or regulations relating to smoking in workplaces and public places that are more restrictive than this chapter, nor does this chapter repeal any existing local ordinances or regulations that provide restrictions on smoking that are equivalent to, or greater than, those provided by this chapter.

Section 44-95-180. The South Carolina Department of Health and Human Services shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.

Section 44-95-190. This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable state or local laws.

Section 44-95-200. This chapter shall be liberally construed so as to further its purposes.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 15

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell

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Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Setzler	Stephens	Williams

Total--15

The amendment was laid on the table.

Amendment No. 6

Senator McELVEEN proposed the following amendment (LC-3681.VR0016S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION t read:

SECTION X. Section 12-21-620(B) of the S.C. Code is amended to read:

(B) As used in this section, "cigarette" means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing ~~three~~ four and a half (4.5) pounds per thousand or less, ~~however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1) of this subsection.~~ except those wrapped entirely in tobacco leaf that do not have a filter; and

(3) any roll for smoking containing tobacco wrapped in any substance, however labeled or named, which because of its appearance,

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size, the type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, purchased by, or consumed by consumers as described in item (1).

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 15

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Peeler
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	Kimpson
Malloy	Matthews	McElveen
McLeod	Rankin	Sabb
Setzler	Stephens	Williams

Total--15

The amendment was laid on the table.

Senator McELVEEN asked unanimous consent to proceed to Amendment No. 4.

Amendment No. 4

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Senator KIMPSON proposed the following amendment (LC-3681.VR0015S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Article 7, Chapter 17, Title 16 of the S.C. Code is amended by adding:

Section 16-17-509. The sale of any flavored tobacco product is prohibited in the State of South Carolina.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 17

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Matthews	McElveen
McLeod	Rankin	Sabb
Senn	Setzler	Stephens
Talley	Williams	

Total--17

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The amendment was laid on the table.

Remarks by Senator KIMPSON

I want to go to amendment number four, sometimes the Spirit moves you. I was moved by the Spirit. And the spirit moves in mysterious ways. Something told me about amendment number four. I just said I have to go to amendment four. I'm not going to be long; I know there is angst. We have a lot of Bills to talk about tonight. I have passed out a graphic, and seriously, I want everybody to take a moment to review the graphic. I quoted a local principal earlier, and I think it was as I was bantering with Senator FANNING, and he was asking me questions about local power. What happened in this area -- and I don't want to single out the area -- because then we're going to have Legislation to target that local representative. They noticed that kids were bringing all kind of vape machines to class. And that's what is going on. You all walk outside, you see people smoking these machines. They are part of this nicotine delivery system. We talked about that earlier. We got a nicotine delivery system that's killing -- killing our children. Why we are talking about rolling over for big tobacco escapes me. I read the data and I'm not going to belabor the point, but I based my decisions on the data. But these are packages, and my understanding, Senator MARTIN, is that in three days the local government official collected all of these nicotine delivery systems. Now, I don't know what you call them -- but we read out many of the flavors, and that's what this amendment does. If we, Senator VERDIN, want to do something big to protect children -- this amendment is something big. It bans flavored products in the State of South Carolina. We say we want state regulation. If we're going to protect children, let's ban these flavors. This is how the nicotine delivery system hooks kids.

We talked about the National Master Settlement Agreement of 1998. That was why the tobacco case was fought. Because we saw an escalating level of addiction, starting with adults, but what all the tobacco companies did is shift their focus to children. I read some of the quotes. I just want to quickly read another one. "Evidence is now available to indicate that the fourteen to eighteen year old group is an increasing segment of the smoking population." Think about that for a minute. Now, this is a RJ Reynolds executive. "We must soon establish a successful brand in this market if our position in the industry is to be maintained in the long term." That is big tobacco saying, look, we have to target the children. How do we target the children? We design a product to entice the children. This amendment gets to how they plan to

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target the children. With all due respect to Senator HUTTO, they are not going to be deterred by that weak amendment. I'm just saying, that's a fact. I read out the market capitalization, if big tobacco can pay, they are rejoicing in the halls of D.C. That's going to be Exhibit A. This amendment, sponsored by the Minority Leader, Senator HUTTO, is going to be Exhibit A in legislatures all across the country to get this Legislation passed in other states. I take my colleague at his good word. This is a bad Bill that he is trying to make better. But, you can't put lipstick on a pig. It is still a pig. You can put it on there, but it is still a pig. Even the milk man knows that it is still a pig. If you all want to really do something to protect our children, my amendment is bold stuff. I've studied the issue, and I've heard the debate. By the way, we only started debating this Bill today. This is a major sweeping piece of Legislation. We are doing major heavy lifting in one night. You all have been talking about it in caucus. But we haven't had robust debate. We are fooling ourselves. I know some of you are saying, Senator KIMPSON, we got to go home. We can't tie up the Senate's time with hearing substantive amendments on the Bill. We got our marching orders. We got to get this done. Why do you have to get it done? We are talking about a nicotine delivery system that's killing our children. I don't know what a cigarillo is, but I've read a lot of the products, and what I'm saying is the tobacco companies claim that they have stopped intentionally marketing to kids and targeting youth, but their actions speak louder than their words. And all you got to do is look at the data. This is what was collected. I don't want little Marleigh and, I don't want little Marlon trying to be cool by smoking these nicotine devices. I've brought with me today, ads, and I brought plenty of them. Hey, kids, Elmo says to be cool, you got to hit the Juul. (Shows graphic) -- look, nicotine delivery system. What are we doing? This is how sophomores look at their Juul when it is almost out of juice. (Shows graphic) We just put \$11 million in our coffers from suing big tobacco. This year, we took in \$80 billion. We still have \$2 billion coming in 2025 from suing big tobacco. Why did we sue them? To prevent them from addicting not only our children but our adults. You all on Senate Finance, you all get the financials. Why we going to kowtow? That's what we are doing. We are kowtowing? I mean, you all laugh. But, you know, I'm not going to be here much longer. And I don't know what is going to happen next year. Senator McELVEEN, will be here, and I'm going to tell you, I'm going to send all of you an email when big tobacco starts to rollback the weak Legislation that Senator HUTTO proposed. Because they are coming back for weaker Legislation -- Senator HUTTO did his best to tighten the Legislation and send a

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message. The State will now regulate, without local ordinances, nicotine delivery. Next they will come back to repeal smoking bans. Those were locally passed ordinances, and I don't know about you but I don't enjoy going into a restaurant or going into an establishment and coming out smelling like a nicotine stack. I went to Las Vegas, two weeks ago, and in Las Vegas, you can smoke inside. I had not been to Las Vegas since the COVID pandemic. I had forgotten that you can smoke inside. My whole suitcase smelled like nicotine. All we're doing, by passing this Legislation, it is called preemption -- you can say the municipalities can preserve their power. The nature of the Bill is to take -- we're taking their tools. You've said that the municipalities aren't doing anything. If the Legislation isn't doing anything, why does big tobacco want it? We have to use our collective minds to deduce the fact that this is favorable to the industry. As I said, at the outset, this is one of the most lethal, most potent, deadly drugs in a delivery system and it is a gateway system to using more dangerous drugs -- just like opioids, just like many other drugs. I won't say marijuana, because I'm a supporter of medical marijuana for its stated purposes, and I think the record bears that out, but what I am saying is most of these people started with nicotine. That's just a fact. I haven't researched it, but I believe that to be true. Here is another ad, you got the teacher, and you got the students all together smoking that nicotine. (Shows graphic) -- smoking that nicotine. I don't smoke, and I don't want to smell like smoke, and I don't want my children subjected to the smoke. So, Mr. PRESIDENT, I move that we adopt after questions.

On motion of Senator SABB, with unanimous consent, the remarks of Senator KIMPSON were ordered printed in the Journal.

Amendment No. 12

Senator SENN proposed the following amendment (SR-3681.JG0019S), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 6 of the S.C. Code is amended by adding:

Section 6-1-195. (A) "Short term rental" means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for residential use for a fee and for any period of time fewer than ninety consecutive days.

(B) A political subdivision, governing body of a municipality, county, or other political subdivisions of this State may not enact any laws,

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ordinances, or rules or enforce any ordinances, resolutions, or regulations that prohibit short-term rentals at properties assessed at the six percent rate.

(C)(1) A political subdivision, governing body of a municipality, county, or other political subdivisions of this State that assess or collects the six percent property assessment ratio for qualifying real property pursuant to Section 12-43-220(e) in violation of subsection (B) shall not be allowed to collect more than a four percent property assessment ratio.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Point of Order

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator SENN spoke on the Point of Order.

Senator VERDIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 13

Senator SENN proposed the following amendment (SR-3681.JG0025S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 6-1-630 of the S.C. Code is amended to read:

Section 6-1-630. (A) The governing body of a qualified coastal municipality by ordinance, subject to a referendum, may impose a beach preservation fee not to exceed ~~one~~two percent.

(B) Upon the adoption of an ordinance calling for a referendum, the county election commission shall conduct a referendum at the time specified in the ordinance on the question of implementing a one percent beach preservation fee. The state election laws apply to the referendum, mutatis mutandis. The county election commission shall publish the results of the referendum to certify them to the governing body. The

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beach preservation fee must not be imposed unless a majority of the qualified electors residing in the municipality voting in the referendum vote in favor of the referendum.

(C)(1) The ballot must read substantially as follows:

“Must an additional ~~one~~ two percent beach preservation fee be added to the accommodations tax for the purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches, dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system, and maintenance of public beach accesses within the corporate limits of .

Yes ☐

No ☐

(2) If the question is not approved at the initial referendum, the governing body may, by an ordinance meeting the requirements of this section, call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty-four month period on the Tuesday following the first Monday in November in even-numbered years.

(3) Once a week for the four weeks immediately preceding the referendum, the governing body of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a description of and the specific uses for the beach preservation fee. The governing body also must publish notice on its website in the same manner.

(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed pursuant to Section 6-1-520 and must not be deemed cumulative with the local accommodations tax or fee rate for the purposes of Section 6-1-540.

(E) All proceeds from the beach preservation fee must be kept in a separate fund segregated from the governing body's general fund. All interest generated by the beach preservation fee fund must be credited to the beach preservation fee fund.

(F) If the local governing body prohibits short term rentals, the two percent beach preservation fee does not apply, and the fee collected may not exceed one percent.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

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The amendment was laid on the table.

Amendment No. 1

Senator SENN proposed the following amendment (SR-3681.JG0007S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to short term rentals or ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e-liquid, vapor products, tobacco products, alternative nicotine products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

On motion of Senator SENN, the amendment was withdrawn.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 16

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner
Verdin	Young	

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Total--26

NAYS

Allen	Fanning	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Senn
Setzler	Stephens	Talley
Williams		

Total--16

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

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Amendment No. 1

Senator CROMER proposed the following amendment (LC-3952.SA0010S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 37-2-307 of the S.C. Code is amended to read:

Section 37-2-307. (A) As used in this section:

~~—(1) Every motor vehicle dealer charging closing fees on a motor vehicle sales contract shall pay a one-time registration fee of ten dollars during each state fiscal year before January thirty-first to the Department of Consumer Affairs. The department shall set the fee annually in an amount not to exceed twenty-five dollars.~~

~~—(2) The closing fee must be included in the advertised price of the motor vehicle, disclosed on the sales contract, and displayed in a conspicuous location in the motor vehicle dealership.~~

~~—(B) A closing fee is defined as a fee charged for recovery of a motor vehicle dealer's actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer, person, or entity including, but not limited to, compliance with all state, federal, and lender requirements, preparation and retrieval of documents, protection of the private personal information of the consumer, records retention, and storage costs.~~

(2) "Department" means the South Carolina Department of Consumer Affairs.

(3) "Dealer" means a "motor vehicle dealer" as defined in Section 56-15-10.

(B)(1) Every dealer charging closing fees in a motor vehicle sale or lease transaction shall pay a filing fee of ten dollars to the department each time the dealer provides notice of a new closing fee amount to the department. The department shall set the filing fee annually in an amount not to exceed twenty-five dollars.

(2) The closing fee must be disclosed on the motor vehicle sale or lease contract, displayed in a conspicuous location in the motor vehicle dealership, and clearly and conspicuously disclosed in any advertisement of a specific motor vehicle for sale or lease.

(C)(1) Prior to charging a closing fee, a motor vehicle dealer shall provide written notice to the department of Consumer Affairs of the maximum amount of a the closing fee the dealer intends to charge on an annual basis.

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(2) If the maximum amount of the proposed closing fee the dealer intends to charge is not more than two hundred twenty-five dollars for each vehicle, the closing fee is considered to be approved by the department, and the dealer does meet and fulfill all reasonable requirements and criteria in compliance with this section. If the proposed closing fee exceeds two hundred twenty-five dollars, the department may review the amount of the closing fee for reasonableness using the criteria in item (3) (5). ~~if the maximum amount of the closing fee intended to be charged by a dealer in a vehicle transaction exceeds two hundred twenty-five dollars per vehicle. The department shall not conduct a review of the amount of the closing fee for reasonableness when the maximum amount the dealer intends to charge in a vehicle transaction is not more than two hundred twenty-five dollars per vehicle.~~

(3) If the department intends to conduct a formal review of a proposed closing fee, the department shall provide written notice to the ~~motor vehicle~~ dealer of the department's intention to review the proposed closing fee within thirty-five days of receiving the complete proposed closing fee notice. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings within thirty days of receiving the complete proposed closing fee notice. If the department does not provide a ~~motor vehicle~~ the dealer with written notice of the department's intention to review approval of the proposed closing fee within thirty days of receiving the proposed closing fee notice, the ~~motor vehicle~~ dealer is authorized to charge the proposed closing fee. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review.

(4) The dealer is at all times authorized to submit a new closing fee that is equal to or less than two hundred twenty-five dollars per vehicle which is not subject to review. If the department finds that a proposed closing fee is not reasonable, the dealer may request a hearing in accordance with the Administrative Procedures Act. During the pendency of the department's review period, a ~~motor vehicle dealer or the pendency of any action before the Administrative Law Court, the dealer~~ is authorized to charge a closing fee at an amount not to exceed the amount most recently on file and permitted to be charged by the department. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.

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~~— (2) If the maximum amount of the closing fee that the dealer intends to charge is not more than two hundred twenty five dollars per vehicle, the closing fee is deemed approved by the department and the dealer does meet and fulfill all reasonableness requirements and criteria in compliance with the law and this section.~~

~~— (3) In determining the reasonableness of a closing fee, the department shall allow the following items to be included in a reasonable closing fee:~~

~~— (a) all administrative~~

~~— (5)(a) In determining the reasonableness of a closing fee, the department shall accept and allow all of the dealer's actual costs and expenses, including, but not limited to, employee compensation, information processing, facilities costs, staff, supplies, and materials, and financial work needed to transfer the motor vehicle to the consumer and to procure the associated with the following closing and delivery activities:~~

~~— (i) closing of the motor vehicle sale or lease transaction, including any associated loan or lease and transferring title of the motor vehicle to the consumer;~~

~~— (b) all costs for administrative expenses, costs, staff, supplies, and materials necessary by the dealer to comply with all state, federal, and lender requirements;~~

~~— (c) all costs for administrative costs, staff, and materials needed for the preparation and retrieval of documents;~~

~~— (d) all costs for administrative costs, staff, supplies, and materials necessary for the protection of the private personal information of the consumer; and~~

~~— (e) all costs for administrative costs, staff, supplies, and materials necessary for records retention and storage costs of such records.~~

~~— (ii) delivering the motor vehicle to the consumer;~~

~~— (iii) complying with all state, federal, and lender requirements;~~

~~— (iv) preparing, storing, and retrieving transaction documents; and~~

~~— (v) protecting the private personal information of the consumer.~~

~~— (b) Dealer costs must be calculated using generally accepted cost accounting principles for the preceding twelve-month period.~~

~~— (c) In determining the reasonableness of a closing fee, the department may compare a particular dealer's costs only with other similarly situated dealers.~~

~~(D) Whether the vehicle transaction is a credit sale, consumer lease, or cash transaction:~~

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(1) notwithstanding ~~another~~ any other provision of law, a ~~motor vehicle~~ dealer who complies with this section and any regulation promulgated under it and who charges a closing fee is not engaging in any action which is arbitrary, in bad faith, unconscionable, an unfair or deceptive practice, or an unfair method of competition for purposes of Sections 56-15-30, ~~and~~ 56-15-40, and 39-5-20 with regard to the charging of a closing fee and may lawfully charge a closing fee;

(2) a ~~motor vehicle~~ dealer may assert any defenses provided to a creditor pursuant to the provisions of this title; and

(3) a purchaser injured or damaged by an action of a ~~motor vehicle~~ dealer in violation of this section or any regulation promulgated thereunder, may assert the remedies available pursuant to the provisions of this title.

(E)(1) The ~~Department~~ department of Consumer Affairs shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as~~ limited to, by this section. The department ~~shall~~ may make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle~~ dealer's ~~books, accounts, and records,~~ but only to the extent necessary to determine if the ~~dealer is~~ complying dealer's compliance with the disclosure provisions of ~~this section~~ subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(5), and this financial information must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act. In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:~~

~~(a) promote education for consumers and best practices for dealers; and~~

~~(b) mediate complaints between a consumer and a dealer, whenever possible.~~

~~(3) The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a provision of this section or a provision of this title related to closing fees. In administering and enforcing this section:~~

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(a) The department must provide a written notice by certified mail to the dealer regarding the complaint or other credible evidence. If the department's records show an email address for the dealer, the department must also send an email to the dealer. This written notice must contain sufficient information for the dealer to identify documents related to the alleged violation, request only such information as is reasonably related to the alleged violation, and state that the dealer may provide a written response to the allegation.

(b) The dealer must respond to the department's notice within forty-five days from the date the written notice described in item (3)(a) was received via certified mail. If a dealer fails to provide the requested information within sixty days from the date of receipt of the written notice via certified mail, the department may commence a proceeding pursuant to the Administrative Procedures Act.

(c) The department must issue a decision within fifteen days of receipt of the requested information from the dealer. If the department determines the dealer failed to comply with the requirements of this section or of this title regarding closing fees, the department's decision must determine if the violation was either (1) not intentional and resulted from a bona fide error, or (2) an intentional violation.

(i) In the event of a violation that was not intentional and resulted from a bona fide error, the dealer must refund any excess charge paid by the consumer. The department must close the investigation upon notice that the consumer received the refund.

(ii) In the event of an intentional violation, the department may request only those records reasonably related to the alleged violation for the ten transactions immediately preceding and the ten transactions immediately after the transaction identified in the complaint or other credible evidence received by the department. If the department discovers a potential violation of any kind related to closing fees in any of these transactions, the department may request only those records reasonably related to the alleged violation for transactions occurring on the date of the transaction identified in the complaint or other credible evidence, and transactions thirty days immediately preceding and thirty days immediately after the transaction identified in the complaint or other credible evidence received by the department.

(4) A dealer may not be held liable in any action for a violation of this section or a violation of this title regarding closing fees if the dealer (a) shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the

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maintenance of procedures reasonably adapted to avoid the error; and (b) the dealer refunded any excess charge paid by the consumer.

(5) A dealer who is found to have intentionally violated this section, or any other provision in this title regarding closing fees, must refund any excess charge paid by the customer within thirty days from the date of written notice from the department regarding its determination of a violation. Notwithstanding any other provision of law, the following remedies also apply for an intentional violation:

(a) for the first violation in a twelve-month period, the department must send a written warning to the dealer;

(b) for a second violation in a twelve-month period, the department may charge a five hundred dollar administrative penalty;

(c) for a third violation in a twelve-month period, the department may charge not more than a one thousand dollar administrative penalty; and

(d) for a fourth or subsequent violation in a twelve-month period, the department may charge not more than a five thousand dollar administrative penalty, provided that cumulative administrative penalties shall not exceed one hundred thousand dollars in the twelve-month period.

(F)(1) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

(2) Nothing in this section is intended to prohibit the department from administering and enforcing other laws under the department's jurisdiction.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

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Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patricia Yvonne A. Rushton, 129 Langley Dam Rd., Langley, SC 29834

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracey L. Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dona H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748

Statement by Senator Young

As to Judge Maurice, I recused myself from consideration and confirmation.

ACTING PRESIDENT PRESIDES

Senator MARTIN assumed the Chair.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator CLIMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Phillip Land of Rock Hill, S.C. Phil was a beloved former Senate staff Research Director for the Ethics Committee. Phil was a marine who served his country in Vietnam. He worked for Rock Hill National Bank and as the state Director of Victim's Assistance before retirement. He was an active member of Oakland Baptist Church and enjoyed community service in the Kiwanis Club, Salvation Army and the American Cancer Society to mention a few. Phil was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 9:23 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, May 4, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

II Samuel 6:14a

We read in II Samuel that David, officiating as a priest, “. . . danced before the Lord with all his might. . . ”

Once again, bow with me as we pray: Most holy and blessed Lord, today this Senate will conclude its work with only one additional week left in this 1st Regular Session of the 125th South Carolina General Assembly. And there certainly is thought given to following David’s lead and to break into wild, celebrative dancing when that last official week has concluded. Indeed, for these Senators and their aides to dance a bit would be an appropriate reward at the conclusion of a tough, challenging year laboring on behalf of the good people of our State. But no one should put on his or her dancing shoes yet; there is still a great deal that needs to be done, work that cries out for completion. So strengthen these servants, dear Lord, that for a bit longer they might continue doing all they can and must. In Your loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Martin	Massey

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McLeod	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2021, and to expire July 1, 2025

At-Large:

Mitchell M. Zais, 1642 Tanglewood Road, Columbia, SC 29204-3308
VICE Benjamin Wright Satcher, Jr.

Referred to the Committee on Education.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2022, and to expire June 30, 2026

Mortgage Banker:

Carol Addy, 221 Queen Street, Georgetown, SC 29440-3635 *VICE*
Charles Henry Stuart

Referred to the Committee on Banking and Insurance.

Local Appointments

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Susan W. Anderson, 55 Simms Street, Barnwell, SC 29812-1953

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jimmy Wade Gantt, 260 Meadow Lane, Barnwell, SC 29812-8135

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Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jason Winfield Stapleton, 71 Clemson Street, Williston, SC 29853-6501

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ava Bryant, 14 North Basilica Ave., Hanahan, SC 29410-8648

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Debra Kay Littlejohn, 404 Cherrybark Oak Street, Summerville, SC 29486-2406

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Paula F. McElvogue, 105 Worlingham Ct., Goose Creek, SC 29445

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

William Dean Cobb, P. O. Box 204, Blacksburg, SC 29702-0204

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Julian Wright, 121 Fernwood Dr., Gaffney, SC 29340-3611

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Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Maurice McNab, Esq, 300 Goldenrain Way, Simpsonville, SC 29680-6284 *VICE* Vivian Garrison

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dirk J. Bron, Jr., 1558 Hopewell Church Rd., Clinton, SC 29325

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mike Pitts, 372 Bucks Point Road, Laurens, SC 29360

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracy E. Richards, 107 Lewis Lane, Laurens, SC 29360-2257

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Wham, 791 Ma Bryson Road, Mountville, SC 29370-3820

Doctor of the Day

Senator McLEOD introduced Dr. Marilyn Malia of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 11:13 A.M., Senator CAMPSSEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 12:48 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 12:48 P.M., Senator MALLOY was granted a leave of absence for today.

Leave of Absence

On motion of Senator M. JOHNSON, at 1:34 P.M., Senator KIMBRELL was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator MARTIN, at 1:34 P.M., Senator FANNING was granted a leave of absence for today.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Remarks by Senator SCOTT

Thank you, Mr. PRESIDENT and members of the Senate. I guess I would sum it up, since the last two weeks have been two weeks of reflection -- two weeks of concern and two weeks of deciding on new directions -- I want to go back and review a situation that happened in Senate District 19 during a two-week period of time. I have a lot of different questions that are still unanswered as I watched the public safety community point fingers at each other. And even to the point where some have not said anything at all. I want to first isolate the situation before going directly to the point that I want to make as it relates to a situation.

This past Saturday morning, early, early Saturday morning somewhere between 12:30 and 1:30 on Beckman Road in Meadowlake Park, some I'm told, one hundred to two hundred young people gathered. Eleven individuals, young people of various ages were injured. I asked a couple of questions, and I didn't say any particular public safety agency because the mental health part belonged to several agencies. With the parking, the only portion of county property that's in that park. I remember a conversation with Governor Sanford, when there was a request to extend the City of Columbia into that park for the purpose of saving on water and sewer in the park. That extension means that when you expand the water and sewer, that portion of the park is then annexed into the City of Columbia. I asked myself the question, as I reviewed that time frame, where was that group -- also looked at the Department of Mental Health who controls that park, because it is a state agency, both the major roads that run through that park. And they have a separate security portion of that agency that is responsible for that park. And I ask the question again, "Where were these security people between the hours of 12:30 and 1:30, shall I say 1:00 and 2:00." Two blocks away from that park is Manning Correction Institute, who also has security. That security is responsible for everything on that property, and anything that could create crime adjacent to that property. And I ask the question again, "Where was the security then?" Then it's SLED who is both by Broad River State Law Enforcement Division -- who is responsible for dealing

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with suspect criminal matters only for law enforcement agencies, and I tell you three or four different sets of law enforcement agencies. We have made some adjustments in District 19. And an adjustment is not to injure someone or to create an embarrassment but to bring more awareness to what's going on around us. All these agencies I'm told are involved in the social media of what's going on with young people in South Carolina. Traditionally, we don't have that kind of activity. We have a number of high schools in that area. And so, these young people are going to have activity outside of the control of a school district.

It is important for these public safety communities to know exactly what the early intent is with young people. Young people are making contact through the social media part. There is no excuse for the social media part to have not picked up, monitored or reviewed where these folks told these young people to come out and to meet. I know there's another agenda in terms of the court system. But when you design that system, it is a system for the peer group and not a system to load again the court system where a number of small law firms earned their income and families are damaged.

Also, I stood at this podium some ten years ago or more -- thank you, I'm not going to prolong it. But I would say to you, "Wake up." There's not that many guns taken from cars that our high school and young people have the opportunity to have that many weapons available. We have a black market, and folks, when I stood here some ten years ago and warned you that we would be facing guns and violence with our young people, we ignored it. I can't relive that. I can only say to you, let's get serious about how we save our young people going forward. The system is so designed that that weight is not just on one part of the system -- that weight is a preventive, and once you do as much as you can to prevent it, then you prosecute it. I think for too long -- for too long we have ignored it and I'm not against anybody's second amendment. I'm just saying we have put those guns in hands of young people. Let's try to figure out how we make our schools safe. Just yesterday, in London, some little kid went to school, a thirteen-year old, and killed eight of his classmates. We've not had to face that yet in our schools. Let's become proactive and try to figure out how we get these guns out of the hands of young people. Let's not back ourselves into a corner that no one wants to serve, and everyone is looking for a scapegoat on a situation such as when this happens. Thank you very much.

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On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator SCOTT were ordered printed in the Journal.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 148 Sen. Matthews

RECALLED

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Bill from the Committee on Family and Veterans' Services.

The Bill was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4291 -- Rep. Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Bill from the Committee on Family and Veterans' Services.

The Bill was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 776 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TODD WALL, BATTALION CHIEF OF THE GREENWOOD CITY FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-EIGHT YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM

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CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0322cm-gm23.docx : 7da36ff1-7239-4f7f-9a82-f190082bda61

The Senate Resolution was adopted.

S. 777 -- Senators McElveen, Gustafson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE WOMEN IN LEADERSHIP IN KERSHAW COUNTY.

lc-0135ha23.docx : 0617bd38-29a0-4445-a442-cc304036a76f

The Senate Resolution was adopted.

S. 778 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING TITLE 40, CHAPTER 63, ARTICLE 5, SO AS TO CREATE THE SOCIAL WORK MEMBER STATE COMPACT, OUTLINE THE RULES OF THE COMPACT, AND DEFINE NECESSARY TERMS.

sr-0092jg23.docx : bf0d06f1-4988-49a0-92ad-da1f62319c71

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 779 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "ENERGY INDEPENDENCE AND RISK REDUCTION ACT"; BY AMENDING SECTION 58-3-20, RELATING TO MEMBERSHIP ON THE PUBLIC SERVICE COMMISSION, SO AS TO REVISE THE NUMBER OF COMMISSIONERS FROM SEVEN TO FIVE STATEWIDE, AT-LARGE SEATS WITH CERTAIN RESIDENCY REQUIREMENTS, AND TO PROVIDE FOR THE TERMS; BY AMENDING SECTION 58-3-250, RELATING TO FINAL ORDERS AND DECISIONS BY THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSION TO PROVIDE RATIONALES FOR ITS PRIMARY CONCLUSIONS FOR VERBAL DIRECTIVES AND TO REQUIRE PUBLISHED FINAL ORDERS AND DECISIONS WITHIN NINETY DAYS AFTER THE VERBAL DIRECTIVE; BY AMENDING SECTION 58-4-10, RELATING TO THE PUBLIC INTEREST FOR

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THE OFFICE OF REGULATORY STAFF, SO AS TO MODIFY THE STANDARD OF PUBLIC INTEREST; BY AMENDING SECTION 58-4-40, RELATING TO THE CONFLICT OF INTEREST FOR OFFICE OF REGULATORY STAFF EMPLOYEES, SO AS TO EXCLUDE AN OFFICE OF REGULATORY STAFF EMPLOYEE FROM PARTICIPATING IN A MATTER REGULATED BY THE PUBLIC SERVICE COMMISSION INVOLVING THE EMPLOYEE'S FORMER EMPLOYER FOR FIVE YEARS; BY ADDING SECTION 58-27-256 SO AS TO REQUIRE ELECTRICAL UTILITIES TO ESTABLISH A TASK FORCE TO ENSURE COMMUNITY-DRIVEN TRANSITION IN THE CLOSING AND DECOMMISSIONING OF COAL GENERATING PLANTS; BY AMENDING SECTION 58-27-865, RELATING TO FUEL COSTS, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO ESTABLISH A FUEL COST RECOVERY MECHANISM WITH CERTAIN REQUIREMENTS; BY AMENDING SECTION 58-27-2100, RELATING TO PUBLIC SERVICE COMMISSION FINDINGS AND ORDERS, SO AS TO REQUIRE THE COMMISSION TO PROVIDE RATIONALES FOR ITS PRIMARY CONCLUSIONS FOR VERBAL DIRECTIVES AND TO REQUIRE PUBLISHED FINAL ORDERS AND DECISIONS WITHIN NINETY DAYS AFTER THE VERBAL DIRECTIVE; BY ADDING ARTICLE 25 TO CHAPTER 27, TITLE 58 SO AS TO PERMIT THE ISSUANCE OF RATEPAYER PROTECTION BONDS AND TO PROVIDE FOR STANDARDS AND PROCEDURES RELATED TO THOSE BONDS; BY AMENDING SECTION 58-31-227, RELATING TO RENEWABLE ENERGY FACILITIES AND RESOURCES, SO AS TO PROVIDE FOR ENERGY STORAGE FACILITIES AND ANCILLARY SERVICES; BY AMENDING SECTION 58-33-110, RELATING TO A CERTIFICATE REQUIRED BEFORE CONSTRUCTION OF A MAJOR UTILITY FACILITY, SO AS TO PERMIT AN ALL-SOURCE BIDDING PROCESS; BY AMENDING SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO ADD THE TERMS "COST-EFFECTIVE" AND "DEMAND-SIDE MANAGEMENT PILOT PROGRAM", AND TO CHANGE "DEMAND-SIDE ACTIVITY" TO "DEMAND-SIDE MANAGEMENT PROGRAM"; BY AMENDING SECTION 58-37-20, RELATING TO THE PUBLIC SERVICE COMMISSION'S PROCEDURES ENCOURAGING ENERGY EFFICIENCY AND CONSERVATION, SO AS TO PROVIDE FOR A FINDING BY THE GENERAL ASSEMBLY RELATING TO PUBLIC INTEREST RELATED TO DEMAND-SIDE MANAGEMENT PROGRAMS,

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AND TO REQUIRE INVESTOR-OWNED UTILITIES TO SUBMIT AN ANNUAL REPORT TO THE COMMISSION REGARDING ITS DEMAND-SIDE MANAGEMENT PROGRAMS AND STANDARDS FOR COMMISSION REVIEW; BY AMENDING SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES OF GAS AND ELECTRICAL UTILITIES, SO AS TO MAKE A TECHNICAL CHANGE; BY ADDING SECTION 58-37-35 SO AS TO PROVIDE STANDARDS FOR ELECTRICAL UTILITY PROGRAMS AND CUSTOMER INCENTIVES TO ENCOURAGE DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO ESTABLISH A GENERAL ASSEMBLY FINDING OF A NEED TO ENCOURAGE ECONOMIC DEVELOPMENT AND INVESTMENTS, ENERGY INDEPENDENCE, AND PROTECT NATURAL RESOURCES, AND TO PROVIDE STANDARDS FOR A UTILITY'S ENERGY TRANSITION AS IT RELATES TO THE PUBLIC INTEREST; BY ADDING SECTION 58-37-70 SO AS TO REQUIRE VARIOUS ELECTRICAL UTILITIES TO FILE A LOW-INCOME AFFORDABILITY TARIFF WITH THE PUBLIC SERVICE COMMISSION; BY AMENDING SECTION 58-41-10, RELATING TO DEFINITIONS, SO AS TO ESTABLISH THE DEFINITION OF "ENERGY STORAGE FACILITY"; BY AMENDING SECTION 58-41-20, RELATING TO PROCEEDINGS FOR ELECTRICAL UTILITIES REGARDING AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, SO AS TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION MAY OPEN A GENERIC DOCKET TO CREATE PROGRAMS FOR COMPETITIVE PROCUREMENT OF ENERGY AND CAPACITY FROM ENERGY STORAGE FACILITIES; BY ADDING SECTION 58-41-25 SO AS TO ESTABLISH FILING REQUIREMENTS, STANDARDS, AND PROCEEDINGS FOR COMPETITIVE PROCUREMENT PROGRAMS FOR RENEWABLE ENERGY, ENERGY STORAGE FACILITIES, OR THEIR OUTPUT; BY AMENDING SECTION 58-41-30, RELATING TO VOLUNTARY RENEWABLE ENERGY PROGRAMS, SO AS TO ESTABLISH CONSIDERATIONS FOR THE PUBLIC SERVICE COMMISSION FOR VOLUNTARY CLEAN ENERGY PROGRAMS AND ESTABLISH REQUIREMENTS FOR THESE PROGRAMS; BY ADDING CHAPTER 43 TO TITLE 58 ENTITLED "RESILIENT ENERGY RESOURCES AND RENEWABLE ENERGY MICROGRIDS" SO AS TO PROVIDE

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STANDARDS AND PROCEDURES FOR RESILIENT ENERGY RESOURCES AND RENEWABLE ENERGY MICROGRIDS; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO REEVALUATE FILING SCHEDULES FOR AN ELECTRICAL UTILITY'S INTEGRATED RESOURCE PLAN; TO PERMIT THE PUBLIC UTILITIES REVIEW COMMITTEE TO RETAIN AN EXPERT TO CONDUCT A STUDY AND PREPARE A REPORT REGARDING OTHER STATES' COMMISSIONS; AND TO REQUIRE THE OFFICE OF REGULATORY STAFF TO STUDY THE POSSIBLE CREATION OF A THIRD-PARTY ADMINISTRATOR FOR ENERGY EFFICIENCY PROGRAMS AND OTHER DEMAND-SIDE MANAGEMENT PROGRAMS.

lc-0107ha23.docx : 3012ca61-b31e-43e1-889e-43af390460c5

Read the first time and referred to the Committee on Judiciary.

S. 780 -- Senator Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO PROVIDE THAT AN INDIVIDUAL IS ALLOWED TO OPERATE A SUPER-KART IF THEY ARE EIGHTEEN YEARS OF AGE OR OLDER OR ARE FIFTEEN YEARS OF AGE OR OLDER AND HOLD A VALID DRIVER'S LICENSE OR PERMIT.

sr-0396km23.docx : 1c065002-b615-44b6-bf87-74b1f32e503d

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 781 -- Senator Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-320, RELATING TO THE LIMITATION ON MILLAGE INCREASES, SO AS TO ALLOW THE GOVERNING BODY OF A RURAL COUNTY TO SUSPEND THE LIMITATION FOR THE PURPOSE OF SUPPORTING A FIRE PROTECTION DISTRICT.

sr-0395km23.docx : bf003e44-7902-4257-9233-4cf82b28f79d

Read the first time and referred to the Committee on Finance.

S. 782 -- Senators Matthews and Davis: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC

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INFORMATION REGARDING THESE DISTRICTS, AND TO REPEAL SECTION 2 OF ACT 476 OF 1998 RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS OF THE JASPER COUNTY SCHOOL DISTRICT.

lc-0236hdb23.docx : 48653c76-596a-407d-bcee-e0f8174d590f

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 783 -- Senator Rankin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF CULTRA ROAD FROM US 701 NORTH (MAIN STREET) TO THE INTERSECTION OF CULTRA ROAD AND OAK STREET IN HORRY COUNTY "JAMES ODELL COCHRAN ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0394km-vc23.docx : 3348146d-657e-4e97-8a19-37ea5a224abc

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3075 -- Reps. Hixon, W. Newton, Mitchell, Yow and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-50-30, RELATING TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO DIRECT THE AUTHORITY TO PROVIDE STAFF SUPPORT AND ASSISTANCE FOR THE SOUTH CAROLINA INFRASTRUCTURE FACILITIES AUTHORITY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND BY REPEALING SECTION 1-11-25 RELATING TO THE LOCAL GOVERNMENT DIVISION.

lc-0007dg23.docx : 53470985-a4f8-44b1-b236-91465a768694

Read the first time and referred to the Committee on Finance.

H. 3220 -- Reps. W. Newton, Carter, Mitchell, Haddon, Pope, Chumley and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 6 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "UNIFORM CHILD ABDUCTION PREVENTION ACT", TO PROVIDE A LEGAL MECHANISM TO PROTECT CHILDREN FROM CREDIBLE RISKS OF ABDUCTION

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RELATED TO LEGAL CUSTODY OR VISITATION, AND FOR OTHER PURPOSES.

lc-0011vr23.docx : 64da2904-afc8-4a6d-bb48-2f276a0571d5

Read the first time and referred to the Committee on Judiciary.

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

lc-0231sa23.docx : b3186062-2b0f-4df8-8d91-80404f402d9b

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3993 -- Reps. Brewer, West, Lawson, Mitchell, Yow, Sessions, Leber, Ott, Guffey, Atkinson, B. L. Cox, Forrest, B. Newton, Gatch, Hager, Hixon, Murphy and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-1920, RELATING TO THE SALE OF EXOTIC FARM-RAISED VENISON, SO AS TO PROVIDE AN EXCEPTION.

lc-0142ph23.docx : fd477861-fe7d-4195-afd2-f89395dae7a7

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4042 -- Reps. Bernstein, Gilliard, Wheeler, Wetmore, King, Howard, Henegan, Stavrinakis, Bauer, Rutherford, W. Newton, Jordan, Pope, Bannister, J. E. Johnson, Brittain, Elliott and Jefferson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-1710 SO AS TO PROVIDE A FRAMEWORK IN WHICH ANTISEMITISM IS CONSIDERED REGARDING ALL LAWS PROHIBITING DISCRIMINATORY ACTS.

lc-0165dg23.docx : b89d543f-3852-45eb-8371-1738abba3786

Read the first time and referred to the Committee on Judiciary.

H. 4047 -- Rep. Ott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-15-100 SO AS TO PROHIBIT THE RELEASE OF RECORDS REGARDING THE OCCURRENCE OF RARE, THREATENED, ENDANGERED, OR

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IMPERILED PLANT AND ANIMAL SPECIES BY THE DEPARTMENT OF NATURAL RESOURCES.

lc-0198ph23.docx : 88a7b0bf-1fb3-49ce-b92e-c97166cbeb0f

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4175 -- Reps. Yow, Mitchell and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 742 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH ADAMS ROAD TO ITS INTERSECTION WITH DAVID'S GROVE CHURCH ROAD "SENATOR EDWARD MCIVER LEPPARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0264cm-gt23.docx : f0e1b025-1e51-4e35-9ce8-8e74d996fbaf

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4257 -- Rep. Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOWARD STREET IN THE LEXINGTON COUNTY TOWN OF BATESBURG-LEESVILLE FROM ITS INTERSECTION WITH SOUTH PINE STREET (UNITED STATES HIGHWAY 178) TO ITS INTERSECTION WITH SOUTH OAK STREET "CORINE JOHNSON WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0292cm-gt23.docx : 01701ba9-a718-42b3-8cb3-240f97b56bef

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4278 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME WOODVILLE ROAD IN FLORENCE COUNTY "BISHOP DONALD HYMAN ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

lc-0291cm-gt23.docx : 379cebdf-f2bc-45f4-805c-d01ddc7195f5

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 4280 -- Reps. Erickson, McDaniel, Bradley, McGinnis, Gilliam, Wetmore, Elliott, B. J. Cox, Stavrinakis, Hartnett, Garvin and Haddon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR ASSISTANCE ACT"; BY ADDING SECTION 59-25-112 SO AS TO PROVIDE PROFESSIONAL CERTIFICATES ISSUED BY THE STATE BOARD OF EDUCATION ARE PERMANENT UNLESS REVOKED OR SUSPENDED AND ARE NOT SUBJECT TO RENEWAL, AND TO PROVIDE NO TEACHER MAY BE REQUIRED TO RENEW A PROFESSIONAL CERTIFICATE ISSUED BY THE BOARD; BY ADDING SECTION 59-101-145 SO AS TO AUTHORIZE THE USE DATE BEING COLLECTED UNDER CURRENT PROCEDURES TO REPORT ON CERTAIN POSTSECONDARY MATTERS CONCERNING GRADUATES SOUTH CAROLINA PUBLIC SCHOOLS, AND TO REQUIRE THE STREAMLINING OF DATA COLLECTION TIMELINES AND PROCESSES; BY AMENDING SECTION 59-25-420, RELATING TO NOTICES CONCERNING ANNUAL TEACHER EMPLOYMENT CONTRACTS, SO AS TO PROVIDE CONTRACT ACCEPTANCES SUBMITTED BEFORE THE STATUTORY NOTIFICATION DEADLINE MAY BE WITHDRAWN BY SUBMISSION OF WRITTEN NOTICE TO THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER PUBLICATION OF THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE UPCOMING SCHOOL YEAR, AND TO PROVIDE SCHOOL DISTRICTS MAY NOT REPORT SUCH WITHDRAWALS AS A BREACH OF CONTRACT; BY AMENDING SECTION 59-25-530, RELATING TO UNPROFESSIONAL CONDUCT AND BREACH OF CONTRACT BY TEACHERS, SO AS TO REVISE THE PENALTIES FOR BREACH OF CONTRACT RESULTING FROM THE UNAUTHORIZED EXECUTION OF AN EMPLOYMENT CONTRACT WITH ANOTHER DISTRICT, TO REVISE THE PERIOD FOR EDUCATOR CERTIFICATE SUSPENSION DUE TO BREACH OF CONTRACT, AND TO MAKE SUCH REVOCATIONS DISCRETIONARY; BY REPEALING SECTION 59-101-130 RELATING TO HIGH SCHOOLS REPORTING TO THE SUPERINTENDENT OF EDUCATION; INSTITUTIONS OF HIGHER LEARNING REPORTING TO HIGH SCHOOLS; AND BY REPEALING SECTION 59-101-140 RELATING TO TABULATION OF REPORTS.

lc-0300wab23.docx : c656b935-9841-4fd7-b883-4d138f4c181d

Read the first time and referred to the Committee on Education.

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H. 4299 -- Reps. Bannister, G. M. Smith, Pope, Hiott and Rutherford: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2023-2024 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

lc-0208dg23.docx : 3fad61b3-fb97-4edf-9dea-cfa681917756

Read the first time and ordered placed on the Calendar without reference.

H. 4319 -- Rep. Erickson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE NEW HARBOR ISLAND BRIDGE IN BEAUFORT COUNTY THE "GEORGE J. 'GEORDIE' MADLINGER III BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THESE WORDS.

lc-0299cm-cm23.docx : 7b8eaa13-04c4-4e86-a845-aef16cbea91f

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4379 -- Reps. Leber, M. M. Smith, Pedalino, Brewer, Murphy, B. L. Cox, Schuessler, Bustos, Hartnett, Landing and Robbins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME STEAMBOAT LANDING ROAD IN CHARLESTON COUNTY "JAMES LEE JAMERSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

lc-0310cm-gt23.docx : 907706f2-5b45-4d94-bd45-8061257665c2

The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

H. 4412 -- Rep. Long: A BILL TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

lc-0285ph23.docx : 20511745-ab89-4ebf-a757-34b3ef58b4bc

Read the first time and ordered placed on the Local and Uncontested Calendar.

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H. 4412--Ordered to a Second and Third Reading

On motion of Senator KIMBRELL, H. 4412 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 4413 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024.

lc-0226hdb23.docx : ebb79de1-91d5-4d75-a1a5-da348b0e461b

Read the first time and ordered placed on the Local and Uncontested Calendar.

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

H. 3231 -- Reps. West and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT SERVICES.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3726 -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO

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AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT" BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720,

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RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS

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EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST

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ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Ordered for consideration tomorrow.

Appointments Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large/Chairman:

Seema Shrivastava Patel, 101 Anadale Lane, Lexington, SC 29072-7116 *VICE* John Robert Bolchoz

Received as information.

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District:

William D. Richmond, 86 Shorebird Loop, Pawleys Island, SC 29585-7540 *VICE* Jim P. Creel

Received as information.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2021, and to expire December 31, 2025

General Public:

Robert J. Wolff, 104 Cyclamen Court, Columbia, SC 29212-2052

Received as information.

RECESS

At 11:58 A.M., on motion of Senator HUTTO, the Senate recessed from business.

At 12:33 P.M., the Senate resumed.

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Message from the House

Columbia, S.C., May 4, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GROOMS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CONCURRENCE

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator RANKIN explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Corbin

Total--1

On motion of Senator RANKIN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 4, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

HOUSE CONCURRENCES

S. 205 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 695 -- Senators McElveen and Gustafson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEW BRIDGE OVER PINE TREE CREEK JUST SOUTH OF CAMDEN IN KERSHAW COUNTY "PINE TREE HILL BRIDGE" AND ERECT APPROPRIATE

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MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 713 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME PINCKNEY STREET IN THE CITY OF YORK IN YORK COUNTY “DR. MARTIN LUTHER KING, JR. BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49/SOUTH CONGRESS STREET AND ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 714 -- Senators Bennett and Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE JULY 22, 2023, AS “FRAGILE X DAY” IN SOUTH CAROLINA IN ORDER TO HELP RAISE AWARENESS OF THE CONDITION AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH FRAGILE X.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 383 -- Senator Malloy: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY “C” FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE; TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE’S CHAIRMAN, EXCEPT THAT THE CHAIRMAN

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MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE; AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

On motion of Senator MALLOY.

S. 764 -- Senators Climer, M. Johnson and Peeler: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

On motion of Senator CLIMER.

SECOND READING BILL

H. 3987 -- Rep. Thayer: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

On motion of Senator GAMBRELL.

H. 3987--Ordered to a Third Reading

On motion of Senator GAMBRELL, H. 3987 was ordered to receive a third reading on Friday, May 5, 2023.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER

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ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator PEELER.

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4350 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was carried over.

RECOMMITTED

S. 744 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO OFFICE OF STATE FIRE MARSHAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 745 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO BARBER SCHOOLS, MANAGERS, TEACHERS AND INSTRUCTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5154, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

READ THE SECOND TIME

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN

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EDUCATION ACT”; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN’S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

The Senate proceeded to the consideration of the Bill.

Senator MASSEY explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL

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REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER

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LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-3857.KN0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-103-15(B)(1)(b) and inserting:

(b) research through the use of government, corporate, nonprofit-organization grants, or state resources, or both; and

Amend the bill further, SECTION 1, by striking Section 59-103-15(B)(1)(b) and inserting:

(b) limited and specialized research; and

Amend the bill further, SECTION 1, by striking Section 59-103-15(B)(~~23~~), (~~34~~), and (~~45~~) and inserting:

~~(2)~~(3) Four-year colleges and universities

(a) college-level baccalaureate education and selected master's degrees which lead to employment or continued education, or both, except for doctoral degrees currently being offered;

(b) bachelor of science degree in Mechanical Engineering approved by the Commission on Higher Education at South Carolina State University;

(c) bachelor of science degree in Electrical Engineering approved by the Commission on Higher Education at South Carolina State University;

(d) doctoral degree in Marine Science approved by the Commission on Higher Education;

(e) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at Francis Marion University;

(f) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at the University of South Carolina Aiken;

(g) subject to subsection (C), doctor of philosophy degree in Education Administration approved by the Commission on Higher Education at Coastal Carolina University;

(h) subject to subsection (C), doctor of philosophy degree in Computer and Information Science approved by the Commission on Higher Education at the College of Charleston;

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(i) limited and specialized research; and

(j) public service to the State and the local community;

~~(3)~~(4) Two-year institutions-branches of the University of South Carolina

(a) college-level pre-baccalaureate education necessary to confer associates degrees which lead to continued education at a four-year or research institution; and

(b) public service to the State and the local community;

~~(4)~~(5) State technical and comprehensive education system

(a) all post-secondary vocational, technical, and occupational diploma and associate degree programs leading directly to employment or maintenance of employment and associate degree programs which enable students to gain access to other post-secondary education;

(b) up-to-date and appropriate occupational and technical training for adults;

(c) special school programs that provide training for prospective employees for prospective and existing industry in order to enhance the economic development of South Carolina;

(d) public service to the State and the local community;

(e) continue to remain technical, vocational, or occupational colleges with a mission as stated in item (4) and primarily focused on technical education and the economic development of the State; and

(f) subject to subsection (C), an Applied Baccalaureate in Advanced Manufacturing Technology degree approved first by the Board for Technical and Comprehensive Education and then the Commission on Higher Education.

Amend the bill further, SECTION 2, by striking Section 59-103-15(C) and inserting:

(C) Notwithstanding subsection (B), the degrees set forth in subsection (B)~~(2)~~~~(3)~~(e), (f), (g), and (h), and subsection (B)~~(4)~~~~(5)~~(f) are only allowed so long as new state general funds are not appropriated for the operations of the degree program.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY

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LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

The Senate proceeded to the consideration of the Bill.

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The Committee on Education proposed the following amendment (SEDU-4023.KN0002S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 4, by striking Section 59-152-150(A) and inserting:

(A) The Office of South Carolina First Steps to School Readiness shall develop and require local partnerships to adopt and implement a standard fiscal accountability system including, but not limited to, a uniform, standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts, and contract management and monitoring. ~~Additionally, the accountability system shall require competitive bids for the purchase or procurement of goods and services of ten thousand dollars or more. A bid other than the lowest bid may be accepted by a majority vote of the partnership board if other considerations outweigh the cost factor; however, written justification must be filed with the Office of First Steps.~~ The Office of First Steps, in consultation with the Office of State Procurement, must develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase and procurement of goods and services. The Office of First Steps may contract with outside firms to develop and ensure implementation of this standard fiscal accountability system, and the Office of First Steps may inspect fiscal and program records of partnerships and developing partnerships to ensure their compliance with the required system. The Office of First Steps may contract with a state entity with existing means for developing contracts and disbursing funds in order to make use of the existing infrastructure, if it is efficient and not administratively burdensome to partnerships.

Amend the bill further, by deleting SECTION 10.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator TALLEY proposed the following amendment (SEDU-4023.KN0004S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 63-11-1725(B) of the S.C. Code is amended to read:

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(B) The membership of the advisory council is ~~exclusively~~ composed of the membership of the Board of Trustees of the South Carolina First Steps to School Readiness Initiative. Each voting and nonvoting member shall serve as a voting member of the South Carolina Advisory Council, concurrent with his service on the board. In addition, two executive directors from Local First Steps Partnerships must serve as voting members on the advisory council with one appointed by the House Education and Public Works Committee and one appointed by the Senate Education Committee.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (SR-4023.JG0006S), which was carried over:

Amend the bill, as and if amended, SECTION 3, by deleting Section 59-152-70(A)(9), (10), and (11).

Amend the bill further, SECTION 8, by deleting Section 63-11-1730(14).

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was carried over.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator HEMBREE asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GROOMS, the Resolution was carried over.

CARRIED OVER

S. 774 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: RECORD-KEEPING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5142, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GAMBRELL, the Resolution was carried over.

READ THE SECOND TIME

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms

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Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO

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JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3433.BC0004S):

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

SECTION X.A. Section 50-5-2510 of the S.C. Code is amended to read:

Section 50-5-2510. (A) The department must suspend for one year the related saltwater privileges and associated licenses, ~~stamps~~, and permits issued to a person or entity that ~~who~~ has accumulated eighteen or more points under any point category. Privileges related to each point category are as follows:

(1) commercial: ~~any and all~~ commercial saltwater fishing license, equipment license, and bait dealer license, and

(2) recreational: ~~marine recreational fishing stamp~~ recreational saltwater fishing license, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.

(B) Any suspension under this article begins the eleventh day after the ~~person or entity receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension and ends the same day the following year.

B. Section 50-5-2515 of the S.C. Code is amended to read:

Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing, ~~return receipt requested,~~ that ~~his~~ the person's or entity's saltwater privilege has been suspended, and the person or entity must return all the suspended licenses, ~~stamps~~, or permits in ~~his~~ the person's or entity's name to the department within ten days.

(B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person or entity at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

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SECTION X.A. Section 50-9-1140 of the S.C. Code is amended to read:

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the eleventh day after the ~~person receives written notice by mail, return receipt requested, department mails written~~ notice of the suspension, and ends the same day the following year.

B. Section 50-9-1150 of the S.C. Code is amended to read:

Section 50-9-1150. (A) Upon determination that a ~~licensee~~person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the ~~licensee~~person shall return the license and any tags in the person's name to the department within ten days.

(B) ~~The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.~~ The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

(C) ~~If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise.~~ A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

On motion of Senator MATTHEWS, the Bill was carried over.

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POINT OF ORDER

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

H. 3690 -- Reps. Taylor, G.M. Smith, Thayer, Bradley, Hiott, Bannister, W. Newton, Sandifer, West, Davis, Erickson, J.E. Johnson, Jordan, Whitmire, Hixon, Elliott, Forrest, Wooten, Bustos, Willis, Yow, Carter, Hartnett, Moss, McCravy, B.J. Cox, Haddon, Burns, Chumley, Oremus, Hardee, Ligon, Long, Gilliam, Magnuson, Lawson, Nutt, Brewer, Guffey, Hager, Mitchell, Neese, Sessions, Vaughan, Robbins, Kilmartin, M.M. Smith, B. Newton, Hewitt, Leber, Pope, Blackwell, Caskey and Landing: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ESG PENSION PROTECTION ACT"; BY AMENDING SECTION 9-16-10, RELATING TO RETIREMENT SYSTEM FUNDS DEFINITIONS SO AS TO ADD A DEFINITION OF "PECUNIARY FACTOR"; BY AMENDING SECTION 9-16-30, RELATING TO DELEGATION OF

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FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE THAT PROXY VOTING DECISIONS MUST BE BASED ON PECUNIARY FACTORS; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY TRUSTEES, SO AS TO PROVIDE THAT THE COMMISSION MAY ONLY CONSIDER PECUNIARY FACTORS IN MAKING CERTAIN INVESTMENT DECISIONS; BY AMENDING SECTION 9-16-320, RELATING TO ANNUAL INVESTMENT PLANS SO AS TO REQUIRE CERTAIN MEETINGS; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENT OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO REQUIRE CERTAIN CERTIFICATIONS; AND BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE CERTAIN PROVISIONS.

Senators HUTTO and McLEOD objected to the consideration of the Bill.

CARRIED OVER

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

On motion of Senator MASSEY, the Bill was carried over.

OBJECTION

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

Senator McLEOD objected to the consideration of the Bill.

POINT OF ORDER

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham,

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Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

ADOPTED

H. 4347 -- Reps. Hiott and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SHOAL CREEK IN PICKENS COUNTY ALONG SOUTH CAROLINA HIGHWAY 186 "SERGEANT FIRST CLASS MATTHEW BRADFORD THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:25 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CONCURRENCE

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS

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OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 6

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Jackson
<i>Johnson, Michael</i>	Loftis	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--32

NAYS

Allen	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Stephens

Total--6

On motion of Senator HEMBREE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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CARRIED OVER

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

On motion of Senator DAVIS, the Bill was carried over.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION

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8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator BENNETT explained the Bill.

The Committee on Finance proposed the following amendment (LC-3908.PH0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 8-11-151(B) and inserting:

(B) Eligible school district employees who experience a qualifying event are entitled to paid parental leave to the same extent available to employees of the State pursuant to Section 8-11-150.

Amend the bill further, SECTION 1, by striking Section 8-11-151(E) and inserting:

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Amend the bill further, SECTION 2, by striking Section 8-11-156(E) and inserting:

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Amend the bill further, by striking SECTION 3 and inserting:
SECTION 3. This act takes effect forty-five days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Amendment No. 1

Senator BENNETT proposed the following amendment (LC-3908.PH0007S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 8-11-151(C)(5) and inserting:

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's

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entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

Amend the bill further, SECTION 2, by striking Section 8-11-156(C)(5) and inserting:

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Loftis	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE AND LOCAL CALENDAR.

CARRIED OVER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

On motion of Senator MASSEY, the Resolution was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Tuesday, May 9, 2023, at 3:00 P.M.

THURSDAY, MAY 4, 2023

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Susan W. Anderson, 55 Simms Street, Barnwell, SC 29812-1953

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Julian Wright, 121 Fernwood Dr., Gaffney, SC 29340-3611

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jason Winfield Stapleton, 71 Clemson Street, Williston, SC 29853-6501

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Wham, 791 Ma Bryson Road, Mountville, SC 29370-3820

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dirk J. Bron, Jr., 1558 Hopewell Church Rd., Clinton, SC 29325

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

William Dean Cobb, P. O. Box 204, Blacksburg, SC 29702-0204

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracy E. Richards, 107 Lewis Lane, Laurens, SC 29360-2257

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Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Maurice McNab, Esq, 300 Goldenrain Way, Simpsonville, SC 29680-6284 *VICE* Vivian Garrison

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Paula F. McElvogue, 105 Worlingham Ct., Goose Creek, SC 29445

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ava Bryant, 14 North Basilica Ave., Hanahan, SC 29410-8648

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Debra Kay Littlejohn, 404 Cherrybark Oak Street, Summerville, SC 29486-2406

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mike Pitts, 372 Bucks Point Road, Laurens, SC 29360

Reappointment, Barnwell County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jimmy Wade Gantt, 260 Meadow Lane, Barnwell, SC 29812-8135

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MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lieutenant General Vincent R. Stewart. Lt. Gen. Stewart graduated from Western Illinois University and later earned an MS in National Resource Strategy from National Defense University, Industrial College of the Armed Forces and an MA in National Security and Strategic Studies from Naval War College. He most recently worked as deputy commander of U.S. Cyber Command. He retired after thirty-eight years of distinguished service. Lt. Gen. Stewart was known as a giant in the intelligence community for his knowledge, leadership and ability to mentor. Lt. Gen. Stewart was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 2:08 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, May 5, 2023
(Local Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3987 -- Rep. Thayer: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

On motion of Senator GAMBRELL.

SECOND READING BILL

H. 4412 -- Rep. Long: A BILL TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

On motion of Senator KIMBRELL.

H. 4412--Ordered to a Third Reading

On motion of Senator KIMBRELL, H. 4412 was ordered to receive a third reading on Tuesday, May 9, 2023.

ADJOURNMENT

At 11:06 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, May 9, 2023, at 3:00 P.M.

* * *

Tuesday, May 9, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 3:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 52:7

The prophet Isaiah writes: “How beautiful on the mountains are the feet of the messenger who announces peace, who brings good news.”

Friends, join me as we bow in prayer: Glorious Lord God, the image Isaiah presents is one we can clearly envision: that of a runner, a messenger, who arrives bringing good news to the people. And that image leads us right away to wonder about the “news” this Senate might bring to the people of South Carolina today, or even at the close of this week? How will this Body’s actions and decisions affect the lives of the women and men and children these Senators have been called to serve? We do, of course, ask that You, dear Lord, guide each of these servants and their aides to do finally whatever is the very best for all of our citizens, and not simply for a few. And may the resulting blessings bring You ever greater praise, dear God. In Your loving name we pray. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice

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Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Independent College:

Gene C. Fant, 7801 North Tigerville Road, Tigerville, SC 29688-9700
VICE Mark A. Smith

Referred to the Committee on Education.

Local Appointments

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Robert N. Clariday, P.O. Box 1231, Orangeburg, SC 29116-1231

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Derrick F. Dash, 740 Linwood Street, Elloree, SC 29047-9800

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Meree Davis Williamson, 7999 Savannah Hwy., Norway, SC 29113-9418

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745-7771

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Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jennifer Susan Kottka Colton, 1070 Heckle Blvd., Suite 2100, Rock Hill, SC 29732-0285

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Curtis Cousins, 1633 Kallaramo Rd., Rock Hill, SC 29732-1548

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John C. Dover, 1517 Ole Cambridge Circle, Clover, SC 29710-8214

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brooke Rhodes, 12088 Smithford Road, Hickory Grove, SC 29717-7765

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Douglas W. Sexton, 3035 Riker Street, Clover, SC 29710-6723

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Katie Vaughn, 1675 York Highway, Suite 1D, York, SC 29745-7495

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

David S. Wood, 209 Country Club Drive, Fort Mill, SC 29715-2348

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730-8642

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Doctor of the Day

Senator MARTIN introduced Dr. Thomas Phillips of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 5:16 P.M., Senator GOLDFINCH was granted a leave of absence for the week.

Leave of Absence

On motion of Senator CLIMER, at 6:31 P.M., Senator GAMBRELL was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT and members of the Senate. I passed out an article about Matthew Shepard. For the next two days I'm going to take my five minutes to give a Point of Personal Interest as it relates to hate crimes. I want to say it is not my intent to be hostile, not my intent to be confrontational -- I just want to share information concerning why it is so important. I have also resisted any calls I have received from the national press to actually talk about South Carolina and why we do not have a Hate Crimes Bill. However, I think over the next several months there will be lots of opportunities to really talk about it. Again, I am not here to make it personal -- not here to be hostile about it -- just to share because I think it is so important.

Matthew Shepherd is where many say this really began. In order for you to understand perhaps why hate crimes are so important -- and I will tell you particularly to this Senator it is because of this case, Matthew Shepherd's case. I was in the State Senate at the time as a young minister, so it wasn't something that was on my radar. I had a lot of conversations with a lot of ministers as they had their doubts about it but when I shared the Shepherd story it changed the minds, a lot of minds, of my colleagues. I want to briefly share it and I will take my seat. Matthew Shepherd was twenty-one years old when he was brutally murdered. He was born December 31, 1976, and grew up in Casper, Wyoming. How ironic, one of only two states that does not have a Hate Crimes Bill.

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Matthew Shepherd then moved with his family to Saudi Arabia and went to school there. In both high schools in Wyoming and Saudi Arabia he was a leader that was elected as a peer leader, counselor, was voted on - - nominated as one of the most friendly people in his class. After college, his career took him back to Wyoming where he studied political science and foreign relations; but on October 7, 1998, at twenty-one years old, Matthew Shepherd was brutally abducted, beaten and murdered. He was left on a fence post stripped naked -- pistol whipped to death so much so that when those who found him saw him. They thought he was a scarecrow. Perhaps his only thought was he had come out and said he was gay and because he did there was some who could not take that. This is where there was a paradigm shift to some of my colleagues in the ministerial field. I think they began to see people for who they are -- not what labels that were cast on him. Matthew Shepherd was found eighteen hours later by a bicyclist who I said earlier thought he was a scarecrow.

Here is how it impacted my life. Because at that time I had two young sons. I thought how I would feel if this had been one of my sons for whatever choices they made in their life. So, we introduced a Hate Crimes Bill in the South Carolina Senate. To the credit of this Senate that Bill passed on March 18, 1999. There were other ministers that were in here. There were other people that were in here. I had friends of mine from across the country who called. They said we have changed our position. I'm a graduate of CIU University, one of the most conservative theological schools in the country. Some of my dear friends are missionaries all across the country. I'll never forget I had one call me. He had tears in his eyes and he said, "I have never seen anything more brutal than this." This young man at twenty-one years, if he had lived -- he would be forty-six today. Matthew Shepherd's case is the case that initiated Federal Hate Crime Laws all across the State. The South Carolina Senate was commended and it was said that we had the courage to do what others had not done. No other state in the southeast had a Hate Crimes Bill. Now listen to this. Every state in the southeast with exception of South Carolina -- Alabama, Mississippi, Arkansas, Louisiana, Alabama, Mississippi, Alabama, Mississippi. Alabama, Mississippi both have Hate Crimes laws but not South Carolina.

It would be my intent, Mr. PRESIDENT and members of the Senate, for the next two days and perhaps every day in next year's session to take my five minutes and share with you why I think it is so important that we not be one of two states joining Wyoming, where Matthew Shepherd lived and where he died not to have a hate crimes law. Thank you for

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your time. I look forward to talking with you more tomorrow. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bills:

S. 234 Sen. Verdin
S. 236 Sen. Verdin
S. 237 Sen. Verdin
S. 240 Sen. Verdin
S. 242 Sen. Verdin
S. 246 Sen. Verdin
S. 247 Sen. Verdin
S. 347 Sen. Verdin
S. 359 Sen. Verdin
S. 368 Sen. Verdin
S. 392 Sen. Verdin
S. 409 Sen. Verdin
S. 412 Sen. Verdin
S. 439 Sen. Verdin
S. 450 Sen. Verdin
S. 506 Sen. Verdin
S. 540 Sen. Verdin
S. 552 Sen. Verdin
S. 559 Sen. Verdin
S. 634 Sen. Verdin
S. 693 Sen. Verdin

RECALLED

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

Senator SHEALY asked unanimous consent to make a motion to recall the Bill from the Committee on Family and Veterans' Services.

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The Bill was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4352 -- Reps. Calhoon and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

Senator SHEALY asked unanimous consent to make a motion to recall the Bill from the Committee on Family and Veterans' Services.

The Bill was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

Senator HEMBREE asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4175 -- Reps. Yow, Mitchell and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH

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CAROLINA HIGHWAY 742 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH ADAMS ROAD TO ITS INTERSECTION WITH DAVID'S GROVE CHURCH ROAD "SENATOR EDWARD MCIVER LEPPARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE "CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 784 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR REBECCA MURRAY, A FIFTH GRADE TEACHER AT HODGES ELEMENTARY SCHOOL IN GREENWOOD SCHOOL DISTRICT 50, AND TO CONGRATULATE HER FOR BEING NAMED THE SCHOOL'S TEACHER OF THE YEAR.

lc-0230dg-gm23.docx : 514cf29a-c0eb-4c24-92b4-408a40fd009a

The Senate Resolution was adopted.

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S. 785 -- Senator Garrett: A SENATE RESOLUTION TO CONGRATULATE HANNAH WILSON UPON BEING NAMED 2023-2024 GREENWOOD SCHOOL DISTRICT 50 FIRST YEAR TEACHER OF THE YEAR, TO EXPRESS APPRECIATION FOR HER DEDICATED SERVICE TO CHILDREN, AND TO WISH HER CONTINUED SUCCESS IN THE FUTURE.

lc-0240hdb-rm23.docx : dc5a1f54-3ebe-450c-a44d-1d5694446b7b

The Senate Resolution was adopted.

S. 786 -- Senator Fanning: A SENATE RESOLUTION TO EXPRESS DEEPEST APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA SENATE TO TOMMY SCOTT YOUNG FOR THE IMPACT HE HAS MADE ON THE FINE ARTS AND THE PERFORMING ARTS IN THE PALMETTO STATE.

lc-0262vr-gm23.docx : 4775590c-a9b3-4f06-a9ed-c29b4711d2ab

The Senate Resolution was adopted.

S. 787 -- Senator Garrett: A SENATE RESOLUTION TO CONGRATULATE KRYSTAL ROBINSON UPON BEING NAMED 2023-2024 GREENWOOD SCHOOL DISTRICT 50 TEACHER OF THE YEAR, TO EXPRESS APPRECIATION FOR HER DEDICATED SERVICE TO CHILDREN, AND TO WISH HER CONTINUED SUCCESS IN THE FUTURE.

lc-0356wab-rm23.docx : c8159505-8b9b-4e66-aa25-23f29b4d878d

The Senate Resolution was adopted.

S. 788 -- Senator Gambrell: A SENATE RESOLUTION TO CONGRATULATE THE EBENEZER FIRE DEPARTMENT UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY OF DEDICATED HEROIC SERVICE IN ANDERSON COUNTY AND TO HONOR FIRE CHIEF JAMIE HANKS AND HIS FELLOW EBENEZER FIREFIGHTERS, WHO SERVE THEIR COMMUNITY SO SELFLESSLY.

lc-0238hdb-rm23.docx : d8fa5b22-a8a0-4ac3-8391-2295caac1c1a

The Senate Resolution was adopted.

S. 789 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING CONTRIBUTIONS OF COLUMBIA EMPOWERMENT ZONE AND TO CONGRATULATE THE STAFF AND BOARD MEMBERS

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UPON THE OCCASION OF THEIR FIFTEENTH ANNIVERSARY OF SERVICE.

lc-0237hdb-gm23.docx : 8b27a561-a739-493c-915a-ae6bc16b3848

The Senate Resolution was adopted.

S. 790 -- Senators Jackson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE BRENNEN ELEMENTARY SCHOOL FIFTH GRADE CLASS ON THEIR COMPLETION OF ELEMENTARY SCHOOL AND PROMOTION TO SIXTH GRADE AND TO WISH THE CLASS CONTINUED SUCCESS AND HAPPINESS IN MIDDLE SCHOOL AND IN ALL OF THEIR FUTURE ENDEAVORS.

lc-0263vr-gm23.docx : 86c3ab6b-36ec-4d33-9ae0-a7167c8a92d5

The Senate Resolution was adopted.

S. 791 -- Senators Scott, Adams, Alexander, Allen, Bennett, Campsen, Cash, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE ALISON RENEE LEE OF RICHLAND COUNTY, A JUDGE FOR THE SOUTH CAROLINA CIRCUIT COURT, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY-FOUR YEARS OF DISTINGUISHED SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0324cm-gm23.docx : 2a39c6b0-5b8d-4103-8db3-170ae7602cf7

The Senate Resolution was adopted.

H. 3592 -- Reps. Hyde and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO REMOVE CERTAIN DEFINITIONS;

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BY AMENDING SECTION 40-43-86, RELATING TO COMPOUNDING OF MEDICATIONS BY PHARMACIES , SO AS TO REVISE REQUIREMENTS FOR COMPOUNDING PHARMACIES; BY AMENDING SECTION 40-43-87, RELATING TO NUCLEAR/RADIOLOGIC PHARMACY PRACTICES, SO AS TO REMOVE REQUIREMENTS CONCERNING NUCLEAR PHARMACY FACILITIES; AND BY AMENDING SECTION 40-43-88, RELATING TO STANDARDS FOR PREPARATION, LABELING, AND DISTRIBUTION OF STERILE PRODUCTS BY PHARMACIES, SO AS TO REMOVE CERTAIN STANDARDS.

lc-0125wab23.docx : 4b96165d-9e04-4fe5-b61b-5f4dae13bbdd

Read the first time and referred to the Committee on Medical Affairs.

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

lc-0190wab23.docx : f1ef9ebd-f59b-473a-b6e2-bd2f9a82ae41

Read the first time and referred to the Committee on Education.

H. 3934 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-1625, RELATING TO FEDERAL DEFENSE FACILITIES DEFINITIONS, SO AS TO ADD FORT GORDON TO THE DEFINITION OF "FEDERAL MILITARY INSTALLATIONS".

lc-0187sa23.docx : 951513a3-d9b5-4f73-9acc-cbe6471f0ec0

Read the first time and referred to the Committee on Judiciary.

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H. 4002 -- Reps. G. M. Smith, W. Newton, Hiott, Davis, B. Newton, Erickson, Bannister, Haddon, Sandifer, Thayer, Carter, Robbins, Blackwell, Forrest and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 24-3-980 SO AS TO PROVIDE IT IS UNLAWFUL FOR AN INMATE UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS TO POSSESS TELECOMMUNICATION DEVICES UNLESS AUTHORIZED BY THE DIRECTOR, TO DEFINE THE TERM "TELECOMMUNICATION DEVICE", AND TO PROVIDE PENALTIES.

lc-0228cm23.docx : cb1c6b39-fccd-4715-bae5-e565695ea6af

Read the first time and referred to the Committee on Corrections and Penology.

H. 4086 -- Reps. Sandifer, Nutt, Chapman and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-59-35 SO AS TO PROVIDE THAT THE WORK OF CERTAIN LICENSEES OF THE RESIDENTIAL BUILDERS COMMISSION THAT COMPLIES WITH APPLICABLE REGULATIONS OF THE COMMISSION MUST BE DEEMED TO SATISFY CERTAIN IMPLIED WARRANTIES; BY ADDING SECTION 40-59-40 SO AS TO PROVIDE IMPLIED WARRANTIES INCLUDE ONLY THOSE PERFORMANCE STANDARDS VIOLATIONS IDENTIFIED BY A HOMEOWNER WITHIN TWELVE MONTHS AFTER SUBSTANTIAL COMPLETION; BY AMENDING SECTION 40-59-10, RELATING TO COMPOSITION OF THE COMMISSION, SO AS TO REVISE ITS COMPOSITION; BY AMENDING SECTION 40-59-20, RELATING TO DEFINITIONS APPLICABLE TO THE COMMISSION AND ITS LICENSEES, SO AS TO REVISE VARIOUS DEFINITIONS, INCLUDING THE RENAMING OF SPECIALTY CONTRACTORS AS RESIDENTIAL TRADE CONTRACTORS; BY AMENDING SECTION 40-59-25, RELATING TO ROOFING CONTRACT CANCELLATIONS FOR INSURANCE COVERAGE DENIALS, SO AS TO EXPAND THE APPLICABILITY OF THESE PROVISIONS; BY AMENDING SECTION 40-59-30, RELATING TO THE REQUIREMENT OF LICENSURE TO ENGAGE IN RESIDENTIAL BUILDING AND RESIDENTIAL SPECIALTY CONTRACTING, SO AS TO MAKE CONFORMING CHANGES AND PROVIDE PENALTIES FOR VIOLATIONS; BY AMENDING SECTION 40-59-50, RELATING TO THE ROSTER OF LICENSEES OF THE COMMISSION, SO AS TO

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MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-80, RELATING TO INVESTIGATIONS OF COMPLAINTS, SO AS TO PROVIDE LICENSEES OR REGISTRANTS MAY BE PRESENT FOR INSPECTIONS CONDUCTED PURSUANT TO AN INVESTIGATION, AND TO PROVIDE UNDERLYING COMPLAINTS THAT PROMPT AN INVESTIGATION MUST BE DISMISSED IF THE COMPLAINANT UNJUSTIFIABLY REFUSES TO COOPERATE WITH THIS REQUIREMENT; BY AMENDING SECTION 40-59-105, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, SO AS TO REVISE THE BASES FOR WHICH REFERRALS OF VIOLATIONS TO THE COMMISSION ARE MADE; BY AMENDING SECTION 40-59-110, RELATING TO REVOCATION, SUSPENSION, OR RESTRICTION OF A LICENSE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-140, RELATING TO DENIALS OF LICENSURE OR REGISTRATION BASED ON THE PAST CRIMINAL RECORD OF THE APPLICANT, SO AS TO MAKE THE DENIALS DISCRETIONARY WITH THE COMMISSION AND TO PROVIDE THAT ALL NEW APPLICANTS SHALL PROVIDE CERTAIN CRIMINAL BACKGROUND REPORTS; BY AMENDING SECTION 40-59-220, RELATING TO LICENSES AND CERTIFICATES OF REGISTRATION, SO AS TO MAKE CONFORMING CHANGES, TO REVISE CRITERIA FOR LICENSURE, AND TO REVISE REQUIREMENTS FOR HOMEOWNER CLAIMS FOR LOSS, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-230, RELATING TO LICENSURE RENEWALS AND CONTINUING EDUCATION REQUIREMENTS, SO AS TO MAKE THE EXAMINATION REQUIREMENT FOR CERTAIN INACTIVE LICENSEES DISCRETIONARY WITH THE COMMISSION, TO PROVIDE THE CONTINUING EDUCATION PROGRAMS MUST BE ADMINISTERED BY THE HOME BUILDERS ASSOCIATION OF SOUTH CAROLINA, AND TO PROVIDE A TIERED SYSTEM FOR RESIDENTIAL BUILDER LICENSES; BY AMENDING SECTION 40-59-240, RELATING TO THE CLASSIFICATIONS OF RESIDENTIAL SPECIALTY CONTRACTORS, SO AS TO MAKE CONFORMING CHANGES, TO REMOVE THE LIMITATION ON THE NUMBER OF CLASSIFICATIONS FOR WHICH THE COMMISSION MAY ISSUE REGISTRATIONS, AND TO INCREASE THE THRESHOLD COSTS OF AN UNDERTAKING THAT REQUIRES AN EXECUTED BOND WITH A SURETY IN AN AMOUNT APPROVED BY THE

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COMMISSION; BY AMENDING SECTION 40-59-250, RELATING TO CREDIT REPORTS REQUIRED FOR LICENSURE, SO AS TO MAKE CONFORMING CHANGES, AND TO MAKE PROOF OF NET WORTH AN AVAILABLE ALTERNATIVE TO A CREDIT REPORT; BY AMENDING SECTION 40-59-260, RELATING TO EXCEPTIONS FOR PROJECTS BY THE PROPERTY OWNER FOR PERSONAL USE, EXEMPTION DISCLOSURE STATEMENTS, AND CERTAIN NOTICES FILED WITH THE REGISTER OF DEEDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-270, RELATING TO THE APPLICABILITY OF CHAPTER 49, TITLE 40, TO LICENSEES OF THE CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-300, RELATING TO CONSTRUCTION OF LOW-INCOME HOUSING USING VOLUNTEER LABOR BY CERTAIN ELEEMOSYNARY ORGANIZATIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-400, RELATING TO DEFINITIONS CONCERNING CERTIFICATES OF AUTHORIZATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-410, RELATING TO RESIDENTIAL BUSINESS CERTIFICATES OF AUTHORIZATION, SO AS TO MAKE CONFORMING CHANGES, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-530, RELATING TO EXCEPTIONS FROM PROVISIONS CONCERNING THE LICENSURE OF HOME INSPECTORS, SO AS TO MAKE CONFORMING CHANGES, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-580, RELATING TO REMEDIES AVAILABLE TO THE COMMISSION FOR VIOLATIONS OF PROVISIONS CONCERNING THE LICENSURE OF HOME INSPECTORS, SO AS TO REMOVE CIVIL PENALTIES FROM THE AVAILABLE REMEDIES; BY AMENDING SECTION 40-59-600, RELATING TO CRIMINAL PENALTIES FOR PERSONS UNDERTAKING THE BUSINESS OF HOME INSPECTION WITHOUT LICENSURE OR EXEMPTION, SO AS TO REMOVE TIERED PENALTIES; BY AMENDING SECTION 40-59-820, RELATING TO DEFINITIONS IN THE NOTICE AND OPPORTUNITY TO CURE THE CONSTRUCTION DWELLING DEFECTS ACT, SO AS TO REVISE VARIOUS DEFINITIONS; BY AMENDING SECTION 40-59-830, RELATING TO STAYS OF ACTIONS BROUGHT UNDER THE NOTICE AND OPPORTUNITY TO CURE THE CONSTRUCTION DWELLING DEFECTS ACT

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UNTIL THE CLAIMANT COMPLIES WITH THE PROVISIONS OF THE ACT, SO AS TO PROVIDE THE CLAIMANT'S UNJUSTIFIED FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE ACT UNDER CIRCUMSTANCES THAT MAKE COMPLIANCE WITH THE CERTAIN PROVISIONS OF CHAPTER 59, TITLE 40, IMPOSSIBLE SHALL REQUIRE THE COURT TO DISMISS THE ACTION WITH PREJUDICE; AND BY REPEALING SECTION 40-59-560 RELATING TO INSPECTION REPORTS AND FORMS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4159 -- Reps. Herbkersman, Davis, M. M. Smith, Erickson, W. Newton, Bradley, Ballentine, Hewitt and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA TELEHEALTH AND TELEMEDICINE MODERNIZATION ACT" BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE REQUIREMENTS FOR CERTAIN REGULATED HEALTH CARE PROFESSIONALS WHO PROVIDE HEALTH CARE BY MEANS OF TELEHEALTH; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS IN THE MEDICAL PRACTICE ACT, SO AS TO DEFINE "TELEHEALTH"; AND BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE, SO AS TO REVISE REQUIREMENTS FOR THE PRACTICE OF TELEMEDICINE AND TO INCLUDE PROVISIONS CONCERNING TELEHEALTH.

lc-0261wab23.docx : 16789dc9-4931-4e40-a72f-55dd2b753c7e

Read the first time and referred to the Committee on Medical Affairs.

H. 4460 -- Reps. Wheeler, Mitchell, Connell, Yow, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy,

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McDaniel, McGinnis, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, White, Whitmire, Williams, Willis and Wooten: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE OF 1923 AND TO REMEMBER THE SEVENTY-SEVEN PEOPLE, INCLUDING FORTY-ONE CHILDREN, WHO PERISHED IN THIS TRAGIC EVENT.

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The Concurrent Resolution was adopted, ordered returned to the House.

H. 4461 -- Reps. Hayes, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR THE MEMORY OF YOLANDA MANNING MCCORMICK, DIRECTOR OF THE DILLON COUNTY LIBRARY SYSTEM, UPON HER PASSING AFTER FORTY-FOUR YEARS OF SERVICE TO THE PEOPLE OF DILLON COUNTY.

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The Concurrent Resolution was adopted, ordered returned to the House.

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H. 4466 -- Reps. Haddon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE ROGER C. PEACE ROLLIN' TIGERS WHEELCHAIR BASKETBALL TEAM FOR WINNING THE 2023 NATIONAL WHEELCHAIR BASKETBALL ASSOCIATION PREP DIVISION CHAMPIONSHIP.

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The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 109 -- Senators Martin, Rice, Kimbrell, Corbin, Climer, Loftis, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2023"; BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS; EXCEPTION FOR CONCEALABLE WEAPONS' PERMIT HOLDERS, SO AS TO PROVIDE PERSONS MAY POSSESS FIREARMS UPON THE CAPITOL GROUNDS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS; EXCEPTIONS, SO AS TO PROVIDE IT IS LEGAL TO CARRY HANDGUNS IN THIS STATE AND TO PROVIDE

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LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES; DISPOSITION OF FINES; FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE PERSONS WHO ENTER PREMISES WITH SIGNS PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASSING; BY AMENDING SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTIES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH PERSONS MAY POSSESS FIREARMS ON SCHOOL PROPERTIES; BY AMENDING SECTION 16-23-465, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS LAWFULLY CARRYING WEAPONS WHO DO NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING WEAPONS ON THE BUSINESSES' PREMISES; BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES PERMIT HOLDERS TO POSSESS PERMIT IDENTIFICATION WHEN CARRYING CONCEALABLE WEAPONS, AND THE PROVISION THAT REQUIRES PERMIT HOLDERS TO INFORM LAW ENFORCEMENT OFFICERS THAT THEY ARE PERMIT HOLDERS AND PRESENT THE PERMITS TO OFFICERS UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS CONCEALED WEAPONS PERMITS; BY AMENDING SECTION 23-31-235, RELATING TO SIGN REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS, THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS INTO RESIDENCES, AND THE CARRYING OF WEAPONS BETWEEN AUTOMOBILES AND CERTAIN ROOMS AND ACCOMMODATIONS.

Ordered for consideration tomorrow.

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Senator CLIMER from the Committee on Agriculture and Natural Resources polled out S. 712 favorable:

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA'S COASTAL CULTURE AND ECONOMY.

Poll of the Agriculture and Natural Resources Committee

Polled 17; Ayes 7; Nays 0

AYES

Climer	Verdin	Williams
McElveen	Sabb	Fanning
Goldfinch	Talley	Harpootlian
Loftis	Garrett	Gustafson
<i>M. Johnson</i>	Kimbrell	Stephens
Massey	Reichenbach	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoun, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

Appointments Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

1st Congressional District:

Charles Samuel Bennett II, 31 Governors Road, Hilton Head, SC 29928-3028 *VICE* William A. Finn

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2024, and to expire January 1, 2028

6th Congressional District:

Alyssa Richardson, 1049 Buist Avenue, North Charleston, SC 29405-4909 *VICE* John Calhoun Land IV

Received as information.

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Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2019, and to expire June 30, 2023

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566
VICE Kent T. Washington

Received as information.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2023, and to expire June 30, 2027

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

2nd Congressional District:

Stacy K. Taylor, 124 Harding St., Chapin, SC 29036-9458 *VICE* Jack Wolf

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

4th Congressional District:

Charles E. Dalton, 11 Harvest Court, Greenville, SC 29601-4409
VICE Barry D. Wynn

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

Berkeley County:

John Samuel West, 202 McCants Drive, Moncks Corner, SC 29461-1869 *VICE* Peggy H. Pinnell

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Received as information.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large:

Kaala Maple, 1007 Blockade Runner Parkway, Summerville, SC 29485-6317 *VICE* Tammy Wilson

Received as information.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

5th Congressional District:

Ame E. Fuss, 29049 Snapper Point, Tega Cay, SC 29708-8403 *VICE* William B. James, Jr.

Received as information.

Appointments Reported

Senator HEMBREE from the Committee on Education submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Four-Year Institutions:

Oran P. Smith, 466 East Columbia Ave., Leesville, SC 29070-7317 *VICE* Linda L. Dolny

Received as information.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2021, and to expire July 1, 2025

At-Large:

Mitchell M. Zais, 1642 Tanglewood Road, Columbia, SC 29204-3308 *VICE* Benjamin Wright Satcher, Jr.

Received as information.

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Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Independent College:

Gene C. Fant, 7801 North Tigerville Road, Tigerville, SC 29688-9700
VICE Mark A. Smith

Received as information.

Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO

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REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES,

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ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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Motion Adopted

On motion of Senator HUTTO, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES

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WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE

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PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

On motion of Senator HUTTO, the Bill was carried over.

Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY

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PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen,

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Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CROMER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CONCURRENCE

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE

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RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CROMER explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

On motion of Senator CROMER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL

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RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES;

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BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES, AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR

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VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE

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ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GROOMS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CARRIED OVER

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT

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PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE

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DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES, AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES;

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BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A

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LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

On motion of Senator MALLOY, the Bill was carried over.

Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator PEELER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., May 9, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Resolution to the Senate with amendments:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator PEELER, the Senate agreed to waive the provisions of Rule 32A requiring the Resolution to be printed on the Calendar.

The Resolution was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The House returned the Resolution with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4412 -- Rep. Long: A BILL TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

SECOND READING BILL

H. 4413 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024.

On motion of Senator HUTTO.

**AMENDED, READ THE THIRD TIME
HOUSE BILL RETURNED**

The following Resolution was read the third time and ordered sent to the House:

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

The Senate proceeded to the consideration of the Resolution.

Senator CLIMER proposed the following amendment (SR-3209.JG0023S), which was adopted:

Amend the joint resolution, as and if amended, by adding (3)(b) to SECTION 2:

(3)(a) "Development approval" means an approval issued by the State, an agency or subdivision of the State, regardless of the form of the approval, that is for the development of land or for the provision of water or wastewater services by a governmental entity, including:

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(i) a water or wastewater permit issued by the department, including authorization for construction and installation of lines and infrastructure extending water and sewer service and authorization to connect to available or proposed lines and infrastructure;

(ii) a critical area permit issued by the department's Office of Ocean and Coastal Resource Management; and

(iii) an air quality permit issued by the department.

(b) However, "Development Approval," for purposes of this resolution, shall not include Development Agreements entered pursuant to S.C. Code Ann. Section 6-31-10, et seq., which agreements are expressly excluded from the permit extension provisions herein.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The question then being the third reading of the Resolution, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Turner
Young

Stephens
Verdin

Talley
Williams

Total--43

NAYS

Corbin

Loftis

Total--2

There being no further amendments, the Resolution, as amended, was read the third time, passed and ordered returned to the House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

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AMENDED, CARRIED OVER

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA

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FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

The Senate proceeded to the consideration of the Bill.

Senator MARTIN proposed the following amendment (SR-4023.JG0006S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by deleting Section 59-152-70(A)(9), (10), and (11).

Amend the bill further, SECTION 8, by deleting Section 63-11-1730(14).

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Senator CAMPSSEN proposed the following amendment (LC-4023.WAB0007S), which was carried over:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(A) and inserting:

(A) Each county must be represented ~~by~~ on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the ~~local legislative delegation~~ county council, and be on file with the Office of First Steps.

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(2) and inserting:

(2) To assure that all areas of the county ~~or multicounty region~~ are adequately represented and reflect the diversity of the coverage area, each county ~~legislative delegation~~ may council shall appoint ~~up to four~~

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six members to a local partnership board. ~~Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation~~ These members must be chosen from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. In multicounty partnerships, the county councils shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(a) and inserting:

(3)(a) Each of the following entities located within a particular First Steps Partnership coverage area shall ~~designate-recommend~~ one member to the county council for appointment by the council to serve as a member of the local First Steps Partnership Board:

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(b) and inserting:

(b) When an entity in subitem (a) recommends an individual to a county council for appointment, the council either shall make the appointment or reject the appointment and ask the entity to make another recommendation. In multicounty partnerships, the county councils only may appoint one member from each of the categories in subitem (a)(i), (ii), and (iii), and shall collaborate to ensure each county in the partnership coverage area is represented in the appointments.

Amend the bill further, SECTION 2, by striking Section 59-152-70(F) and inserting:

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local ~~legislative delegation~~ county council.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was carried over.

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On motion of Senator MALLOY, the Bill was carried over.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

**COMMITTEE AMENDMENT WITHDRAWN
AMENDED, READ THE SECOND TIME**

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

The Senate proceeded to the consideration of the Bill.

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The Committee on Education proposed the following amendment (SEDU-314.DB0003S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 1 and adding:

SECTION X. Chapter 47, Title 2 of the S.C. Code is amended by adding:

Section 2-47-70. As used in this chapter:

(1) "Board of trustees" means the boards of trustees of the colleges and universities listed in Section 59-101-10.

(2) "Capital project" means the construction, improvement, equipment, renovation, or repair of any buildings, structure, facility, or other permanent improvement project; the acquisition of land to construct or establish a building, structure, or facility; or a permanent improvement project as defined in Section 2-47-50.

(3) "Institution" means a research university identified in Section 11-51-30(5) or a non-research, four-year college or university described in Section 59-103-15(B)(2), (B)(3), and (B)(4).

Section 2-47-80. (A) Notwithstanding any other provision of the law, any permanent improvement project, as defined in Section 2-47-50, that costs more than five million dollars for research universities as identified in Section 11-51-30(5) and more than two and one-half million dollars for all other institutions as described in Section 59-103-15(B)(2), (B)(3), and (B)(4), that requires the use of lease purchase agreements, state institution bond funds, capital improvement bond funds, capital reserve funds, state general appropriated funds, or state infrastructure bond funds or student tuition and fee funds for its funding must be submitted to the Commission on Higher Education and the Joint Bond Review Committee for review and the State Fiscal Accountability Authority for approval after full architecture and engineering design work is completed but prior to execution of a construction contract, and thereafter to the Executive Budget Office for publication upon approval.

(B) The Chairman of the Joint Bond Review Committee may, on behalf of the committee, request to review and comment on any other permanent improvement project, as defined in Section 2-47-50, that costs more than five million dollars for research universities as identified in Section 11-51-30(5) and more than two and one-half million dollars for all other institutions as described in Section 59-103-15(B)(2), (B)(3), and (B)(4).

Section 2-47-90. Notwithstanding another provision of law, permanent improvement projects, as defined in this chapter, where the cost is not greater than five million dollars for public research

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universities and not greater than two and one-half million dollars for all other public institutions of higher learning shall be exempt from the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's governing board having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their governing boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review Committee, and the State Fiscal Accountability Authority by November fifteenth of the current fiscal year.

Section 2-47-100. The board of trustees shall provide on an annual basis a fiscal year report of property acquired and any capital projects which cost less than five million dollars for research universities and less than two and one-half million dollars for all other institutions, commenced under the authority granted in this chapter, to the Governor, the Senate Finance Committee, and the House of Representatives Ways and Means Committee. The report must be submitted annually by September thirtieth.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was withdrawn.

Senator HEMBREE proposed the following amendment (SEDU-314.DB0006S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 2-47-70 and inserting:

(1) "Board" means the boards of trustees of the colleges and universities listed in Section 59-101-10 and the State Board for Technical and Comprehensive Education listed in Section 59-53-10.

(2) "Capital project" means the construction, improvement, equipment, renovation, or repair of any buildings, structure, facility, or other permanent improvement project; the acquisition of land to construct or establish a building, structure, or facility; or a permanent improvement project as defined in Section 2-47-50.

(3) "Institution" means a research university identified in Section 11-51-30(5) or a non-research, four-year college or university described in Section 59-103-15(B)(2), (B)(3), and (B)(4).

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Amend the bill further, SECTION 1, by striking Sections 2-47-90 and 2-47-100 and inserting:

Section 2-47-90. Notwithstanding another provision of law, permanent improvement projects, as defined in this chapter, where the cost is not greater than five million dollars for public research universities and not greater than two and one-half million dollars for all other public institutions of higher learning shall be exempt from the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's board having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review Committee, and the State Fiscal Accountability Authority by November fifteenth of the current fiscal year.

Section 2-47-100. The board shall provide on an annual basis a fiscal year report of property acquired and any capital projects which cost less than five million dollars for research universities and less than two and one-half million dollars for all other institutions, commenced under the authority granted in this chapter, to the Governor, the Senate Finance Committee, and the House of Representatives Ways and Means Committee. The report must be submitted annually by September thirtieth.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY proposed the following amendment (SEDU-314.DB0009S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Section 2-47-30 of the S.C. Code is amended to read:

Section 2-47-30. ~~The committee is specifically charged with, but not limited to, the following responsibilities:~~

- ~~—(1) to review, prior to approval by the State Fiscal Accountability Authority, the establishment of any permanent improvement project and the source of funds for any such project not previously authorized specifically by the General Assembly;~~
- ~~—(2) to study the amount and nature of existing general obligation and institutional bond obligations and the capability of the State to fulfill such obligations based on current and projected revenues;~~
- ~~—(3) to recommend priorities of future bond issuance based on the social and economic needs of the State;~~

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- ~~—(4) to recommend prudent limitations of bond obligations related to present and future revenue estimates;~~
- ~~—(5) to consult with independent bond counsel and other nonlegislative authorities on such matters and with fiscal officials of other states to gain in depth knowledge of capital management and assist in the formulation of short and long term recommendations for the General Assembly;~~
- ~~—(6) to carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government and the authority;~~
- ~~—(7) to report its findings and recommendations to the General Assembly annually or more frequently if deemed advisable by the committee.~~

The committee is charged with responsibilities, without limitation, to:

- (1) review, prior to any implementation by any agency the establishment of and the source of funds for any permanent improvement project not specifically authorized by the General Assembly;
- (2) study the amount and nature of existing general obligation and institutional bond obligations, and the capability of the State to fulfill such obligations based on current and projected revenues;
- (3) recommend priorities of future bond issuance based on the social and economic needs of the State;
- (4) recommend prudent limitations of bond obligations related to present and future revenue estimates;
- (5) consult with independent counsel, advisors, and other authorities and fiscal officials to develop a body of knowledge that promotes prudent and efficient administration and management of capital assets and investments, and assist in the formulation of short- and long-term recommendations for consideration by the General Assembly;
- (6) carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government; and
- (7) report its findings and recommendations to the General Assembly on such matters and at such times as are appropriate and advisable.

SECTION X. Section 2-47-35 of the S.C. Code is amended to read:

Section 2-47-35. No project authorized in whole or in part for capital improvement bond funding under the provisions of Act 1377 of 1968, as amended, may be implemented until funds ~~have been~~can be made available and ~~until the Joint Bond Review Committee, in consultation with the authority, has established~~ priorities for the funding of the projects. The Joint Bond Review Committee ~~shall~~must report its priorities to the members of the General Assembly within thirty days of the establishment of the funding priorities.

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SECTION X. Section 2-47-40 of the S.C. Code is amended to read:

Section 2-47-40. (A) ~~To assist the authority and the Joint Bond Review Committee in carrying out their respective responsibilities, any~~ Any agency or institution requesting or receiving funds from any source ~~for use in the financing of to fund~~ any permanent improvement project, ~~as must provide, at a minimum, shall provide to the authority, and in such form and at such times as the authority, after review by Department of Administration and the committee, may prescribe:~~

- (1) a complete description of the proposed project;
- (2) a statement of justification for the proposed project;
- (3) a statement of the purposes and intended uses of the proposed project;
- (4) the estimated total cost of the proposed project;
- (5) an estimate of the additional future annual operating costs associated with the proposed project;
- (6) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project;
- (7) a proposed plan of funding for financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and
- (8) ~~the specification of the~~ priority of each project among those proposed.

(B) All institutions of higher learning ~~must shall~~ submit to the Commission on Higher Education ~~permanent improvement project proposal and justification statements for any permanent improvement project requiring review by the full committee pursuant to Section 2-47-52. The to the authority, through the Commission on Higher Education, which shall forward all such statements and all supporting documentation received to the authority together with its comments and recommendations. The recommendations of the Commission on Higher Education must be made, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in accordance with higher education mission and goals as prescribed the order of priority deemed appropriate by Section 59-103-15, the Commission on Higher Education without regard to the sources of funds proposed for the funding financing of the projects requested.~~

~~A~~ The authority shall forward a copy of each project proposal and justification statement, supporting documentation, and supporting documentation received together with the authority's recommendations on such projects to the committee for its review and action. The any

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recommendations of the Commission on Higher Education ~~must~~shall be ~~provided~~ included in the materials forwarded to the committee by the authority.

(C) No provision in this section or elsewhere in this chapter, ~~is to~~shall be construed to limit in any manner the prerogatives of the committee and the General Assembly with regard to recommending or authorizing permanent improvement projects and the funding such projects may require.

SECTION X. Section 2-47-50 of the S.C. Code is amended to read:

Section 2-47-50. (A) ~~Each~~ The authority shall establish formally each permanent improvement project must be formally established in accordance with the provisions of this chapter before actions of any kind may be undertaken in any way to sort which implement the project. No in any way may be undertaken and no expenditure of any funds for any services or for any other project purpose may be contracted for, delivered, or otherwise provided prior to the date of the formal action of the authority to establish the project, shall be approved. State agencies and institutions may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. Following review by ~~After the committee, requests for~~ has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering such requests as proposed by the authority, requests to establish permanent improvement projects shall ~~must~~ be made in such form and at such times as the authority Department of Administration may require.

(B) Any proposal to ~~fund~~finance all or any part of any project using any funds not previously authorized by the General Assembly specifically for the project, ~~or otherwise by the General Assembly or~~ using any funds not previously approved for the project, ~~must by the authority and reviewed by the committee shall~~ be referred to the committee for review prior to any approval required by the provisions of this chapter ~~authority.~~

(C) Any proposed revision of the scope or ~~of~~ the budget of an established permanent improvement project deemed ~~by the authority to~~ be substantial ~~must~~shall be referred to the committee for its review prior to any final action implementing the revision. The by the authority. In making their determinations regarding changes in project scope, the authority, and the committee shall utilize the permanent improvement project proposal, and justification statements, and together with any

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supporting documentation, considered at the time the project was originally authorized or established ~~originally must be utilized in making determinations regarding changes in project scope~~. Any proposal to increase the budget of a previously approved project using any funds not previously approved for the project ~~must by the authority and reviewed by the committee~~ shall in all cases be deemed to be a substantial revision of a project budget and must ~~which shall~~ be referred to the committee for review pursuant to the provisions of Section 2-47-52. The committee ~~must~~ shall be advised promptly of all actions taken to by the authority ~~which~~ approve revisions in the scope ~~of~~ or the budget of any previously established permanent improvement project not deemed to be substantial by the authority.

(D) For purposes of this chapter, ~~a with regard to all institutions of higher learning, permanent improvement or a permanent improvement project is any improvement meeting the definition of a capital improvement under generally accepted accounting principles, including without limitation~~ defined as:

(1) acquisition of land, ~~regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;~~

(2) acquisition, as opposed to the construction, of buildings or other structures, ~~regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;~~

(3) ~~work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;~~

~~— (4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;~~

~~— (5) capital lease purchase of any facility acquisition or construction in which the total cost is one million dollars or more;~~

(4) new construction;

(5) work on existing facilities including their renovation, repair, maintenance, alteration, or demolition;

(6) architectural and engineering and other types of planning and design work that is intended to result in a permanent improvement project; excluding, however, master plans and feasibility studies;

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~~(7)(6)~~ equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and

~~(8)(7)~~ any project new construction of a facility that exceeds a total cost of five hundred thousand dollars.

~~(E) Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or by the General Assembly including without limitation any project funded by appropriated capital improvement bond funds, capital reserve funds, or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.~~

~~(E) Any capital improvement that meets the above definition must be established as a permanent improvement project in accordance with the provisions of this chapter, regardless of the source of funds.~~

~~(F) For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson PSA) and South Carolina State University Public Service Activities (SC State PSA) are subject to the provisions of this chapter.~~

~~SECTION 5. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.~~

~~SECTION X. Chapter 47, Title 2 of the S.C. Code is amended by adding:~~

~~Section 2-47-52. (A) For purposes of this chapter, except as provided in Section 2-47-52(B), permanent improvement projects are subject to review by the committee where the costs of the permanent improvements exceed one hundred thousand dollars; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1),~~

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(2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost.

(B) For purposes of this chapter, permanent improvement projects proposed by public universities of higher learning as defined in Section 59-103-5, including their related public service activities, are subject to review by the committee where the costs of the permanent improvements exceed five million dollars for research universities as identified in Section 11-51-30(5) or two million five hundred thousand dollars for all other public institutions of higher learning; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1), (2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost.

(C) State agencies and institutions may advertise, interview, and engage the services of professional firms for architectural, engineering, planning, and design work as defined in item (6) of Section 2-47-50(D) to inform the project estimate prior to the review of the committee; provided, however, that the costs of such engagements do not exceed five million dollars for research universities as identified in Section 11-51-30(5), two million five hundred thousand dollars for all other public institutions of higher learning, or one hundred thousand dollars for all other agencies subject to the provisions of this chapter.

(D) Notwithstanding any other provision of this section, the committee may establish reporting and other requirements, and may authorize review of permanent improvement projects by committee staff, at such levels as the committee may determine are appropriate.

(E) Where the funding for a proposed permanent improvement project includes proceeds from the issuance of bonds or other indebtedness, including any obligation for an agency or institution to make payments pursuant to a lease or other agreement securing indebtedness in connection with or on behalf of the permanent improvement project, approval of the permanent improvement project is the responsibility of the Department of Administration, and approval of the issuance of bonds, where required pursuant to the applicable bond enabling act, or other indebtedness in accordance with the provisions of this subsection, is the responsibility of the State Fiscal Accountability Authority.

SECTION X. Section 2-47-55 of the S.C. Code is amended to read:

Section 2-47-55. ~~(A) All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan (CPIP) to the Joint Bond Review Committee and the authority. The CPIP must include all of the agency's~~

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~~permanent improvement projects anticipated and proposed over the next five years beginning with the fiscal year starting July first after submission. The purpose of the CPIP process is to provide the authority and the committee with an outline of each agency's permanent improvement activities for the next five years. Agencies must submit a CPIP to the committee and the authority on or before a date to be determined by the committee and the authority. The CPIP for each higher education agency, including the technical colleges, must be submitted through the Commission on Higher Education which must review the CPIP and provide its recommendations to the authority and the committee. The authority and the committee must approve the CPIP after submission and may develop policies and procedures to implement and accomplish the purposes of this section.~~

~~—(B) The State shall define a permanent improvement only in terms of capital improvements, as defined by generally accepted accounting principles, for reporting purposes to the State.~~

All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan to the committee. The plan must include all of the permanent improvement projects proposed and anticipated by the agency over the next five years beginning with the fiscal year starting July first after submission. The purpose of this planning process is to develop a comprehensive statewide plan reflecting permanent improvements proposed and anticipated by each agency for the next five years. Agencies must submit a plan to the committee through the Department of Administration on or before a date to be determined by the Department of Administration. The plan for each higher education agency, including the technical colleges, must also be submitted to the Commission on Higher Education which must review the plan and provide its recommendations to the committee. The committee must review the plan after submission and may develop policies and procedures to implement and accomplish the purposes of this section.

SECTION X. Section 2-47-56 of the S.C. Code is amended to read:

~~Section 2-47-56. Each state agency and institution may accept gifts in kind for architectural and engineering services and construction of a value less than two hundred fifty thousand dollars with the approval of the Commission of Higher Education or its designated staff, the director of the department, and the Joint Bond Review Committee or its designated staff. No other approvals or procedural requirements, including the provisions of Section 11-35-10, may be imposed on the acceptance of such gifts.~~

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For purposes of this chapter, the term "source of funds" includes without limitation gifts, gifts-in-kind, and donations; and when used as a financial resource to defray any cost of a permanent improvement project, the amount of the source of funds from such gifts, gifts-in-kind, and donations is the value of the gift, gift-in-kind, or donation. Each state agency and institution may accept gifts-in-kind for architectural and engineering services and construction following review by the committee or its designated staff in accordance with the provisions of Section 2-47-52. Such gifts are exempt from the provisions of Section 11-35-10.

SECTION X.. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 10. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HEMBREE, the Resolution was carried over.

CARRIED OVER

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC

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**INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE
PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.**

The Senate proceeded to the consideration of the Bill.

Senator SENN explained the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3866.PB0004S), which was carried over:

Amend the bill, as and if amended, by deleting SECTION 3.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

On motion of Senator KIMBRELL, the amendment was carried over.

On motion of Senator MALLOY, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

The Senate proceeded to the consideration of the Bill.

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The Committee on Education proposed the following amendment (SEDU-3797.KN0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-63-33(C)(1) and inserting:

(C)(1) The parent or legal guardian of a pupil who meets the requirement prescribed in subsection (A) shall provide proof of residence to the school district after arrival. The parent or legal guardian may use the address of any of the following as proof of residence for the purposes of this subsection:

- (a) a temporary on-base billeting facility;
- (b) a purchased or leased home or apartment; or
- (c) any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens

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Talley
Williams

Turner
Young

Verdin

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3691.MB0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 17-5-135 and inserting:

Section 17-5-135. A coroner, deputy coroner, or coroner's designee may possess and administer an opioid antidote pursuant to the requirements of the South Carolina Overdose Prevention Act. The

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coroner, deputy coroner, or coroner's designee must comply with all of the requirements of Section 44-130-90 and is entitled to immunity from civil or criminal liability or professional disciplinary action when administering an opioid antidote to a person he believes in good faith is experiencing an opioid overdose.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

Senator M. JOHNSON proposed the following amendment (SJ-3691.MB0008S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-130-90(A) and inserting:

(A) A coroner, deputy coroner, or coroner's designee may administer an opioid antidote if the coroner, deputy coroner, or coroner's designee believes in good faith that the person is experiencing an opioid overdose and exercises reasonable care.

Amend the bill further, SECTION 3, by striking Section 17-5-510(2) and (3) and inserting:

(2) the medical examiner's duties must be specified in an annual written contract between the county governing body and the medical examiner.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 5, Title 17 of the S.C. Code is amended by adding:

Section 17-5-150. Coroners and deputy coroners are considered public safety officers under 34 U.S.C. Section 10281 et seq., if killed in the line of duty.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-3890.SW0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 22-5-920(B)(1) and inserting:

(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, but not including a conviction for driving under suspension, while serving the youthful offender sentence, including probation and parole, and for a period of five years from the date of completion of the defendant's sentence, including probation and parole, may apply, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

Amend the bill further, SECTION 1, by striking Section 22-5-920(B)(2)(a) and inserting:

(a) an offense involving the operation of a motor vehicle;

Amend the bill further, SECTION 1, by striking Section 22-5-920(B)(3) and inserting:

(3) If the defendant has had no other conviction, to include out-of-state convictions, but to not include a conviction for driving under suspension, during the service of the youthful offender sentence, including probation and parole, and during the five-year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and was a youthful offender as that term is defined in Section 24-19-10(d) is eligible to have his record expunged pursuant to the provisions of this section.

ReNUMBER sections to conform.

Amend title to conform.

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Senator TALLEY explained the amendment.

The amendment was adopted.

Senators SENN and McLEOD proposed the following amendment (SJ-3890.SW0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 22-5-920(B)(1) and inserting:

(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, but not including a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, while serving the youthful offender sentence, including probation and parole, and for a period of five years from the date of completion of the defendant's sentence, including probation and parole, may apply, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

Amend the bill further, SECTION 1, by striking Section 22-5-920(B)(3) and inserting:

(3) If the defendant has had no other conviction, to include out-of-state convictions, but to not include a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, ~~during the service of the youthful offender sentence~~, including probation and parole, and during the five-year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and was a youthful offender as that term is defined in Section 24-19-10(d) is eligible to have his record expunged pursuant to the provisions of this section.

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Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Martin	Peeler
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Total--2

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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RECOMMITTED

S. 757 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, RELATING TO CONTINUING OBLIGATION TO UPDATE, REQUEST FOR HEARING, AND ANSWER, DESIGNATED AS REGULATION DOCUMENT NUMBER 5131, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator M. JOHNSON, the Resolution was recommitted to the Committee on Judiciary.

OBJECTION

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-700.HA0001S):

Amend the bill, by striking all after the enacting words and inserting:
SECTION 1. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 8

South Carolina Earned Wage Access Services Act

Section 39-5-810. This article may be cited as the "South Carolina Earned Wage Access Services Act".

Section 39-5-820. As used in this article, unless the context clearly requires otherwise, the term:

(1) "Consumer" means a natural person residing in the State of South Carolina. A provider may use the mailing address provided by a consumer to determine such consumer's state of residence for purposes of this article.

(2) "Consumer-directed wage access services" means offering or providing earned wage access services directly to consumers based on the consumer's representations and the provider's reasonable determination of the consumer's earned but unpaid income.

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(3) “Earned but unpaid income” means salary, wages, compensation, or other income that a consumer or an employer has represented, and that a provider has reasonably determined, have been earned or have accrued to the benefit of the consumer in exchange for the consumer’s provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor of the employer, but have not, at the time of the payment of proceeds, been paid to the consumer by the employer.

(4) “Earned wage access services” means the business of providing consumer-directed wage access services or employer-integrated wage access services, or both.

(5)(a) “Employer” means:

(i) a person who employs a consumer; or

(ii) any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for consumer’s provision of services to the employer or on behalf of the employer including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor with respect to the employer.

(b) The term “employer” does not include:

(i) a customer of the employer; or

(ii) any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person.

(6) “Employer-integrated wage access services” means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer.

(7) “Fee” shall include a:

(a) fee imposed by a provider for delivery or expedited delivery of proceeds to a consumer; or

(b) subscription or membership fee imposed by a provider for a bona fide group of services that include earned wage access services. A voluntary tip, gratuity, or other donation shall not be deemed to be a fee.

(8) “Outstanding proceeds” means proceeds remitted to a consumer by a provider that have not yet been repaid to that provider.

(9) “Person” means a partnership, association, corporation, or other business unit.

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(10) "Proceeds" means a payment to a consumer by a provider that is based on earned but unpaid income.

(11) "Provider" means a person who is in the business of providing earned wage access services to consumers.

Section 39-5-830. This article does not apply to any person doing business under authority of and as permitted by any law of this State or the United States relating to banks, credit unions, savings and loan associations, savings banks, or trust companies.

Section 39-5-840. A provider shall comply with all of the following requirements:

(1) The provider shall develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner.

(2) The provider shall offer to the consumer at least one reasonable option to obtain proceeds at no cost to the consumer and clearly explain how to elect that no-cost option.

(3) Before providing a consumer with earned wage access services, the provider shall provide a consumer with a written paper or electronic document, which can be included as part of the contract to provide earned wage access services, and which meets all of the following requirements:

(a) informs the consumer of the terms and conditions of the earned wage access services;

(b) clearly and conspicuously describes how the consumer may obtain proceeds at no cost to that consumer;

(c) provides a phone number or a website through which consumers can submit complaints about the provider's earned wage access services to the provider;

(d) is written in a font and using language intended to be easily understood by a layperson;

(e) discloses any fees that may be directly imposed by the provider in connection with the provision of earned wage access services.

(4) The provider must inform the consumer of the fact of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer, using a font and language intended to be easily understood by a layperson.

(5) The provider shall provide proceeds to a consumer via any means mutually agreed upon by the consumer and provider.

(6) The provider shall comply with all local, state, and federal privacy and information security laws.

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(7) If the provider solicits, charges, or receives a tip, gratuity, or other donation from a consumer, the provider shall:

(a) clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or other donation amount may be zero and is voluntary;

(b) clearly and conspicuously disclose in its service contract with the consumer and elsewhere that tips, gratuities, or donations are voluntary and that the offering of earned wage access services, including the amount of proceeds a consumer is eligible to request and the frequency with which proceeds are provided to a consumer, is not contingent on whether the consumer pays any tip, gratuity, or other donation or on the size of the tip, gratuity or other donation;

(c) not mislead or deceive consumers about the voluntary nature of such tips, gratuities, or donations; and

(d) make no representations that tips, gratuities, or other donations will benefit any specific individuals.

(8) In any case in which a provider will seek repayment of outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations from a consumer's account at a depository institution including via electronic transfer, the provider shall:

(a) comply with applicable provisions of the federal Electronic Fund Transfer Act and its implementing regulations;

(b) reimburse the consumer for the full amount of any overdraft or non-sufficient funds fees imposed on a consumer by the consumer's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations, on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer; and

(c) not be subject to the requirements in subitem (b) with respect to payments of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means.

(9) A provider that makes earned wage access services available to a consumer on a recurring basis shall allow a consumer to discontinue receiving those services at any time, without imposing a financial penalty on that consumer.

Section 39-5-850. No person subject to this article shall do any of the following:

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(1) share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services;

(2) charge a late fee, interest, or any other penalty or charge for failure to repay outstanding proceeds;

(3) accept payment of outstanding proceeds, fees, voluntary tips, gratuities, or other donations from a consumer via credit card or charge card;

(4) charge a deferral fee or any other charge in connection with deferring the collection of any outstanding proceeds beyond the original scheduled repayment date;

(5) solicit a consumer to delay repayment of outstanding proceeds for the purpose of increasing the total nonmandatory payments that the provider may collect;

(6) report a consumer's payment or failed repayment of outstanding proceeds to a consumer credit reporting agency or a debt collector;

(7) require a credit score to determine a consumer's eligibility for earned wage access services;

(8) advertise, display, distribute, broadcast, televise, or cause or permit to be advertised, displayed, distributed, broadcasted, or televised in any manner whatsoever any false, misleading or deceptive statement or representation regarding the conditions of the earned wage access services offered and provided by the provider;

(9) compel or attempt to compel payment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations to the provider through any of the following means:

(a) a suit against the consumer in a court of competent jurisdiction;

(b) use of a third party to pursue collection from the consumer on the provider's behalf; or

(c) sale of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

However, the limitations in this item shall not preclude the use by a provider of any of these methods to compel payment of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means, nor shall they preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

Section 39-5-860. The following shall apply in connection with the earned wage access services offered and provided by a provider in compliance with the provisions of this article:

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(A) Proceeds provided to a consumer by the provider shall not be considered a consumer loan for purposes of Section 37-3-104 or a loan for purposes of Section 37-3-106.

(B) The provider shall not be considered a lender for purposes of Section 37-3-107(1).

(C) Fees, voluntary tips, gratuities, or other donations paid by a consumer to a provider shall not be considered a loan finance charge for purposes of Section 37-3-109.

(D) The provider shall not be considered to be engaged in the business of money transmission for purposes of Section 35-11-200.

(E) Earned wage access services shall not be considered wage assignment for the purposes of Section 37-3-403.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

Senator TURNER objected to further consideration of the Bill.

READ THE SECOND TIME

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator MASSEY explained the Bill.

The question then being second reading of the Bill.

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Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-4049.PH0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 33-31-701(g)(2) and inserting:

(2) be deemed present in person and vote at an annual or regular membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the annual or regular membership meeting is a member of the corporation or proxy holder.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 33-7-102 of the S.C. Code is amended by adding:

(e) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, shareholders and proxy holders not physically present at a special meeting of shareholders may, by means of remote communication:

(1) participate in a special meeting of shareholders;

(2) be deemed present in person and vote at a special meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:

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(i) the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special meeting is a shareholder or proxy holder;

(ii) the corporation implements reasonable measures to provide shareholders or proxy holders a reasonable opportunity to participate in the special meeting and to vote on matters submitted to the shareholders including, without limitation, an opportunity to communicate and to read or hear the proceedings of the special meeting substantially concurrently with such proceedings; and

(iii) if any shareholder or proxy holder votes or takes other action at the special meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation.

SECTION X. Section 33-31-702 of the S.C. Code is amended by adding:

(f) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, members not physically present at special membership meetings may, by means of remote communication:

(1) participate in a special membership meeting; and

(2) be deemed present and in person and vote at a special membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special membership meeting is a member of the corporation or proxyholder.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING

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PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

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The question then being second reading of the Bill.

Motion Adopted

Senator CLIMER asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GROOMS, the Resolution was carried over.

OBJECTION

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000;

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AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

Senator MATTHEWS objected to consideration of the Bill.

READ THE SECOND TIME

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3538.BC0010S):

Amend the bill, as and if amended, SECTION 1, by striking Section 50-11-546(C) and inserting:

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, which must be recorded by the person submitting the harvest report. A processor who receives a big game carcass must be provided with the harvest report confirmation number. The processor must record and maintain the harvest report confirmation number until the processed meat is received by the hunter or their designee.

Amend the bill further, SECTION 1, by striking Section 50-11-546(E) and inserting:

(E) The department is prohibited from requesting or acquiring the geolocation data of a person submitting a harvest report through electronic means and from requesting a person to self-report location information to the harvest reporting system more specific than the county and Wildlife Management Area, if applicable, in which a ~~turkey~~ big game species is harvested.

Amend the bill further, SECTION 1, by striking Section 50-11-546(G) and (H) and inserting:

(G) A person who violates this section or provisions established by the department for electronic harvest reporting is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

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SECTION X. Section 50-11-320(B) of the S.C. Code is amended to read:

(B)(1) Deer taken pursuant to individual deer tags, during any season regardless of weapon, must be tagged with a valid individual deer tag. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(2) Deer taken pursuant to Deer Quota Program tags must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

SECTION X. Section 50-11-390(D) of the S.C. Code is amended to read:

(D) Deer taken pursuant to a Deer Quota Program permit must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

Amend the bill further, by striking SECTIONS 2.B and 3 and inserting:

SECTION 3. This act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The question then being the second reading of the Bill.

Motion Adopted

Senator CAMPSSEN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

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READ THE SECOND TIME

H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3868.BC0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 53-3-270 and inserting:

Section 53-3-270. The third Saturday in November of each year is designated as "Women in Hunting and Fishing Awareness Day" in South Carolina.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler

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Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoun, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3231 -- Reps. West and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT SERVICES.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

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Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3726 -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT" BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO

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CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being the second reading of the Bill as amended.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER

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PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being the second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF

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VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET

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UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Senator McLEOD objected to consideration of the Bill.

READ THE SECOND TIME

H. 4291 -- Rep. Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews

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McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4299 -- Reps. Bannister, G.M. Smith, Pope, Hiott and Rutherford:
A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING
AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT
IF THE 2023-2024 FISCAL YEAR BEGINS WITHOUT A GENERAL
APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO
PROVIDE EXCEPTIONS.

The Senate proceeded to the consideration of the Resolution.

Senator PEELER explained the Resolution.

The question then being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy

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Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

ADOPTED

H. 4379 -- Reps. Leber, M.M. Smith, Pedalino, Brewer, Murphy, B.L. Cox, Schuessler, Bustos, Hartnett, Landing and Robbins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME STEAMBOAT LANDING ROAD IN CHARLESTON COUNTY "JAMES LEE JAMERSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

RECALLED

H. 3594 -- Reps. B.J. Cox, G.M. Smith, Lowe, Wooten, Hiott, Bailey, Beach, Burns, Caskey, Crawford, Cromer, Elliott, Forrest, Haddon, Hardee, Hixon, Hyde, Jordan, Ligon, Long, Magnuson, May, McCabe, McCravy, A.M. Morgan, T.A. Morgan, T. Moore, B. Newton, Nutt, Oremus, M.M. Smith, S. Jones, Taylor, Thayer, Trantham, Willis, Yow, West, Lawson, Chapman, Chumley, Leber, Mitchell, Pace, Harris, O'Neal, Kilmartin, Murphy, Brewer, Robbins, Hager, Sandifer, Connell, Gilliam, Davis, B.L. Cox, Vaughan, White, Collins, J.E. Johnson, Gagnon, Gibson, W. Newton, Bustos, Herbkersman, Landing, Moss,

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Pope and Guest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2023” BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS AND EXCEPTIONS FOR CONCEALABLE WEAPONS PERMIT HOLDERS, SO AS TO DELETE A PROVISION THAT MAKES THIS SECTION INAPPLICABLE TO PERSONS THAT POSSESS CONCEALABLE WEAPONS PERMITS AND TO PROVIDE THIS SECTION DOES NOT APPLY TO PERSONS WHO POSSESS FIREARMS; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE PLACES WHERE AND CIRCUMSTANCES UPON WHICH HANDGUNS MAY BE CARRIED, AND PERSONS WHO MAY CARRY HANDGUNS; BY AMENDING SECTION 16-23-50, RELATING TO CERTAIN PENALTIES, DISPOSITION OF FINES, AND FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE EXCEPTIONS TO THE UNLAWFUL CARRYING OF HANDGUNS; BY AMENDING SECTION 16-23-55, RELATING TO PROCEDURES FOR RETURNING FOUND HANDGUNS, SO AS TO DELETE THE PROVISION RELATING TO FILING APPLICATIONS TO OBTAIN FOUND HANDGUNS, AND PROVIDE CIRCUMSTANCES THAT ALLOW LAW ENFORCEMENT AGENCIES TO MAINTAIN POSSESSION OR DISPOSE OF FOUND HANDGUNS; BY AMENDING SECTION 16-23-420, RELATING TO POSSESSION OF FIREARMS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION, AND DELETE THE TERM “WEAPON” AND REPLACE IT WITH THE TERM “FIREARM”; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION; BY AMENDING SECTION 16-23-465, RELATING TO THE ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE THIS PROVISION DOES NOT APPLY TO CERTAIN OFFENSES THAT PROHIBIT PERSONS FROM CARRYING CERTAIN DEADLY

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WEAPONS, TO PROVIDE THIS PROVISION APPLIES TO PERSONS WHO KNOWINGLY CARRY CERTAIN FIREARMS, TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE PERSONS LAWFULLY CARRYING FIREARMS WHO DO NOT CONSUME ALCOHOLIC BEVERAGES ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION; BY AMENDING SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISIONS REQUIRING PERMIT HOLDERS TO CARRY PERMITS WHILE CARRYING WEAPONS AND IDENTIFYING THEMSELVES AS PERMIT HOLDERS TO LAW ENFORCEMENT OFFICERS, TO REVISE THE REQUIREMENTS TO REPORT THE LOSSES OF PERMITS TO SLED, TO REVISE THE PREMISES UPON WHICH PERMIT HOLDERS MUST NOT CARRY WEAPONS, TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN VIOLATIONS, TO REVISE THE PROVISION THAT PROVIDES EXEMPTIONS TO CARRYING PERMITS, AND TO DELETE THE PROVISION RELATING TO PENALTIES FOR CARRYING EXPIRED PERMITS; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES AND THE POSTING OF SIGNS PROHIBITING THE CARRYING OF WEAPONS, SO AS TO MAKE TECHNICAL CHANGES, THAT PERSONS MUST KNOWINGLY VIOLATE THE PROVISIONS OF THIS SECTION TO BE CHARGED WITH A VIOLATION, AND TO PROVIDE THIS SECTION DOES NOT LIMIT PERSONS FROM CARRYING CERTAIN WEAPONS IN STATE PARKS; BY AMENDING SECTION 23-31-232, RELATING TO CARRYING CONCEALABLE WEAPONS ON PREMISES OF CERTAIN SCHOOLS LEASED BY CHURCHES, SO AS TO PROVIDE APPROPRIATE CHURCH OFFICIALS OR GOVERNING BODIES MAY ALLOW ANY PERSON TO CARRY A CONCEALABLE WEAPON ON THE LEASED PREMISES; BY AMENDING SECTION 23-31-235, RELATING TO CONCEALABLE WEAPON SIGN REQUIREMENTS, SO AS TO PROVIDE THE SIGNS MUST BE POSTED AT LOCATIONS WHERE THE CARRYING OF CONCEALABLE WEAPONS ARE PROHIBITED; BY AMENDING SECTION 23-31-600, RELATING TO RETIRED PERSONNEL, IDENTIFICATION CARDS, AND QUALIFICATIONS FOR CARRYING CONCEALED WEAPONS,

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SO AS TO MAKE A TECHNICAL CHANGE; BY REPEALING SECTIONS 16-23-460, 23-31-225, AND 23-31-230, RELATING TO THE CARRYING OF WEAPONS BY INDIVIDUALS ON THEIR PERSON, INTO RESIDENCES OR DWELLINGS, OR BETWEEN A MOTOR VEHICLE AND A RENTED ACCOMMODATION; AND BY AMENDING SECTION 16-23-500, RELATING TO UNLAWFUL POSSESSION OF FIREARMS BY PERSONS CONVICTED OF VIOLENT OFFENSES, THE CONFISCATION OF CERTAIN WEAPONS, AND THE RETURN OF FIREARMS TO INNOCENT OWNERS, SO AS TO REVISE THE LIST OF CRIMES SUBJECT TO THIS PROVISION AND THE PENALTIES ASSOCIATED WITH VIOLATIONS, AND TO DEFINE THE TERM "CRIME PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF MORE THAN ONE YEAR".

Senator MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

Senator JACKSON spoke against the motion.

Senator MARTIN spoke in favor of the motion.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 18

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Peeler	Reichenbach	Rice
Senn	Shealy	Talley
Turner	Verdin	Young

Total--24

NAYS

Allen	Campsen	Davis
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Massey
Matthews	McElveen	McLeod

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Rankin
Setzler

Sabb
Stephens

Scott
Williams

Total--18

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

Recorded Vote

Senator GAMBRELL desired to be recorded as voting in favor of the motion to recall H. 3594.

MOTION ADOPTED

At 7:27 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF

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CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator CAMPSSEN explained the House amendments.

Senator CAMPSSEN proposed the following amendment (SFGF-96.BC0023S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-21-90(B) and inserting:

(B) The following persons must be issued a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating safety education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.

Amend the bill further, SECTION 2, by striking Section 50-21-90(D) and inserting:

(D) The department must maintain a database of all persons issued a South Carolina boating safety certificate.

Amend the bill further, SECTION 3, by striking Section 50-21-95(A) and inserting:

(A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater or equivalent to ten horsepower or greater, a personal watercraft, or a specialty procraft unless the person:

(1) was born on or before July 1, 2007;

(2) is in possession of a South Carolina boating safety certificate issued in the person's name or is documented by the department as having been issued a South Carolina boating safety certificate;

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(3) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

(4) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(5) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident's name;

(6) is operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts and is in possession of a valid boat rental safety certificate issued in the person's name; or

(7) is accompanied by a person at least eighteen years old who meets one of the criteria in items (1) through (5) of this subsection.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Amend the bill further, by striking SECTION 6 and inserting:
SECTION 6. This act takes effect sixty days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

On motion of Senator HEMBREE, the Bill was carried over.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

RECORDED VOTE

Senator SETZLER desired to be recorded as voting in favor of the second reading of the Bill on Thursday, May 4, 2023.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:00 A.M. and if and when the Senate stands adjourned Wednesday, that it will adjourn to meet Thursday morning at 10:00 A.M.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745-7771

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Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Curtis Cousins, 1633 Kallaramo Rd., Rock Hill, SC 29732-1548

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Douglas W. Sexton, 3035 Riker Street, Clover, SC 29710-6723

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jennifer Susan Kottka Colton, 1070 Heckle Blvd., Suite 2100, Rock Hill, SC 29732-0285

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John C. Dover, 1517 Ole Cambridge Circle, Clover, SC 29710-8214

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Katie Vaughn, 1675 York Highway, Suite 1D, York, SC 29745-7495

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Meree Davis Williamson, 7999 Savannah Hwy., Norway, SC 29113-9418

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

David S. Wood, 209 Country Club Drive, Fort Mill, SC 29715-2348

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brooke Rhodes, 12088 Smithford Road, Hickory Grove, SC 29717-7765

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730-8642

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Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Robert N. Clariday, P.O. Box 1231, Orangeburg, SC 29116-1231

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Derrick F. Dash, 740 Linwood Street, Elloree, SC 29047-9800

Reappointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 7:48 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

Wednesday, May 10, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

I Kings 9:4a, 5a

The Lord God made clear to Solomon what he expected of him, saying: “ ‘As for you, if you walk before me in integrity of heart and uprightness, as David your Father did... I will establish your royal throne...’ ”

Let us pray: We are reminded, O God, how Solomon -- early on filled with hopefulness and talent -- was sadly not able to become the leader he was expected to be. Yet Solomon’s story is not really such a unique one. For surely, Lord, complex and difficult issues confront each person in this Senate, too. Plus, no one can say that the challenges before this Body are any less formidable than those were in the past. Therefore, O God, we pray that, here near the end of this regular Legislative Session, You will grant to each Senator and every aide all of the loving wisdom and thoughtful determination they need to bring about great good for all of the people of South Carolina. In Your loving name we humbly pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	McElveen	Peeler

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Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

CORRECTION TO THE JOURNAL

The following Abbeville County Magistrate appointment term from the Journal of April 19, 2023, has been corrected and reads as follows:

Local Appointment

Initial Appointment, Abbeville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Tiffani S. Tyner, 103 Livingston St., Abbeville, SC 29620-1629

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003-8927

Doctor of the Day

Senator REICHENBACH introduced Dr. Larry Rabon of Florence, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 11:45 A.M., Senator HUTTO was granted a leave of absence until 12:30 P.M.

Leave of Absence

On motion of Senator MARTIN, at 8:28 P.M., Senator GAMBRELL was granted a leave of absence until 10:00 P.M.

Leave of Absence

On motion of Senator MARTIN, at 10:45 P.M., Senator SHEALY was granted a leave of absence for the balance of the day.

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RECALLED

H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT UNIT" WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND READ THE SECOND TIME

H. 4177 -- Rep. Hyde: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE

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THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator TALLEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

Senator TALLEY asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator TALLEY with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

H. 4177--Ordered to a Third Reading

On motion of Senator PEELER, H. 4177 was ordered to receive a third reading on Thursday, May 11, 2023.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 792 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-1010, RELATING TO THE DEFINITION OF PRESERVATION PROCUREMENTS AND SALES AND USE TAX, SO AS TO PROVIDE FOR THE INCLUSION OF CONSERVATION MANAGEMENT ACTIVITIES; BY AMENDING SECTION 4-10-1020, RELATING TO THE IMPOSITION OF SALES AND USE TAX AND ENACTING ORDINANCE REQUIREMENTS, SO AS TO PROHIBIT THE AMOUNT OF REVENUE COLLECTED THAT MAY BE USED FOR CONSERVATION MANAGEMENT ACTIVITIES FROM EXCEEDING TWO PERCENT OF THE FUNDS COLLECTED AND TO PROVIDE FOR THE USE OF FUNDS FOR CONSERVATION MANAGEMENT ACTIVITIES ON THE REFERENDUM; BY AMENDING SECTION 4-10-1030, RELATING

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TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO PROVIDE FOR THE INCLUSION OF CONSERVATION MANAGEMENT ACTIVITIES; AND BY AMENDING SECTION 4-10-1040, RELATING TO ADMINISTRATION AND COLLECTION OF THE TAX, SO AS TO PROVIDE GUIDELINES FOR THE OVERSIGHT COMMITTEE.

sr-0099jg23.docx : 706f5861-c861-4c65-9277-78b1647bca3e

Read the first time and referred to the Committee on Finance.

S. 793 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE DR. TONY BEAM AND MR. GARY MILLER FOR THEIR MORE THAN TWENTY YEARS ON THE AIR WITH CHRISTIAN WORLDVIEW TODAY AND TO COMMEND THEM FOR THEIR DEDICATED SERVICE TO THE PEOPLE OF GREENVILLE COUNTY, SPARTANBURG COUNTY, AND ANDERSON COUNTY.

sr-0400km-hw23.docx : 7ca83948-5b2c-470b-9cdd-0fda78d01722

The Senate Resolution was adopted.

S. 794 -- Senator Kimbrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PARKER BRAZIL MALPHRUS ON THE EVENT OF HIS HIGH SCHOOL GRADUATION.

sr-0401km-hw23.docx : 3456f1be-fae3-4f31-a718-6e074bc0f710

The Senate Resolution was adopted.

S. 795 -- Senator Talley: A SENATE RESOLUTION TO CONGRATULATE MICHELIN UPON THE OCCASION OF ITS THIRTY-FIFTH ANNIVERSARY OF OPERATING ITS NORTH AMERICAN HEADQUARTERS IN GREENVILLE AND TO COMMEND THE COMPANY FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE GREENVILLE COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0405km-vc23.docx : f5b4086c-d726-40ff-a38d-1f19e2bac3de

The Senate Resolution was adopted.

S. 796 -- Senator Stephens: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF LIEUTENANT COLONEL ANDREW DALLAS GREEN AND TO

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EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0406km-vc23.docx : 8b288a32-5e7c-4fd7-b8f2-00c7c08191f7

The Senate Resolution was adopted.

S. 797 -- Senator Stephens: A SENATE RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES ROSS.

sr-0397km-vc23.docx : b7467038-a35d-447c-9fd3-0fa844635046

The Senate Resolution was adopted.

S. 798 -- Senators Peeler, Martin and Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CINDY K. FORE, THE UNION COUNTY VETERAN AFFAIRS SERVICE OFFICER, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY-ONE YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0242hdb-gm23.docx : 10a11383-45c2-4080-965c-eebc9246c338

The Senate Resolution was adopted.

Appointment Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointment

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Mark A. Singleton, 5470 Reba Road, Conway, SC 29527-7012 *VICE*
Robin A. Helms

Referred to the Committee on Family and Veterans' Services.

HOUSE CONCURRENCE

S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKELEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT

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APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 768 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LONG BRANCH RIVER ALONG DR. MARY MCLEOD BETHUNE ROAD IN LEE COUNTY "WATSON BRANCH" IN MEMORY OF W. BURKE WATSON AND JEANNE CARR WATSON AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS, AND REQUEST THAT THE COST OF THESE SIGNS OR MARKERS ARE NOT PAID FOR WITH PUBLIC FUNDS.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4413 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE

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SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS

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REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (LC-4023.WAB0007S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(A) and inserting:

(A) Each county must be represented ~~by~~ on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the ~~local legislative delegation~~ county council, and be on file with the Office of First Steps.

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(2) and inserting:

(2) To assure that all areas of the county ~~or multicounty region~~ are adequately represented and reflect the diversity of the coverage area, each county ~~legislative delegation may council shall appoint up to four~~ six members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation These members must be chosen from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. In multicounty partnerships, the county councils shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(a) and inserting:

(3)(a) Each of the following entities located within a particular First Steps Partnership coverage area shall ~~designate~~ recommend one member to the county council for appointment by the council to serve as a member of the local First Steps Partnership Board:

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(b) and inserting:

(b) When an entity in subitem (a) recommends an individual to a county council for appointment, the council either shall make the

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appointment or reject the appointment and ask the entity to make another recommendation. In multicounty partnerships, the county councils only may appoint one member from each of the categories in subitem (a)(i), (ii), and (iii), and shall collaborate to ensure each county in the partnership coverage area is represented in the appointments.

Amend the bill further, SECTION 2, by striking Section 59-152-70(F) and inserting:

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local ~~legislative delegation~~ county council.

Renumber sections to conform.

Amend title to conform.

On motion of Senator CAMPSSEN, the amendment was withdrawn.

Senator MALLOY proposed the following amendment (LC-4023.PH0010S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(C)(2) and inserting:

(2)(a) To assure that all areas of the county ~~or multicounty region~~ are adequately represented and reflect the diversity of the coverage area, each county legislative delegation ~~may shall~~ appoint up to four six members to a local partnership board. Of these members, ~~two~~ three are appointed by the Senate members and ~~two~~ three by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. In multicounty partnerships, the legislative delegations shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

(b) The legislative delegation of a county may, by delegation resolution, devolve its powers and duties upon the governing body of the county or the local school board. This devolution may be reserved by a subsequent delegation resolution.

Renumber sections to conform.

Amend title to conform.

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On motion of Senator FANNING, the amendment was withdrawn.

Senators HEMBREE and MALLOY proposed the following amendment (SEDU-4023.DB0014S), which was adopted:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(C) and inserting:

~~(C) In accordance with the bylaws established by the board of trustees, each local partnership board shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. Elected and Appointed members shall comprise a voting majority of the board.~~

~~— (1) No more than four from any of the following categories may be elected to sit on a First Steps Partnership Board:~~

- ~~— (a) prekindergarten through primary educator;~~
- ~~— (b) family education, training, and support provider;~~
- ~~— (c) childcare or early childhood development/education provider;~~
- ~~— (d) healthcare provider;~~
- ~~— (e) local government;~~
- ~~— (f) nonprofit organization that provides services to families and children;~~
- ~~— (g) faith community;~~
- ~~— (h) business community;~~
- ~~— (i) philanthropic community; and~~
- ~~— (j) parents of preschool children.~~

~~— (2) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, each county legislative delegation may appoint up to four members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.~~

~~— (3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate one member to serve as a member of the local First Steps Partnership Board:~~

- ~~— (a) county Department of Social Services;~~
- ~~— (b) county Department of Health and Environmental Control;~~
- ~~— (c) Head Start or early Head Start;~~
- ~~— (d) county library; and~~
- ~~— (e) each of the school districts in the county.~~

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Each legislative delegation shall determine the number of members to serve on the local First Steps Partnership Board. Appointments shall be made by the legislative delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. The legislative delegation may by resolution delegate its appointments to county council.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE

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SCHOOL ENROLLMENT ACT” BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO

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ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A
DRIVING UNDER SUSPENSION OFFENSE.

Recorded Vote

Senators MARTIN and PEELER desired to be recorded as voting
against the third reading of the Bill.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three
readings in both Houses, it was ordered that the title be changed to that
of an Act and enrolled for Ratification:

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE
SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION
6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER
AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A
BOARD VACANCY FOR PHYSICAL OR MENTAL
INCAPACITATION OR NONATTENDANCE; AND BY
AMENDING SECTION 6-13-1010, RELATING TO PENALTIES
FOR INJURING OR DESTROYING FACILITIES OF THE
EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS
TO INCREASE PENALTIES.

The Senate proceeded to the consideration of the Bill.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--42

NAYS

Total--0

The Bill was read the third time, passed and ordered enrolled for Ratification.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

COMMITTEE AMENDMENT ADOPTED

HOUSE BILL RETURNED

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING

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PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

The Senate proceeded to the consideration of the Bill.

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The Committee on Labor, Commerce and Industry proposed the following amendment (LC-4115.WAB0004S), which was adopted:

Amend the bill, as and if amended, SECTION 9, by striking Section 40-11-260(A)(2)(b) and inserting:

(b) required net worth of ~~\$40,000.00~~sixty thousand dollars or working capital of forty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(3)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$100,000.00~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars, or a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(4)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$175,000.00~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP indicating a required net worth of ~~one hundred seventy-five thousand dollars~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of ~~one hundred seventy-five thousand dollars~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars, or a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in

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accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(5)(b) and (c) and inserting:

(b) required net worth of ~~\$250,000.00~~three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars;

(c) on initial application, ~~a financial statement audited~~an audited balance sheet prepared by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, ~~and indicating a required net worth of three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars~~;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(2)(b) and inserting:

(b) required net worth of ~~\$10,000.00~~fifteen thousand dollars or working capital of ten thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(3)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$20,000.00~~thirty thousand dollars or working capital of twenty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a net worth of thirty thousand dollars or working capital of twenty thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of thirty thousand dollars or working capital of twenty thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of thirty thousand dollars or working capital of twenty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(4)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$40,000.00~~sixty thousand dollars or working capital of forty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in

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accordance with GAAP, including all disclosures required by GAAP indicating a net worth of ~~fortysixty~~ thousand dollars;

(d) on renewal, an owner-prepared financial statement with an affidavit of accuracy indicating a required net worth of ~~fortysixty~~ thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of sixty thousand dollars or working capital of forty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(5)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$200,000.00~~three hundred thousand dollars or working capital of two hundred thousand dollars;

(c) on initial application, ~~a financial statement~~an audited balance sheet prepared by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars;

(d) on renewal, a financial statement on a form prescribed by the board reviewed by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to House.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3538.BC0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-11-546(C) and inserting:

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, which must be recorded by the person submitting the harvest report. A processor who receives a big game carcass must be provided with the harvest report confirmation number. The processor must record and maintain the

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harvest report confirmation number until the processed meat is received by the hunter or their designee.

Amend the bill further, SECTION 1, by striking Section 50-11-546(E) and inserting:

(E) The department is prohibited from requesting or acquiring the geolocation data of a person submitting a harvest report through electronic means and from requesting a person to self-report location information to the harvest reporting system more specific than the county and Wildlife Management Area, if applicable, in which a ~~turkey~~ big game species is harvested.

Amend the bill further, SECTION 1, by striking Section 50-11-546(G) and (H) and inserting:

(G) A person who violates this section or provisions established by the department for electronic harvest reporting is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 50-11-320(B) of the S.C. Code is amended to read:

(B)(1) Deer taken pursuant to individual deer tags, during any season regardless of weapon, must be tagged with a valid individual deer tag. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(2) Deer taken pursuant to Deer Quota Program tags must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

SECTION X. Section 50-11-390(D) of the S.C. Code is amended to read:

(D) Deer taken pursuant to a Deer Quota Program permit must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

Amend the bill further, by striking SECTIONS 2.B and 3 and inserting:

SECTION 3. This act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

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Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senators CAMPSSEN and McELVEEN proposed the following amendment (SFGF-3538.BC0012S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-11-546(C) and inserting:

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, ~~which and it~~ must be recorded by the person submitting the harvest report. A person who takes a big game carcass to a processor must provide the tag number and harvest report confirmation number to the processor at the time the carcass transfers from the person to the processor. The processor must record and maintain the tag number and harvest report confirmation number until the processed meat is received by the person or the person's designee.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott

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Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham,

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Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

H. 3231 -- Reps. West and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT SERVICES.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3726 -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton,

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Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT” BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-3726.WAB0044S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 41-30-140(A) and inserting:

(A) All state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development shall:

(1) provide information requested by OSWD prior to the Comptroller General approving release of such funds to ensure proper reporting on any activities that may be workforce development related; and

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(2) prepare a report detailing:

- (a) anticipated plans for funds that will be allocated to workforce development-related projects;
- (b) the actual amount of funds used on workforce development-related projects from the previous fiscal year;
- (c) the projects for which funds were used; and
- (d) whether a balance of such funds exists and, if a balance exists, the amount of the balance.

Amend the bill further, SECTION 3, by striking Section 41-31-160 and inserting:

Section 41-31-160. The department shall not require contribution and wage reports more frequently than quarterly. Effective with the quarter ending March 31, 2003~~2024~~, every employer with ~~two hundred fifty~~ten or more employees and every individual or organization that, as an agent, reports wages on a total of ~~two hundred fifty~~ten or more employees on behalf of one or more subject employers, ~~and effective with the quarter ending March 31, 2005, every employer with one hundred or more employees and every individual or organization that, as an agent, reports wages on a total of one hundred or more employees on behalf of one or more subject employers,~~ shall file that portion of the "Employer Quarterly Contribution and Wage Reports" containing the employee's social security number, name, Standard Occupational Classification (SOC) code, total number of hours worked, and total wages ~~on magnetic tapes, diskettes, or electronically,~~ in a format approved by the department. The department may waive the requirement to file ~~using magnetic media~~electronically if a hardship is shown. In determining whether a hardship has been shown, the department shall take into account, among other relevant factors, the ability of the ~~taxpayer~~employer to comply with the filing requirement at a reasonable cost.

Amend the bill further, SECTION 4, by striking Section 41-35-615 and inserting:

Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting-week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ten calendar days, or the next business day if

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the tenth day falls on a Saturday, Sunday, or state holiday, after the postmark on notices sent via United States mail or ten calendar days after the date a notice is sent via electronic mail. Effective March 1, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports information to the department on ten or more employees on behalf of one or more subject employers, shall file responses to department requests for information regarding an individual's claim for benefits (e.g. job separations, wage audits, etc.) electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship is shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator McELVEEN proposed the following amendment (SMIN-3726.AA0046S), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-149-50(B) of the S.C. Code is amended to read:

(B) Students receiving a LIFE Scholarship to retain it and students currently enrolled in an eligible institution to receive such a scholarship must earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours each year for the maximum of semesters permitted at that institution by Section 59-149-60. The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student. Beginning with the 2023 high school graduating class, a grade in a dual enrollment class shall not prevent a student from retaining their LIFE scholarship for their second year.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

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Point of Order

Senator DAVIS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator McELVEEN spoke on the Point.

Senator DAVIS spoke on the Point.

The PRESIDENT sustained the Point of Order.

The amendment was ruled Out of Order.

Senator DAVIS proposed the following amendment (LC-3726.PH0050S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 41-30-140.

Amend the bill further, SECTION 2, by striking Section 41-30-320 and inserting:

Section 41-30-320. The Governor shall appoint the Director of the OSWD with advice and consent of the Senate, subject to removal from office by the Governor pursuant to the provisions of Section 1-3-240(B). The state agency head salary review process and the rules and guidelines thereunder apply to the director. The OSWD shall:

(1) oversee and ensure implementation of Coordinating Council for Workforce Development responsibilities pursuant to Section 41-30-540;

(2) efficiently marshal public resources to optimally align, consolidate, streamline, and coordinate publicly funded workforce development efforts in this State;

(3) provide centralized oversight of all publicly funded workforce development services in this State provided by state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development;

(4) provide oversight of Regional Workforce Advisors as required in Section 41-30-710, et. seq.;

(5) monitor compliance of each state and local government agency, nonprofit group, and quasi-governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development and, when necessary, direct those entities to take any action necessary to comply with the responsibilities set forth in the USP. Noncompliance with a directive of the OSWD must be recorded and made part of the report made as required in subitem (6); and

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(6) shall submit an annual report by November first of each fiscal year to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways & Means Committee, and Chair of the Senate Finance Committee detailing all funds used for workforce development projects by all reporting state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development. This report also must identify those entities that did not comply with the provisions of this chapter.

Amend the bill further, SECTION 2, by striking Section 41-30-520(27) and inserting:

(27) the Executive Director of South Carolina State Housing Finance and Development Authority or his designee;

(28) three persons appointed by the Governor who are considered current or past small business owners under the North American Industry Classification System (NAICS) code;

(29) representatives of any other agencies or entities selected by vote of the executive committee; and

(30) one person appointed by the Speaker of the House and one person appointed by the Senate President, both of whom have professional expertise in economic development and workforce issues, both of whom also shall serve on the executive committee.

Amend the bill further, SECTION 2, by striking Section 41-30-530(A)(7) and inserting:

(7) the one person appointed by the Speaker of the House and the one person appointed by the Senate President to the full CCWD in Section 41-30-520(30).

Amend the bill further, SECTION 2, by striking Section 41-30-540(C) and inserting:

(C) The executive director of the Department of Employment and Workforce shall serve as Chairman of the CCWD, and, as Chairman of the CCWD, monitor and audit the implementation of this chapter, review accountability and performance measures, and annually report to the Governor and the General Assembly by December first of each fiscal year, on the:

(a) actions taken by the council during the previous fiscal year;

(b) engagement of the council to include attendance, participation, and compliance with the USP, and;

(c) any recommendations for legislation.

Renumber sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

Senators SETZLER, MASSEY, ALEXANDER, SCOTT, LOFTIS and STEPHENS proposed the following amendment (SR-3726.JG0051S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 41-30-710 and inserting:

Section 41-30-710. (A) The OSD shall provide oversight to the regional workforce advisors (RWA), which are to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community as provided in this article. The OSD shall ensure that RWA's are providing services in schools and directly to students regarding opportunities available to students in industries and businesses across the state. The department shall hire RWA's and shall seek input from the State Department of Education and others, as needed, in carrying out the requirements of this section.

(B) The primary responsibilities of these advisors are to:

(1) provide services to students and adults for career planning, employment seeking, training, and other support functions;

(2) provide information, resources, and professional development programs to educators;

(3) provide resources to school districts for compliance and accountability pursuant to the provisions of Chapter 59, Title 59;

(4) provide information and resources to employers including, but not limited to, education partnerships, career-oriented learning, and training services;

(5) facilitate local connections among businesses and those involved in education; and

(6) work with school districts and institutions of higher education to create and coordinate workforce education programs.

(C) Each RWA shall coordinate career development, and postsecondary transitioning for the schools in its region.

(D) The RWA's shall provide data and reports that the department requests.

(E) Each RWA's geographic area of responsibility must conform to the geographic configuration of the local areas designated pursuant to the Workforce Innovation and Opportunity Act, Pub.L. 113-128. Each RWA's geographic area of responsibility shall have an advisory board comprised of a school district superintendent, high school principal, local

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workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders. Appointees must reside or do business in the geographic area of the RWA's geographic area of responsibility. Local legislative delegations shall make the appointments to their respective advisory boards.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Climer
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Cash	Corbin
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Total--2

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There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The question then being the third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

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Turner
Young

Verdin

Williams

Total--40

NAYS

Adams

Total--1

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4291 -- Rep. Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING

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TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS

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**MOTOR VEHICLE REGISTRATION, INSURANCE, AND
UNINSURED MOTORIST FUND ISSUES.**

On motion of Senator GROOMS, the Bill was carried over.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

ACTING PRESIDENT PRESIDES

At 11:57 A.M., Senator CROMER assumed the Chair.

RECOMMITTED

S. 756 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

The Senate proceeded to the consideration of the Bill.

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The Committee on Labor, Commerce and Industry proposed the following amendment (LC-700.HA0001S), which was adopted:

Amend the bill, by striking all after the enacting words and inserting:
SECTION 1. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 8

South Carolina Earned Wage Access Services Act

Section 39-5-810. This article may be cited as the “South Carolina Earned Wage Access Services Act”.

Section 39-5-820. As used in this article, unless the context clearly requires otherwise, the term:

(1) “Consumer” means a natural person residing in the State of South Carolina. A provider may use the mailing address provided by a consumer to determine such consumer’s state of residence for purposes of this article.

(2) “Consumer-directed wage access services” means offering or providing earned wage access services directly to consumers based on the consumer’s representations and the provider’s reasonable determination of the consumer’s earned but unpaid income.

(3) “Earned but unpaid income” means salary, wages, compensation, or other income that a consumer or an employer has represented, and that a provider has reasonably determined, have been earned or have accrued to the benefit of the consumer in exchange for the consumer’s provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor of the employer, but have not, at the time of the payment of proceeds, been paid to the consumer by the employer.

(4) “Earned wage access services” means the business of providing consumer-directed wage access services or employer-integrated wage access services, or both.

(5)(a) “Employer” means:

(i) a person who employs a consumer; or

(ii) any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for consumer’s provision of services to the employer or on behalf of the employer including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor with respect to the employer.

(b) The term “employer” does not include:

(i) a customer of the employer; or

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(ii) any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person.

(6) “Employer-integrated wage access services” means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer.

(7) “Fee” shall include a:

(a) fee imposed by a provider for delivery or expedited delivery of proceeds to a consumer; or

(b) subscription or membership fee imposed by a provider for a bona fide group of services that include earned wage access services.

A voluntary tip, gratuity, or other donation shall not be deemed to be a fee.

(8) “Outstanding proceeds” means proceeds remitted to a consumer by a provider that have not yet been repaid to that provider.

(9) “Person” means a partnership, association, corporation, or other business unit.

(10) “Proceeds” means a payment to a consumer by a provider that is based on earned but unpaid income.

(11) “Provider” means a person who is in the business of providing earned wage access services to consumers.

Section 39-5-830. This article does not apply to any person doing business under authority of and as permitted by any law of this State or the United States relating to banks, credit unions, savings and loan associations, savings banks, or trust companies.

Section 39-5-840. A provider shall comply with all of the following requirements:

(1) The provider shall develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner.

(2) The provider shall offer to the consumer at least one reasonable option to obtain proceeds at no cost to the consumer and clearly explain how to elect that no-cost option.

(3) Before providing a consumer with earned wage access services, the provider shall provide a consumer with a written paper or electronic document, which can be included as part of the contract to provide earned wage access services, and which meets all of the following requirements:

(a) informs the consumer of the terms and conditions of the earned wage access services;

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(b) clearly and conspicuously describes how the consumer may obtain proceeds at no cost to that consumer;

(c) provides a phone number or a website through which consumers can submit complaints about the provider's earned wage access services to the provider;

(d) is written in a font and using language intended to be easily understood by a layperson;

(e) discloses any fees that may be directly imposed by the provider in connection with the provision of earned wage access services.

(4) The provider must inform the consumer of the fact of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer, using a font and language intended to be easily understood by a layperson.

(5) The provider shall provide proceeds to a consumer via any means mutually agreed upon by the consumer and provider.

(6) The provider shall comply with all local, state, and federal privacy and information security laws.

(7) If the provider solicits, charges, or receives a tip, gratuity, or other donation from a consumer, the provider shall:

(a) clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or other donation amount may be zero and is voluntary;

(b) clearly and conspicuously disclose in its service contract with the consumer and elsewhere that tips, gratuities, or donations are voluntary and that the offering of earned wage access services, including the amount of proceeds a consumer is eligible to request and the frequency with which proceeds are provided to a consumer, is not contingent on whether the consumer pays any tip, gratuity, or other donation or on the size of the tip, gratuity, or other donation;

(c) not mislead or deceive consumers about the voluntary nature of such tips, gratuities, or other donations; and

(d) make no representations that tips, gratuities, or other donations will benefit any specific individuals.

(8) In any case in which a provider will seek repayment of outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations from a consumer's account at a depository institution including via electronic transfer, the provider shall:

(a) comply with applicable provisions of the federal Electronic Fund Transfer Act and its implementing regulations;

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(b) reimburse the consumer for the full amount of any overdraft or non-sufficient funds fees imposed on a consumer by the consumer's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations, on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer; and

(c) not be subject to the requirements in subitem (b) with respect to payments of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means.

(9) A provider that makes earned wage access services available to a consumer on a recurring basis shall allow a consumer to discontinue receiving those services at any time, without imposing a financial penalty on that consumer.

Section 39-5-850. No person subject to this article shall do any of the following:

(1) share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services;

(2) charge a late fee, interest, or any other penalty or charge for failure to repay outstanding proceeds;

(3) accept payment of outstanding proceeds, fees, voluntary tips, gratuities, or other donations from a consumer via credit card or charge card;

(4) charge a deferral fee or any other charge in connection with deferring the collection of any outstanding proceeds beyond the original scheduled repayment date;

(5) solicit a consumer to delay repayment of outstanding proceeds for the purpose of increasing the total nonmandatory payments that the provider may collect;

(6) report a consumer's payment or failed repayment of outstanding proceeds to a consumer credit reporting agency or a debt collector;

(7) require a credit score to determine a consumer's eligibility for earned wage access services;

(8) advertise, display, distribute, broadcast, televise, or cause or permit to be advertised, displayed, distributed, broadcasted, or televised in any manner whatsoever any false, misleading, or deceptive statement or representation regarding the conditions of the earned wage access services offered and provided by the provider;

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(9) compel or attempt to compel payment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations to the provider through any of the following means:

- (a) a suit against the consumer in a court of competent jurisdiction;
- (b) use of a third party to pursue collection from the consumer on the provider's behalf; or
- (c) sale of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

However, the limitations in this item shall not preclude the use by a provider of any of these methods to compel payment of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means, nor shall they preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

Section 39-5-860. The following shall apply in connection with the earned wage access services offered and provided by a provider in compliance with the provisions of this article:

(A) Proceeds provided to a consumer by the provider shall not be considered a consumer loan for purposes of Section 37-3-104 or a loan for purposes of Section 37-3-106.

(B) The provider shall not be considered a lender for purposes of Section 37-3-107(1).

(C) Fees, voluntary tips, gratuities, or other donations paid by a consumer to a provider shall not be considered a loan finance charge for purposes of Section 37-3-109.

(D) The provider shall not be considered to be engaged in the business of money transmission for purposes of Section 35-11-200.

(E) Earned wage access services shall not be considered wage assignment for the purposes of Section 37-3-403.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

On motion of Senator CLIMER, the Bill was carried over.

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CARRIED OVER

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GROOMS, the Resolution was carried over.

RECOMMITTED

S. 774 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: RECORDKEEPING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5142, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GAMBRELL, the Resolution was recommitted to the Committee on Banking and Insurance.

COMMITTEE AMENDMENT WITHDRAWN

AMENDED, READ THE SECOND TIME

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE

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EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000;
AND BY REPEALING SECTION 50-9-1160 RELATING TO
JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND
FISHING PRIVILEGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3433.BC0004S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

SECTION X.A. Section 50-5-2510 of the S.C. Code is amended to read:

Section 50-5-2510. (A) The department must suspend for one year the related saltwater privileges and associated licenses, ~~stamps~~, and permits issued to a person or entity that ~~who~~ has accumulated eighteen or more points under any point category. Privileges related to each point category are as follows:

(1) commercial: ~~any and all~~ commercial saltwater fishing license, equipment license, and bait dealer license, and

(2) recreational: ~~marine recreational fishing stamp~~ recreational saltwater fishing license, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.

(B) Any suspension under this article begins the eleventh day after the ~~person or entity receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension and ends the same day the following year.

B. Section 50-5-2515 of the S.C. Code is amended to read:

Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing, ~~return receipt requested,~~ that his the person's or entity's saltwater privilege has been suspended, and the person or entity must return all the suspended licenses, ~~stamps~~, or permits in ~~his~~ the person's or entity's name to the department within ten days.

(B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person or entity at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section

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is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

SECTION X.A. Section 50-9-1140 of the S.C. Code is amended to read:

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the eleventh day after the ~~person receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension, and ends the same day the following year.

B. Section 50-9-1150 of the S.C. Code is amended to read:

Section 50-9-1150. (A) Upon determination that a ~~licensee~~ person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the ~~licensee~~ person shall return the license and any tags in the person's name to the department within ten days.

(B) ~~The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.~~ The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

(C) ~~If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise.~~ A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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The amendment was withdrawn.

Senator CAMPSSEN proposed the following amendment (SFGF-3433.BC0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

SECTION X.A. Section 50-5-2510 of the S.C. Code is amended to read:

Section 50-5-2510. (A) The department must suspend for one year the related saltwater privileges and associated licenses, ~~stamps~~, and permits issued to a person or entity that ~~who~~ has accumulated eighteen or more points under any point category. Privileges related to each point category are as follows:

(1) commercial: ~~any and all~~ commercial saltwater fishing license, equipment license, and bait dealer license, and

(2) recreational: ~~marine recreational fishing stamp~~ recreational saltwater fishing license, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.

(B) Any suspension under this article begins the ~~eleventh~~ twenty-first day after the ~~person or entity receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension and ends the same day the following year.

B. Section 50-5-2515 of the S.C. Code is amended to read:

Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing, ~~return receipt requested,~~ that ~~his~~ the person's or entity's saltwater privilege has been suspended, and the person or entity must return all the suspended licenses, ~~stamps~~, or permits in ~~his~~ the person's or entity's name to the department ~~within ten days~~ no later than ten days following the effective date of the suspension.

(B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person or entity at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

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SECTION X.A. Section 50-9-1140 of the S.C. Code is amended to read:

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the ~~eleventh~~ twenty-first day after the ~~person receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension, and ends the same day the following year.

B. Section 50-9-1150 of the S.C. Code is amended to read:

Section 50-9-1150. (A) Upon determination that a ~~licensee~~ person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the ~~licensee~~ person shall return the license and any tags in the person's name to the department ~~within ten days~~ no later than ten days following the effective date of the suspension.

(B) ~~The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.~~ The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

(C) ~~If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise.~~ A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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The amendment was adopted.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

The Senate proceeded to the consideration of the Bill.

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Senator BENNETT explained the Bill.

The question then being second reading of the Bill.

On motion of Senator RANKIN, the Bill was carried over.

CARRIED OVER

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR

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AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO

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PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

On motion of Senator MALLOY, the Bill was carried over.

OBJECTION

S. 109 -- Senators Martin, Rice, Kimbrell, Corbin, Climer, Loftis, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2023"; BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS; EXCEPTION FOR CONCEALABLE WEAPONS' PERMIT HOLDERS, SO AS TO PROVIDE PERSONS MAY POSSESS FIREARMS UPON THE CAPITOL GROUNDS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS; EXCEPTIONS, SO AS TO PROVIDE IT IS LEGAL TO CARRY HANDGUNS IN THIS STATE AND TO PROVIDE LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES; DISPOSITION OF FINES; FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE PERSONS WHO ENTER PREMISES WITH SIGNS PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASSING; BY AMENDING SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTIES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH PERSONS MAY POSSESS FIREARMS ON SCHOOL PROPERTIES; BY AMENDING SECTION 16-23-465, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS LAWFULLY CARRYING WEAPONS WHO DO NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING WEAPONS ON THE BUSINESSES' PREMISES; BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES PERMIT HOLDERS TO POSSESS PERMIT IDENTIFICATION WHEN CARRYING CONCEALABLE

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WEAPONS, AND THE PROVISION THAT REQUIRES PERMIT HOLDERS TO INFORM LAW ENFORCEMENT OFFICERS THAT THEY ARE PERMIT HOLDERS AND PRESENT THE PERMITS TO OFFICERS UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS CONCEALED WEAPONS PERMITS; BY AMENDING SECTION 23-31-235, RELATING TO SIGN REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS, THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS INTO RESIDENCES, AND THE CARRYING OF WEAPONS BETWEEN AUTOMOBILES AND CERTAIN ROOMS AND ACCOMMODATIONS.

Senator McLEOD objected to consideration of the Bill.

READ THE SECOND TIME

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

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AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

POINT OF ORDER

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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RECESS

At 12:15 P.M., on motion of Senator MASSEY, the Senate recessed from business until 1:30 P.M.

At 1:42 P.M., the Senate resumed.

PRESIDENT PRESIDES

At 1:42 P.M., the PRESIDENT assumed the Chair.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Talley	Turner	Young

A quorum being present, the Senate resumed.

POINT OF ORDER

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

H. 4352 -- Reps. Calhoun and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA'S COASTAL CULTURE AND ECONOMY.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE "CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

H. 4175 -- Reps. Yow, Mitchell and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH S-13-897 TO ITS INTERSECTION WITH PERRY WILEY WAY AT CHESTERFIELD COMMERCE PARK "SENATOR EDWARD MCIVER LEPPARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Point of Order

Senator MATTHEWS raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

The Senate resumed at 3:15 P.M.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 3:29 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

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CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

On motion of Senator HEMBREE, the Bill was carried over.

CONCURRENCE

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION

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INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES

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HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senator MALLOY proposed the following amendment (SR-36.JG0015S), which was withdrawn:

Amend the bill, by striking all after the enacting words and inserting:

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SECTION 1. Section 56-1-286 of the S.C. Code is amended to read:

Section 56-1-286. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty-one who drives a motor vehicle and has an alcohol concentration of two one-hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63-19-2440, 63-19-2450, 56-5-2930, or 56-5-2933, arising from the same incident.

(B) A person under the age of twenty-one who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath or blood for the purpose of determining the presence of alcohol.

(C)(1) A law enforcement officer who has arrested a person under the age of twenty-one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty-one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

(2) A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty-one who has consumed alcoholic beverages.

(D)(1) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer's direction, the person first must be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to the State Law Enforcement Division's policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures

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approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out the subsection's provisions. The costs of the tests administered at the officer's direction must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(2) The person tested or giving samples for testing may have a qualified person of the person's choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood tests is not admissible against the person in any proceeding. The person's failure or inability to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer's direction. The officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in a judicial or administrative proceeding.

(E) A qualified person and the person's employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the primary investigating officer's direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) If a person refuses upon the primary investigating officer's request to submit to chemical tests as provided in subsection (C), the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) six months; or

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(2) one year, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(G) If a person submits to a chemical test and the test result indicates an alcohol concentration of two one-hundredths of one percent or more, the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) three months; or

(2) six months, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(H)(1) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

(2) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(3) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(I) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which the person is enrolled. After the person's driving privilege is restored, the person shall

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continue ~~to participate in the services of~~ the Alcohol and Drug Safety Action Program ~~in which the person is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until ~~the person completes~~ completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege ~~may~~ can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

~~(4)(J)~~(1) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

~~(1)~~(a) the person does not have to take the test or give the samples but that the person's privilege to drive must be suspended or denied for at least six months if the person refuses to submit to the tests, and that the person's refusal may be used against the person in court;

~~(2)~~(b) the person's privilege to drive must be suspended for at least three months if the person takes the test or gives the samples and has an alcohol concentration of two one-hundredths of one percent or more;

~~(3)~~(c) the person has the right to have a qualified person of the person's own choosing conduct additional independent tests at the person's expense;

~~(4)~~(d) the person has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension; and

~~(5)~~(e) the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if the person does not request a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the contested case hearing.

(2) The primary investigating officer promptly shall notify the department of a person's refusal to submit to a test requested pursuant to this section as well as the test result of a person who submits to a test pursuant to this section and registers an alcohol concentration of two one-hundredths of one percent or more. The notification must be in a manner prescribed by the department.

~~(4)~~(K) If the test registers an alcohol concentration of two one-hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer shall issue a notice of

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suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 if the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while the person's license is suspended pursuant to Section 56-1-460.

~~(K)(L)~~(1) Within thirty days of the issuance of the notice of suspension the person may:

~~(1)(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure;~~

~~(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; and~~

~~(c) obtain a temporary alcohol license by filing with an ignition interlock restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and.~~

~~(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, then the person can obtain a temporary alcohol license without an ignition interlock restriction.~~

~~(3) At the contested case hearing if:~~

~~(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person's driver's license, permit, or nonresident operating privilege must be suspended or the~~

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person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

~~(L)~~(M) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

~~(M)~~(N) If a person does not request a contested case hearing, the person has waived the person's right to the hearing and the person's suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

~~(N)~~(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of the person's right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person shall enroll in an Alcohol and Drug Safety Action Program, and the person waives the person's right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

~~(O)~~(P) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings.

(1) The scope of the hearing is limited to whether the person:

~~(1)~~(a) was lawfully arrested or detained;

~~(2)~~(b) was given a written copy of and verbally informed of the rights enumerated in subsection ~~(H)~~(J);

~~(3)~~(c) refused to submit to a test pursuant to this section; or

~~(4)~~(d) consented to taking a test pursuant to this section, and the:

~~(a)~~(i) reported alcohol concentration at the time of testing was two one-hundredths of one percent or more;

~~(b)~~(ii) individual who administered the test or took samples was qualified pursuant to this section;

(c)(iii) test administered and samples taken were conducted pursuant to this section; and

~~(d)~~(iv) the machine was operating properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

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(3) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(4) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

~~(P)~~(Q) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

~~(Q)~~(R) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

~~(R)~~(S) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license or permit.

~~(S)~~(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(T)~~(U) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

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~~(U)~~(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

~~(V)~~(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one-hundredths of one percent.

SECTION 2. Section 56-1-385(A) of the S.C. Code is amended to read:

(A) Notwithstanding any other provision of law, a person whose driver's license or privilege to operate a motor vehicle has been revoked permanently pursuant to Section 56-5-2990 for an offense that occurred prior to October 1, 2014, excluding persons convicted of felony driving under the influence of alcohol or another controlled substance under Section 56-5-2945, may petition the circuit court in the county of his residence for reinstatement of his driver's license and shall serve a copy of the petition upon the solicitor of the circuit. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person's driver's license upon the following conditions:

(1) the person must not have been convicted in this State or any other state of an alcohol or drug violation during the previous seven-year period;

(2) the person must not have been convicted of or have charges pending in this State or another state for a violation of driving while his license is canceled, suspended, or revoked during the previous seven-year period;

(3) the person must have completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency; and

(4) the person's overall driving record, attitude, habits, character, and driving ability would make it safe to grant him the privilege to operate a motor vehicle.

SECTION 3. Section 56-1-400 of the S.C. Code is amended to read:

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Section 56-1-400. (A)(1) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person.

(2) If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person's driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department's discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension.

(B) If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to ~~Sections~~ Section 56-1-286; 56-1-1090; 56-5-2945; and 56-5-2947 except if the conviction was for Section 56-5-750, 56-5-2951; or 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(D) Unless the person establishes that the person is entitled to the exemption set forth in subsection ~~(B)~~(G), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order.

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(E) If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in ~~Sections 56-1-286, 56-5-2945, and 56-5-2947~~ except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990 subsection (B).

(F) This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

~~(B)~~(G)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:

(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and

(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and

(c) the notarized signature of the person's employer.

(3) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of

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the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

(c) a person participating in the Ignition Interlock Device Program as an habitual offender as provided for in Section 56-1-1090(A).

(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

~~(C) A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the department with proof that the fine owed by the person has been paid before the department may issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.~~

SECTION 4. Section 56-1-1090(A) of the S.C. Code is amended to read:

(A) No license to operate motor vehicles in this State may be issued to an habitual offender nor shall a nonresident habitual offender operate a motor vehicle in this State for a period of five years from the date of a determination by the Department of Motor Vehicles that a person is an habitual offender unless the period is reduced to two years as permitted in item (1) or (2) or the person has enrolled in the Ignition Interlock Device Program pursuant to Section 56-5-2941 and has obtained a license with an ignition interlock restriction pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's

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suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(1)(a) Upon request to the department on a form prescribed by it, the department may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of drivers' licenses. The request permitted by this item may be filed after two years have expired from the beginning date of the habitual offender suspension and if the following conditions are met:

~~(a)~~(i) the person must not have had a previous habitual offender suspension in this or another state;

~~(b)~~(ii) the person must not have driven a motor vehicle during the habitual offender suspension period;

~~(c)~~(iii) the person must not have been convicted of or have charges pending for any alcohol or drug violations committed during the habitual offender suspension period;

~~(d)~~(iv) the person must not have been convicted of or have charges pending for any offense listed in Section 56-1-1020 committed during the habitual offender suspension period; and

~~(e)~~(v) the person must not have any other mandatory driver's license suspension that has not yet reached its end date.

(b) The department will issue its decision within thirty days after receipt of the request.

(2) If the department denies the request referenced in item (1), the person may seek relief from the department's determination by filing a request for a de novo contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. For good cause shown, the Office of Motor Vehicle Hearings may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of driver's licenses. The provisions of item (1) shall not be construed to limit the discretion or authority of the Office of Motor Vehicle Hearings in considering the person's request for a reduction of the five-year suspension period; however, those provisions may be used as guidelines for determinations of good cause for relief from the normal five-year suspension period.

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SECTION 5. Section 56-1-1320(A) of the S.C. Code is amended to read:

(A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56-1-30, who is or has been convicted of a first offense violation of a law of this State that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Sections 56-5-2930 and 56-5-2933, ~~and~~ whose license is not presently suspended for any other reason, and whose offense date is prior to the effective date of this section, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program pursuant to Section 56-1-1330, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56-1-370 and 56-1-820 must be made by the director of the department or his designee.

SECTION 6. Section 56-1-1340 of the S.C. Code is amended to read:

Section 56-1-1340. The applicant shall have a provisional driver's license in his possession at all times while driving a motor vehicle, and the issuance of such license and the violation convictions shall be entered in the records of the Department of Motor Vehicles for a period of ten years as required by Sections ~~56-5-2940~~ 56-5-2930, 56-5-2933, and 56-5-2990 ~~of the 1976 Code~~.

SECTION 7. Section 56-5-2941 of the S.C. Code is amended to read:

Section 56-5-2941. (A)(1) The Department of Motor Vehicles shall require a person who ~~is a resident of this State and who~~ is convicted of violating the provisions of Sections 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or who is issued a temporary alcohol license pursuant to Section 56-1-286 or 56-5-2951, to have installed on any motor vehicle the person drives, except a moped or motorcycle, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. ~~This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person~~

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~~submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more.~~

(2) The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device.

(3) The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension, denial of license to operate a vehicle as an habitual offender pursuant to Section 56-1-1090, or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped or motorcycle.

(4) The length of time that a device is required to be affixed to a motor vehicle as is set forth in Sections Section 56-1-286; 56-1-1090; 56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286; 56-1-1090; 56-5-2930; 56-5-2933; 56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2950; or 56-5-2951; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) If a resident of this State is convicted of violating a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in

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another state, the person only may obtain a South Carolina driver's license if the person enrolls in the South Carolina Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(E) The person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. A person accumulating a total of:

(1) two points or more, but less than three points, must have the length of time that the device is required extended by two months;

(2) three points or more, but less than four points, must have the length of time that the device is required extended by four months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall suspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan;

(3) four points or more must have the person's ignition interlock restricted license suspended for a period of six months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and successfully shall complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person's ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of a person's completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person's point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

(F) The cost of the device must be borne by the person. However, unless a person is participating in the Interlock Ignition Device Program

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as an habitual offender pursuant to Section 56-1-1090(A), if the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. "Net income" means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

(G) The ignition interlock service provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

(H)(1) The person shall have the device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly

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operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the person's alcohol content at each attempt to start and running retest during each sixty-day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately shall report devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person's name, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) If any inspection report or any photographic images collected by the device shows that the person has violated subsection (M), (O), or (P), the person must be assessed one and one-half ignition interlock device points.

(5) The inspection report must indicate the person's alcohol content at each attempt to start and running retest during each sixty-day period. If the report reflects that the person violated a running retest by having an alcohol concentration of:

(a) two one-hundredths of one percent or more but less than four one-hundredths of one percent, the person must be assessed one-half ignition interlock device point;

(b) four one-hundredths of one percent or more but less than fifteen one-hundredths of one percent, the person must be assessed one ignition interlock device point; or

(c) fifteen one-hundredths of one percent or more, the person must be assessed two ignition interlock device points.

(6) A person may appeal less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal is final and no appeal from such decision is allowed.

(I)(1) If a person's license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of

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his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of ignition interlock points, he waives his right to the administrative hearing and the person's driver's license is suspended pursuant to subsection (E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services' determination that a person's license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver's license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver's license suspension can be upheld;
(b) the driver's license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to subsection (E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

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(J) Five years from the date of the person's driver's license reinstatement and every five years thereafter, a fourth or subsequent offender whose license has been reinstated pursuant to Section 56-1-385, or a person with a lifetime ignition interlock requirement due to a conviction on or after October 1, 2014, may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from the person's driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the person's license.

(K)(1) Except as otherwise provided in this section, it is unlawful for a person who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

(4) Nothing in this subsection shall be construed to prevent a person who is participating in the Ignition Interlock Device Program pursuant to Section 56-1-1090(A) and who drives a motor vehicle that is not equipped with a properly operating, certified ignition interlock device from being charged with a violation of Section 56-1-1100.

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(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.

(2) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

(c) a person participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A).

(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).

(4) This subsection will be construed in parallel with the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

(M) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(N) It is unlawful for a person to knowingly rent, lease, or otherwise provide a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person's arrest for a first offense

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violation of Section 56-5-2930 or 56-5-2933 or prior to a person who is participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A) receiving his license with an ignition interlock restriction. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(O) It is unlawful for a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while the vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(P) It is unlawful for another person on behalf of a person subject to the provisions of this section to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while that vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(Q) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. Manufacturers of ignition interlock devices shall apply to the Department of Probation, Parole and Pardon Services for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. The Department of Probation, Parole and Pardon Services may charge an initial annual fee on the manufacturer's application for certification of each device, and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. This fee shall be remitted to the Ignition Interlock Device Fund for use by the Department of Probation, Parole and Pardon Services in support of the Ignition Interlock Device Program.

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(2) All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one-hundredths of one percent or more is measured and all running retests must record violations of an alcohol concentration of two one-hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services' management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services' employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

~~(2)~~(3) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

~~(3)~~(4) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

(R) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon Services' internet website. The information regarding a person's participation in the Ignition Interlock Device Program recorded by the ignition interlock device is collected at the direction of the Department of Probation, Parole and Pardon Services and is a record of the department. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person's participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or

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the person's family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department's discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all photographic images collected by the device no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program. The Department of Probation, Parole and Pardon Services may retain the images past twelve months if there are any pending appeals or contested case hearings involved with that person, and at their conclusion must purge the images. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all personal information regarding a person's participation in the Ignition Interlock Device Program no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program except for that information which is relevant for pending legal matters.

(S) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.

(T) This section shall apply retroactively to any person currently serving a suspension or denial of the issuance of a license or permit due to a suspension listed in subsection (A).

SECTION 8. Section 56-5-2951 of the S.C. Code is amended to read:

Section 56-5-2951. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56-5-2950 or has an alcohol concentration of fifteen one-hundredths of one percent or more. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure;

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; and

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~~(H)~~(c) obtain a temporary alcohol license with an ignition interlock device restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, Twenty twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while ~~The~~ the remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

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(4) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, the person waives the person's right to the hearing, and the person's suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of the person's right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings;

~~(2) the notice of suspension also must advise the person~~ that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person waives the person's right to the contested case hearing, and the suspension continues for the period provided for in subsection (I); and

~~(3) the notice of suspension also must advise the person~~ that, if the suspension is upheld at the contested case hearing or the person does not request a contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(F)(1) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

~~(1)~~(a) was lawfully arrested or detained;

~~(2)~~(b) was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;

~~(3)~~(c) refused to submit to a test pursuant to Section 56-5-2950;

or

~~(4)~~(d) consented to taking a test pursuant to Section 56-5-2950, and the:

~~(a)~~(i) reported alcohol concentration at the time of testing was fifteen one-hundredths of one percent or more;

~~(b)~~(ii) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;

~~(c)~~(iii) tests administered and samples obtained were conducted pursuant to Section 56-5-2950; and

~~(d)~~(iv) machine was working properly.

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(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days, if any, the person maintained an ignition interlock restriction on the temporary alcohol license.

(4) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with the Administrative Law Court's appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

~~(H)(1) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990, and may apply for a restricted license if the person is employed or enrolled in a college or university. The restricted license permits the person to drive only to and from work and the person's place of education and in the course of the person's employment or education during the period of suspension. The restricted license also permits the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court ordered drug program. The department may issue the restricted license only upon showing by the person that the person is employed or enrolled in a college or university, that the person lives further than one mile from the person's place of employment, place of education, or location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court ordered drug~~

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program, and that there is no adequate public transportation between the person's residence and the person's place of employment, the person's place of education, the location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court-ordered drug program.

~~(2) If the department issues a restricted license pursuant to this subsection, the department shall designate reasonable restrictions on the times during which and routes on which the person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of the person's court-ordered drug program, or residence must be reported immediately to the department by the person.~~

~~(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state's general fund, and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

~~(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license is a violation of Section 56-1-460.~~

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

(b) one month for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years

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preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if the person refuses to submit to a test pursuant to Section 56-5-2950, or two months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

(b) for a third offense, twelve months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or four months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(3)(a) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

(b) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(c) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended

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until the completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended pursuant to the provisions of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license or permit.

(L) The department shall not suspend the privilege to drive of a person under the age of twenty-one pursuant to Section 56-1-286, if the person's privilege to drive has been suspended pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

(O) The department shall administer the provisions of this section.

~~(P) If a person does not request a contested case hearing within the thirty-day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court-ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court-ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court-ordered drug program. The department must designate reasonable restrictions on~~

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~~the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program. Nothing in this section shall prevent the prosecuting authority from waiving or dismissing the charge.~~

SECTION 9. Section 56-5-2990 of the S.C. Code is amended to read:

Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted for a violation of Section 56-5-2930, 56-5-2933, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs.

(2) For a first offense:

(a) ~~If a person is found to have refused to submit to a breath test pursuant to Section 56-5-2950 and is convicted of Section 56-5-2930 or 56-5-2933, the person's driver's license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.~~

(b) ~~If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of less than fifteen one hundredths of one percent, the person's driver's license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the~~

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~~remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.~~

~~(e) If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of fifteen one hundredths of one percent or more, the a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.~~

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

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(B) A person whose license is suspended pursuant to this section, Section 56-1-286, 56-5-2945, or 56-5-2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. ~~A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court ordered drug program may use the route restricted or special restricted driver's license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of a route restricted driver's license or a special restricted driver's license.~~ An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the person must be prepared and a plan of education or treatment, or both, must be developed for the person. Entry into the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the issuance of an ignition interlock restricted license to the person whose license is suspended pursuant to this section. Successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the full restoration of driving privileges to the person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each person shall bear the cost of services recommended in the person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the person has successfully completed services. A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services shall report

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annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the Department of Motor Vehicles, if the Medical Advisory Board determines public safety and welfare of the person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If a person's driver's license is suspended pursuant to this section, an insurance company shall not refuse to issue insurance to cover the remaining members of the person's family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned the person's license in to the Department of Motor Vehicles.

~~(F) Except as provided for in Section 56-1-365(D) and (E), the driver's license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56-5-2930, 56-5-2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56-1-365(F).~~

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SECTION 10. A. Sections 56-5-2941(J), 56-5-2941(Q)(1), and 56-5-2941(R), as amended by this act, take effect upon approval by the Governor.

B. Except as otherwise provided, this act takes effect one year after the date approved by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

The question then being concurrence in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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On motion of Senator HUTTO, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

CONCURRENCE

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator M. JOHNSON explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott

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Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

On motion of Senator M. JOHNSON, the Senate concurred in the House amendments and a message was sent to the House.

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator RANKIN explained the House amendments.

Senator TALLEY proposed the following amendment (SR-330.JG0028S), which was carried and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 16-11-740, by adding subsection (B)(3) to read:

(3) Any person whose property or person is injured by reason of a violation of this subsection shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such cases, the plaintiff shall be entitled to recover treble the amount of damages fixed by the verdict or punitive damages, together with costs, including attorney's fees.

Renumber sections to conform.

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Amend title to conform.

Senator TALLEY explained the amendment.

The question then was the adoption of the amendment.

The amendment was carried over.

Senator HEMBREE proposed the following amendment (SEDU-330.DB0027S), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, and 4.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator RANKIN spoke on the amendment.

Senator MALLOY spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken resulting as follows:

Ayes 29; Nays 15

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--29

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>

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Kimpson	Matthews	McLeod
Rankin	Sabb	Scott
Setzler	Stephens	Williams

Total--15

The amendment was adopted.

Senator RANKIN proposed the following amendment (SJ-330.BM0025S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 16-23-500 of the S.C. Code is amended to read:

Section 16-23-500. (A) Except as provided in subsection (F), it is unlawful for a person who has been convicted of a violent crime, as defined by Section 16-1-60, that is classified as a felony offense, crime punishable by a maximum term of imprisonment of more than one year to possess a firearm or ammunition within this State.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, ~~must be fined not more than two thousand dollars or imprisoned not more than five years, or both.:~~

(1) for a first offense, must be imprisoned not more than five years;

(2) for a second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and

(3) for a third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms

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or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

(D) The judge that hears the case involving the violent court with jurisdiction over an offense, as defined by Section 16-1-60, that is classified as a felony offense, punishable by imprisonment for more than one year, as provided in subsection (A), shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense subject to the provisions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

(E) A second or subsequent offense for the purpose of this section means any conviction pursuant to Section 16-23-500(A).

(F) For the purpose of this section, "crime punishable by a maximum term of imprisonment of more than one year" does not include:

(1) any offense in this State or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) any offense classified by the laws of this State or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or less; or

(3) any crime for which the conviction has been expunged, or set aside, or for which a person has been pardoned or has had his civil rights restored, unless such pardon, expungement, or restoration of civil rights

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expressly provides that the person may not ship, transport, possess, or receive firearms.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was withdrawn.

Senator SENN proposed the following amendment (SR-330.JG0035S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 3, Title 16 of the 1976 Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. (A)(1) When a person commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected in whole or in part because of the person's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(2) For purposes of this article, the definition of 'sex' shall conform to the definition as set forth in the majority's holding in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2020).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed in whole or in part because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is

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correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

The amendment was withdrawn.

Senators SCOTT, KIMPSON and STEPHENS proposed the following amendment (SMIN-330.AA0036S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X.

Chapter 3, Title 16 of the S.C. Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. (A) When a person commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

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(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

The amendment was withdrawn.

Senators TALLEY and MALLOY proposed the following amendment (SJ-330.BJ0030S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by adding an undesignated paragraph to read:

(D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover treble the amount of damages fixed by the verdict, together with costs, including attorneys' fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, the "damages" includes actual and consequential damages.

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Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

On motion of Senator TALLEY, Amendment No. 3 was withdrawn.

The Bill was ordered returned to the House of Representatives with amendments.

CONCURRENCE

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED

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MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING TITLE 56, CHAPTER 10, ARTICLE 5, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211

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SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES, AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S

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BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY

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APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator BENNETT explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott

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Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

On motion of Senator BENNETT, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE AND LOCAL CALENDAR.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE THIRD TIME
HOUSE BILL RETURNED**

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND

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CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-3728.DB0105S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 59-29-600.

Amend the bill further, SECTION 2, by striking Section 59-29-610(2) and inserting:

(2) "Parent" means the biological parent, adoptive parent, stepparent, person with legal custody or other person with legal authority to act on behalf of a student, excluding an individual whose parental relationship to the child has been legally terminated.

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(1) and inserting:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(5) and inserting:

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(7) and inserting:

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

Amend the bill further, SECTION 2, by striking Section 59-29-620(C) and inserting:

(C) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59-29-630.

Amend the bill further, SECTION 2, by striking Section 59-29-620(D)(1), (2), and (3) and inserting:

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(1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

(2) the fact-based discussion of controversial aspects of history or current events;

(3) the fact-based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region; or

Amend the bill further, SECTION 2, Section 59-29-620, by adding a subsection to read:

(F) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Amend the bill further, SECTION 2, by striking Section 59-29-630 and inserting:

(9) location, either physical or virtual, of the printed or electronically available material; and

(10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts.

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(a) and inserting:

(a) provide a statement on its website announcing the rights of parents to review all curriculum;

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(c), (d), (e), (f), (g), and (h) and inserting:

(c) ensure compliance with the provisions of this article by investigating suspected violations and complaints filed pursuant to this article;

(d) prohibit retaliation for filing a complaint or participating in an investigation;

(e) obtain written consent from a parent prior to the participation of a minor student in the investigative process, including consent for the minor to be interviewed;

(f) provide instructions to a complainant or individual alleged to have violated for filing an appeal of the LEA determination with the department in a written determination to an eligible complainant; and

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(g) before July 1, 2025, and each year thereafter, provide a report to the department containing a summary of the:

- (i) number of complaints filed with a description of the nature of each complaint;
- (ii) number of complaints closed;
- (iii) number of complaints pending;
- (iv) number of resolution agreements successfully executed;
- (v) number of complaints substantiated; and
- (vi) number of complaints not substantiated.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and inserting:

(3) A requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

Amend the bill further, SECTION 2, by striking Section 59-29-640(H)(2)(c)(I) and inserting:

(I) The State Board shall issue a written determination letter to the complainant, the individual alleged to have included or promoted the prohibited concept, and the LEA from which the allegation arose. This determination letter is subject to any federal or state law that relates to the privacy of student information.

Amend the bill further, SECTION 2, by striking Section 59-29-650(A) and inserting:

(A) Beginning with the 2024-2025 School Year, and each school year thereafter, each LEA prominently shall post information regarding their chosen curriculum and instructional materials on the school district

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website. The information must indicate the materials used by school, grade or course, and subject matter, and must include:

- (1) a listing of the approved textbooks by title and including author, brief summary, and date of copyright for every course offered in the district;
- (2) a link to statewide academic standards;
- (3) relevant district policies concerning curriculum development and academic transparency; and
- (4) a process for which parents may review in person, at the school of their child's attendance and contest instructional materials and library and media center materials being used.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(4) and inserting:

- (4) a list of primary textbooks and instructional materials;

Amend the bill further, SECTION 2, by deleting Section 59-29-670 and 59-29-680.

Amend the bill further, SECTION 3, by striking Section 59-28-180(A), (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) and (B) and inserting:

Parent involvement influences student learning and academic performance; therefore, parents are expected to:

- ~~(1)(a)~~ uphold high expectations for academic achievement;
- ~~(2)(b)~~ expect and communicate expectations for success;
- ~~(3)(c)~~ recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- ~~(4)(d)~~ ensure attendance and punctuality;
- ~~(5)(e)~~ attend parent-teacher conferences;
- ~~(6)(f)~~ monitor and check homework;
- ~~(7)(g)~~ communicate with the school and teachers;
- ~~(8)(h)~~ build partnerships with teachers to promote successful school experiences;
- ~~(9)(i)~~ attend, when possible, school events;
- ~~(10)(j)~~ model desirable behaviors;
- ~~(11)(k)~~ use encouraging words;
- ~~(12)(l)~~ stimulate thought and curiosity; ~~and~~
- ~~(13)(m)~~ show support for school expectations and efforts to increase student learning; and
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Renumber sections to conform.

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Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

Senator SABB spoke on the amendment.

Senator McLEOD spoke on the amendment.

Point of Quorum

At 7:50 P.M., Senator MATTHEWS made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator MASSEY moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McLeod
Rankin	Reichenbach	Sabb
Setzler	Shealy	Stephens
Turner	Williams	Young

A quorum being present, the Senate resumed.

Senator K. JOHNSON spoke on the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Senators SETZLER, HUTTO and MALLOY proposed the following amendment (SMIN-3728.AA0149S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(H) Nothing in any determination letter, final order, or any portion of a corrective action plan issued by the state board shall be considered

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binding for purposes of any other investigation of a complaint or appeal filed with the board or any other resolution process conducted by the board, shall be considered binding on any other school district, and shall only apply to the underlying complaint.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-3728.JG0120S), which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 63, Title 59 of the S.C. Code is amended by adding:

Article 17

The Given Name Act

Section 59-63-1700. (1) "Parent" or "guardian" means a resident of this State who is the parent, stepparent, adoptive parent, foster parent, or otherwise legal guardian of a student enrolled in school in this State, excluding an individual whose parental relationship to the child has been legally terminated.

(2) "Employee" means any individual working in any capacity, whether performance of such work is voluntary or paid including, but not limited to, teachers, administrators, janitors, cafeteria workers, or other individuals working at any state-funded preschool, primary, or secondary school.

(3) "Contractor" means any individual working in any capacity for any state-funded preschool, primary, or secondary school through a contract between any such school or board of education or employee of or member of any school or board of education and that individual or that individual's employer.

(4) "Student" means an individual under the age of eighteen years of age who is enrolled in school in this State.

(5) "Sex" means biological sex, as listed on an individual's original birth certificate.

Section 59-63-1710. (A) No public education employee or contractor shall use a name to address a student other than the name listed on the

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student's birth certificate, or a derivative thereof, without the written permission of the student's parent or guardian.

(B) No public education employee or contractor shall use a pronoun when addressing a student that is different from the student's biological sex without the written permission of the student's parent or guardian.

(C) No employee of a public preschool, elementary, or secondary school operating in this State, when acting in the course of his official duties, shall carry out any act or communication that would violate subsections (A) or (B).

(D) No public institution may require an education employee or contractor to use a pronoun that does not match a person's biological sex if doing so is contrary to the employee's or contractor's religious or moral convictions.

(E) Nothing in this section prohibits an employee or contractor of a public preschool, elementary, or secondary school from discussing any matter of public concern outside the context of his official duties.

(F) Any public institution whose employee or contractor is found to be in violation of this section is not eligible for state funding or state or local contracts.

(G) Any aggrieved individual under this section may seek relief through the Office for Civil Rights at the U.S. Department of Education or bring a private right of action against any institution engaged in such prohibited discrimination, or both.

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

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Point of Order

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.
The PRESIDENT sustained the Point of Order.

The amendment was ruled Out of Order.

Senator GUSTAFSON proposed the following amendment (SR-3728.JG0148S), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. Parent involvement influences student learning and academic performance; therefore, parents are expected to:

- ~~—(1) uphold high expectations for academic achievement;~~
 - ~~—(2) expect and communicate expectations for success;~~
 - ~~—(3) recognize that parental involvement in middle and high school is equally as critical as in elementary school;~~
 - ~~—(4) ensure attendance and punctuality;~~
 - ~~—(5) attend parent teacher conferences;~~
 - ~~—(6) monitor and check homework;~~
 - ~~—(7) communicate with the school and teachers;~~
 - ~~—(8) build partnerships with teachers to promote successful school experiences;~~
 - ~~—(9) attend, when possible, school events;~~
 - ~~—(10) model desirable behaviors;~~
 - ~~—(11) use encouraging words;~~
 - ~~—(12) stimulate thought and curiosity; and~~
 - ~~—(13) show support for school expectations and efforts to increase student learning~~
- be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Renumber sections to conform.

Amend title to conform.

Senator GUSTAFSON explained the amendment.

Senator MASSEY spoke on the Bill.

Senator MASSEY moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 14

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Grooms	Hembree
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Loftis	Matthews
McLeod	Sabb	Setzler
Stephens	Williams	

Total--14

The amendment was laid on the table.

Senators BENNETT and KIMBRELL proposed the following amendment (SEDU-3728.DB0158S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

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(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students including, but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate and grade appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter; and

(4) the following timelines for the investigation by a LEA:

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- (a) complaint must be received within one year of the alleged violation;
- (b) response must be provided within thirty business days; and
- (c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

- (1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;
- (2) notifying the State Board of the violation and corrective action taken; and
- (3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

- (1) LEA shall immediately take a corrective action plan that:
 - (a) identifies specific acts or steps the LEA will take to resolve the noncompliance;
 - (b) specifies deadlines for the completion of the required acts or steps; and
 - (c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and
 - (d) meets the requirements of Section 59-29-640(C).
- (2) The State Board shall:
 - (a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

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(b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

(c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

(d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

(6) information on accessing the course Learning Management System;

(7) reading and reference material including the title, author and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media

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catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process.

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance; therefore, parents are expected to:

- (1)(a) uphold high expectations for academic achievement;
- (2)(b) expect and communicate expectations for success;
- (3)(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- (4)(d) ensure attendance and punctuality;
- (5)(e) attend parent-teacher conferences;
- (6)(f) monitor and check homework;
- (7)(g) communicate with the school and teachers;
- (8)(h) build partnerships with teachers to promote successful school experiences;
- (9)(i) attend, when possible, school events;
- (10)(j) model desirable behaviors;
- (11)(k) use encouraging words;
- (12)(l) stimulate thought and curiosity; and
- (13)(m) show support for school expectations and efforts to increase student learning; and
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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The amendment was carried over.

The amendment was withdrawn.

Senator FANNING proposed the following amendment (SMIN-3728.MW0127S), which was carried over and subsequently not adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A), (B), (C), (D), (E), and (F) and inserting:

(A) Library and media center material, both printed and electronically accessible, must be age appropriate and grade appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

(B) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59-29-630.

(C) Nothing in this section prohibits concepts as part of a course of instruction, in a curriculum or instructional program, or through the use of supplemental instructional materials if these concepts involve:

(1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

(2) the fact-based discussion of controversial aspects of history or current events;

(3) the fact-based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region; or

(4) the fact-based and historically accurate discussion of the history of slavery.

(D) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

(E) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

The question being the adoption of the amendment.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 10; Nays 27

AYES

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott
Stephens		

Total--10

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

The amendment failed.

Senator SABB proposed the following amendment (SMIN-3728.AA0173S), which was carried over:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A)(2) and inserting:

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is racist, sexist, or oppressive, whether consciously or subconsciously;

ReNUMBER sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

The amendment was carried over.

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Senators MATTHEWS and FANNING proposed the following amendment (SMIN-3728.AA0167S), which was tabled:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) Nothing in this section shall be construed to preempt local school district board policies on the selection or reconsideration process for library/media center materials.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Matthews	McElveen	McLeod
Sabb	Scott	Stephens
Williams		

Total--13

The amendment was laid on the table.

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Senator JACKSON proposed the following amendment (SMIN-3728.AA0142S), which was carried over:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-630(10) and inserting:

(10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts. The statement must also verify that the individual alleged to have included or promoted the prohibited concept has received a copy of the complaint if the complainant has not communicated directly with that person.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and inserting:

(3) A requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter and that the individual alleged to have included or promoted the prohibited concept has received a copy of the complaint if the complainant has not communicated directly with that person.

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was carried over.

Senator SABB proposed the following amendment (SMIN-3728.AA0146S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(E) and (F) and inserting:

(4) the fact-based and historically accurate discussion of the history of slavery.

(E) Nothing in this section shall be construed to prohibit the use of autobiographical accounts or autobiographical texts as part of a course of instruction, in a curriculum or instructional program, or as supplemental instructional materials.

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(F) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

(G) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Renumber sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

Call of the Senate

Senator MALLOY moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Motion Under Rule 15A Adopted

At 10:21 P. M., Senator MASSEY moved under the provisions of Rule 15A that the debate on the entire matter H. 3728 be brought to a close and that up to five amendments authorized by the Majority Leader and up to five amendments authorized by the Minority Leader would be considered with up to three minutes of debate for the supporters and opponents of each amendment.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 17

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Shealy	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Rankin
Scott	Senn	Setzler
Stephens	Williams	

Total--17

Having received the necessary vote, the motion was adopted.

Senator BENNETT proposed the following amendment (SEDU-3728.DB0182S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

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(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students including, but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate, grade appropriate or appropriate to the academic grade level of the student.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter: and

(4) the following timelines for the investigation by a LEA:

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- (a) complaint must be received within one year of the alleged violation;
- (b) response must be provided within thirty business days; and
- (c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

- (1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;
- (2) notifying the State Board of the violation and corrective action taken; and
- (3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

- (1) LEA shall immediately take a corrective action plan that:
 - (a) identifies specific acts or steps the LEA will take to resolve the noncompliance;
 - (b) specifies deadlines for the completion of the required acts or steps; and
 - (c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and
 - (d) meets the requirements of Section 59-29-640(C).
- (2) The State Board shall:
 - (a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

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(b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

(c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

(d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this Article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

(6) information on accessing the course Learning Management System;

(7) reading and reference material, including the title, author and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media

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catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process.

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance; therefore, parents are expected to:

- ~~(1)~~(a) uphold high expectations for academic achievement;
- ~~(2)~~(b) expect and communicate expectations for success;
- ~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- ~~(4)~~(d) ensure attendance and punctuality;
- ~~(5)~~(e) attend parent-teacher conferences;
- ~~(6)~~(f) monitor and check homework;
- ~~(7)~~(g) communicate with the school and teachers;
- ~~(8)~~(h) build partnerships with teachers to promote successful school experiences;
- ~~(9)~~(i) attend, when possible, school events;
- ~~(10)~~(j) model desirable behaviors;
- ~~(11)~~(k) use encouraging words;
- ~~(12)~~(l) stimulate thought and curiosity; ~~and~~
- ~~(13)~~(m) show support for school expectations and efforts to increase student learning; ~~and~~
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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Senator BENNETT spoke in favor of the amendment.

Senator SABB spoke against the amendment.

The question being adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 11

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Setzler
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
Matthews	McLeod	Sabb
Scott	Stephens	

Total--11

The amendment was adopted.

Senator FANNING proposed the following amendment (SMIN-3728.AA0147S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(E) and (F) and inserting:

(E) Nothing in this section shall be construed to ban any book.

(F) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

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(G) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

The amendment failed.

Senator MALLOY proposed the following amendment (SR-3728.KM0176S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-620(D), by adding an item to read:

(5) the fact-based and historically accurate discussion of Reconstruction, the Jim Crow era, and segregation with an emphasis on lynchings and other crimes committed based upon the race of the victim.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator JACKSON proposed the following amendment (SMIN-3728.AA0186S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. Within seven calendar days of receiving a complaint, the LEA must provide a redacted copy of the complaint to the principal of the school where the individual is alleged to have included or promoted the prohibited concept. Upon receipt, the principal shall provide a copy of the redacted complaint to the individual alleged to have included or promoted the prohibited concept. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until

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a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

Senator FANNING proposed the following amendment (SMIN-3728.MW0139S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) If the State Board determines the complaint does not demonstrate violation of Section 59-29-620, the complainant cannot file another complaint regarding similar instructional practices until the expiration of one year from the date upon which the complaint was initially filed.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment failed.

Senators CASH and HUTTO proposed the following amendment (SEDU-3728.DB0185S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

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(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students including but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate, grade appropriate or appropriate to the academic grade level of the student.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter: and

(4) the following timelines for the investigation by a LEA:

(a) complaint must be received within one year of the alleged violation;

(b) response must be provided within thirty business days; and

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(c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

(1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;

(2) notifying the State Board of the violation and corrective action taken; and

(3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

(1) LEA shall immediately take a corrective action plan that:

(a) identifies specific acts or steps the LEA will take to resolve the noncompliance;

(b) specifies deadlines for the completion of the required acts or steps; and

(c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and

(d) meets the requirements of Section 59-29-640(C).

(2) The State Board shall:

(a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

(b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

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(c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

(d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

(6) information on accessing the course Learning Management System;

(7) reading and reference material including the title, author, and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary

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action as stated in the complaint process. Pornographic materials are those meeting the definitions provided in Section 16-15-375(1).

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance; therefore, parents are expected to:

- ~~(1)~~(a) uphold high expectations for academic achievement;
- ~~(2)~~(b) expect and communicate expectations for success;
- ~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- ~~(4)~~(d) ensure attendance and punctuality;
- ~~(5)~~(e) attend parent-teacher conferences;
- ~~(6)~~(f) monitor and check homework;
- ~~(7)~~(g) communicate with the school and teachers;
- ~~(8)~~(h) build partnerships with teachers to promote successful school experiences;
- ~~(9)~~(i) attend, when possible, school events;
- ~~(10)~~(j) model desirable behaviors;
- ~~(11)~~(k) use encouraging words;
- ~~(12)~~(l) stimulate thought and curiosity; ~~and~~
- ~~(13)~~(m) show support for school expectations and efforts to increase student learning; and

(n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The amendment was adopted.

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The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 10

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott
Stephens		

Total--10

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003-8927

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Macaulay Brown Shaw of Sumter, S.C. Mary served as president of the Sumter Junior Women, Sumter Art Association and Sumter Mental Health Board. Mary was a loving mother and devoted grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Dixie Elizabeth Weeks Mizell of Reevesville, S.C. Dixie worked for the U.S. Postal Service and was a lifelong member of Reevesville Baptist Church. She had many talents including making fudge and one-of-a kind baby blankets. She loved animals, mining, collecting bugs and rocks and tending to her flowers. Dixie was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 11:10 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

Thursday, May 11, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Romans 12:3

Addressing those he loved in Rome, Paul wrote: "Do not think of yourself more highly than you ought, but rather think of yourself with sober judgment, in accordance with the measure of faith God has given you."

Please bow with me as we pray: It is so incredibly easy, O God, to stumble and find ourselves falling into the clutches of pride and self-love. None of us can side-step such pitfalls; they sadly go along with human nature. So here at the close of this official "last day" of this legislative term, the temptation for each of us is to pat ourselves on the back, to smile smugly and to go out this evening and celebrate. And then we think of the many things that this Senate has not gotten done this term, how we could have -- and likely should have -- done even more for the people we are called to serve. That is when we promise, Lord, to work against being victims of self-pride, to look ahead to those times when we will be able to redeem ourselves as true servants of the people, thereby bringing ever-greater honor to You. This we pray in Your loving name, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Motion to Ratify Adopted

At 10:12 A.M., Senator MASSEY asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Doctor of the Day

Senator PEELER introduced Dr. Jasjot Bhullar of Spartanburg, S.C., Doctor of the Day.

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Leave of Absence

On motion of Senator GROOMS, at 10:11 A.M., Senator CROMER was granted a leave of absence for today.

Leave of Absence

On motion of Senator M. JOHNSON, at 10:34 A.M., Senator KIMBRELL was granted a leave of absence until 11:04 A.M.

Leave of Absence

On motion of Senator TALLEY, at 1:59 P.M., Senator TURNER was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT, members of the Senate. This is the last day of regular session. And I have one more Point of Personal Interest that I would like to make in this regular session and then when we come back -- we will continue sharing thoughts and insights for you. I have shared with you in a handout Senator CAMPSSEN a quote from one of your favorites, Sir Edmond Burke -- at least it is attributed to Sir Edmond Burke. I've also passed out an article that was published on March 13, 2016, in Open Culture. For those of you who are pure historians, there is a lot of debate whether Sir Edmond Burke said the quote or not. I know enough to quote the source. The source said he may or may not have said it, but it is a wonderful, wonderful quote that simply says this, "The only thing necessary for triumph of evil is for good men to do nothing." I was a college student at Benedict College and had a professor by the name of Dr. Gorgay from Hungary. He fled his country from Hitler -- lost his entire family. He was one of the most brilliant individuals I ever met. I was totally fascinated by him, although I could barely understand what he was saying. But he would have his quote on his wall, Senator CAMPSSEN. He would say to me, "Young Jackson, put it in your mind, write it down, put it somewhere." And when I would see him because I was a political science major he would say, do you know the quote? I said, "Yes, sir." He said, "Where have you written the quote?" I said, "On my desk." He said to write it everywhere. And he would say to me again, "The only thing necessary for triumph of evil is for good men to do nothing."

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And I leave that with you because I contend that all of you are good people. I am honored and I am very -- it is indeed an honor to serve in this Body with forty-five other really good people. And I sincerely mean that. People ask me, how do you all get along in the Senate? And I say I really do enjoy my colleagues. I don't agree with them all, okay and at times we have fights, but I had two brothers and two sisters, and we fought all the time. My sister was the toughest of all of them and I still love them. And would I say this to you that I sincerely believe that the people you represent if given the choice of should we have Hate Crime Legislation, will say yes. Because I have faith in the people we represent -- if they are from Anderson, Beaufort, Charleston or Spartanburg -- I sincerely believe that given the choice, looking at this Bill which only enhances penalties, they would say yes. Last night we heard it was said that the Bill we were debating represented the sentiments of the people of South Carolina. That may or may not be true. I believe when it's all said and done, we will get this Bill. And those of you who, like me, have survived the whole confederate flag incident remember those speeches on that. We eventually got there. It was painful, however. The last thing that someone said to me is this Bill perhaps has a better chance of passing if we take out the sexual identity part. And my answer is tell that to the parents of Matthew Shepherd. If you have a son or a daughter tell that to your son and daughter if they came to you and say I'm gay, and someone harasses and threatens them. Tell that to the parents of that young man who hung on that fence post for twelve days looking like a scarecrow. I just refuse to believe that the good people in this Body would be willing to do that.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks by Senator SABB

Thank you, Mr. PRESIDENT and members. Today is an historical day because it is the day after my experience last night. My grandmother always talked to us about occurrences -- the things that happen. One of the things that she made sure that we appreciated was the fact that it's not always what you do. It's not always what is done. Quite often, what's more important is the manner it's done. I like, Senator HARPOOTLIAN who spoke so eloquently a moment ago -- who has nothing but

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appreciation for the opportunity to be a part of discussions in this Chamber. One of the things that I did when I came into the Body in the House, and I tried to do the same as I came into the Senate -- I sat in silence observing how the Body moves -- the dynamics of the Body. The high-level qualities of its members and essentially how she functions. Never have I seen in my eight plus years what occurred with me last night. There's never been an instance that I know about where there's no forewarning that the trigger is getting ready to be pulled -- never. I just believe that as a manner of courtesy, it should have been extended and that's the second time for me. The first time, quite frankly, I took it on the chin. I tried to take the position that when somebody goes low, I can go high. However, last night was the straw that broke the camel's back as far as I'm concerned. I believe that common courtesy is important, and that was not displayed nor extended last night. I don't believe in holding stuff like that in. I believe in saying it in such a fashion that my position is clear. I realize -- and my daughter spoke to a class and one of the things that I didn't realize that she shared with the class was that 10% is what we do and the other 90% is how we react to what others do.

It's always been my hope that my reaction is such that I sleep well at night. Dr. Charles Edward Murray said that one of the quintessentials of a good speech is having something to say. That's why when I come up here -- I don't come up here haphazardly -- it is a result of me studying an issue and finding out what the deal is. I believe advocacy matters; I believe it makes a difference. If I had thought for a moment that what Senator TALLEY talked about last night couldn't be handled in the law, without us passing the law, I would have voted for it although I was against it. Just because it was conduct that we needed to address. That's where I stand.

Now, I didn't get a chance to say it in the debate, but context to me is important. When you think in terms of the Legislation that was passed last night, that whole notion began with an Executive Order from the President of the United States. It occurred around the time when the upheaval happened in America because of what happened with George Floyd. A part of the reaction to that was an Executive Order that contained a lot of what is in this Bill. Contextually, that is important. Contextually, that should have been a part of this debate. I'm reminded of what happened during that time in our society. I witnessed women in the WNBA step forward and speak out. I witnessed men in the NBA step forward and speak out. Why? It is because they want us to have a more perfect Union. They felt that there was a need to deal with a kind of conduct that gives rise to that kind of a crime. It is important. Do you

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know what the reaction was to the men in the NBA that spoke out? They told them shut up and dribble -- shut up and dribble. The reaction that came to them was shut up and dribble. In other words, you can play basketball, we admire your talent, and we cheer for you, but how dare you weigh in on an issue of social significance in our Country? You know what the response was? Their voice got louder -- their voice got louder. A lot of good things occurred because of that conversation that America was forced to engage in. That is the origin of this critical race theory discussion.

Now, I'm finished with that. Let me conclude by sharing the words that the Senate began with today where a scripture was shared with us written by Paul addressing those he loved in Rome. It simply said, "Do not think of yourself more highly than you ought to. But rather, think of yourself with sober judgment, in accordance with the measure of faith God has given you." We are South Carolina Senators -- not Republicans or maybe we are -- not Democrats, well, maybe we are. However, there's a level above how we're classified. There is a level above Republicanism and there's a level above being a Democrat. The question fundamentally in my mind is, will we rise to that level when it comes to common courtesy? I submit that we ought to demand it of each other. I submit we ought to adhere to it. It's not always what is done, often, it is the manner in which it is done. Thank you, Mr. PRESIDENT.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator SABB were ordered printed in the Journal.

Remarks by Senator KIMPSON

Senator KIMPSON rose to make brief remarks regarding his service in the Senate.

Remarks by Senator KIMPSON

I rise today to say thank you to the people of Senate District 42 for electing me to serve in this august Body for almost a decade now. When I first was sworn in this Chamber, I brought with me my little baby Marleigh who was not yet one year old. She'll be ten years old next month. Little Marlon wasn't even born and he will be six years old this weekend. They are truly blessed kids who have two dedicated parents but what I've learned the last ten years is my kids aren't impressed with my professional achievements -- they measure love by how much time I spend with them. To them, love equals time.

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As y'all know, I've been appointed by President Biden to serve as a White House appointee to the Advisory Committee for Trade Policy and Negotiations. While this committee is not a full-time job, I can't put this new role on top of my Senate position, maintain a full-time robust law practice and spend quality time with my children. Love equals time. And that's why I'm giving this farewell address. At the outset of this journey, I pledged to the people of District 42 that I would come up here to work hard for them every day. That I would not cower in the face of adversity but stand resolute to make sure that every child could get a good public education, breathe clean air and taste clean water and that every citizen in this State would have the opportunity to live the American dream. That's what I said then when I gave my speech in January of 2014 and that's what I did while I was in the Senate. God puts people in place at the right time. I was here at the right time. Not long after I was sworn in, an unarmed motorist was pulled over in North Charleston, in my district, for a traffic violation. His name was Walter Scott, Jr. In fear that he was going back to jail for some unpaid child support, Walter ran on foot and was shot in the back multiple times by a police officer. When you read the officer's affidavit, you would have thought he deserved the Order of the Palmetto, but we found out it was totally unsupported by the facts. And but for a cell phone video which captured the incident on tape, he might have gotten a promotion. This Body understood that the best evidence is by video, and together -- both Democrats and Republicans -- we passed the Body Camera Act and became the first State in the Nation to do so.

About sixty days after that, the world witnessed one of the most heinous crimes ever imagined: the cold-blooded murder of nine parishioners, including one of our own, Senator Clemente Pinckney. We banded together to remove the Confederate flag in front of the State House in a solid move to show solidarity, unity and rid this State of a polarizing symbol that continued to divide us.

While I was here, we fought big ag, big chicken and big tobacco. We fought for marketplace fairness for our mom-and-pop stores who compete against big companies on the internet by forcing those out-of-state internet sellers to collect sales tax. This allows our mom-and-pop stores who employ our citizens, pay local taxes, sponsor local baseball teams and contribute to our State not to be at a competitive disadvantage. To date, that Legislation has generated more than 1.5 billion dollars for the State of South Carolina -- transformative economic Legislation for our citizens. We fought for children who work more than the American work week while practicing, training and competing on Saturday on the

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football fields and basketball courts at our two flagship universities and now these young student-athletes can profit from their own names, likeness, and images.

We've done a lot of great things but there is so much more to do. If we can marshal our efforts to pass a Bill to give German-owned Scout Motors two billion dollars in a matter of weeks -- without much debate-- we can certainly raise the minimum wage, pass Hate Crime Legislation and expand Medicaid for the working-class people of South Carolina. A quote from Nelson Mandela states, "There is no passion to be found playing small -- in settling for a life that is less than the one you are capable of living." But going forward it will be up to y'all -- each and every one of you. Now while I won't be here, I'm going to be generous and leave with you the next best thing. I am going to continue to grace your presence by leaving you all with Marlon #2! He doesn't have quite the personality, if I must say so myself, but hopefully he will be a constant reminder of my charge to each of you -- you are never wrong for doing the right thing. Go do great things for all the people of this great State. I suspect you will all miss me greatly and just know that you can have one of these in your office, to receive my wise counsel daily, for a mere \$42.90. \$42.00 symbolizing Senate District 42 and 90 cents because I have been re-elected by 90% of the votes -- in an unopposed race. Seriously folks -- in closing, there's a hymn we sang while I was growing up at St. John Baptist Church when I was a little boy in the choir. Don't worry, I'm not going to sing it, but the words are "May the work, I've done speak for me." Colleagues, I hope the work I've done speaks volumes. It's been an honor of a lifetime to serve in the South Carolina Senate. Thank you, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator KIMPSON were ordered printed in the Journal.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator RANKIN rose for an Expression of Personal Interest.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 799 -- Senator Bennett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MARGARET SHAW WRIGHT, FORMER EXECUTIVE ASSISTANT TO SENATORS STEPHEN L. GOLDFINCH, JOEL B. LOURIE, AND SEAN M. BENNETT, TO EXPRESS DEEP APPRECIATION FOR HER YEARS OF SERVICE, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 800 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-40(B), RELATING TO SAFE HAVEN FOR ABANDONED BABIES, SO AS TO PROVIDE THAT THE SAFE HAVEN MUST OFFER THE PERSON LEAVING THE INFANT INFORMATION PREPARED BY THE DEPARTMENT CONCERNING THE LEGAL EFFECT OF LEAVING THE INFANT WITH THE SAFE HAVEN; BY AMENDING SECTION 63-7-1700(A), RELATING TO PERMANENCY PLANNING, SO AS TO DECREASE THE TIME IN WHICH A PERMANENCY PLANNING HEARING MUST BE HELD FROM NO LATER THAN ONE YEAR TO NO LATER THAN NINE MONTHS AFTER THE CHILD IS FIRST PLACED IN FOSTER CARE; BY AMENDING SECTION 63-7-1700(F) AND SECTION 63-7-1700(H), RELATING TO AN EXTENSION FOR REUNIFICATION, SO AS TO DECREASE THE TIME IN WHICH AN EXTENSION MAY BE GRANTED FOR REUNIFICATION EFFORTS FROM EIGHTEEN MONTHS TO FIFTEEN MONTHS; BY AMENDING SECTION 63-7-1700(I), RELATING TO PERMANENCY PLANNING HEARINGS BY PROVIDING THAT A TERMINATION OF PARENTAL RIGHTS HEARING MAY SERVE AS THE NEXT PERMANENCY PLANNING HEARING ONLY IF IT IS HELD NO LATER THAN NINE MONTHS FROM THE DATE OF

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THE PREVIOUS PERMANENCY PLANNING HEARING; BY AMENDING SECTION 63-7-2550, RELATING TO SERVICE OF PETITION, SO AS TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER MUST RECEIVE SERVICE OF A TERMINATION OF PARENTAL RIGHTS ACTION; BY AMENDING SECTION 63-7-2570, RELATING TO GROUNDS, SO AS TO PROVIDE THAT WHEN FINDING THAT TERMINATION OF PARENTAL RIGHTS IS IN THE BEST INTEREST OF A CHILD, THE COURT MUST FIND THAT THE HOME OF THE CHILD'S PARENTS IS NOT SAFE FOR THE RETURN OF THE CHILD AT THE TIME OF THE TERMINATION OF PARENTAL RIGHTS HEARING; BY AMENDING SECTION 63-9-730, RELATING TO NOTICE OF ADOPTION PROCEEDINGS; SO AS TO PROVIDE THAT IF NOTICE OF AN ADOPTION PROCEEDING CANNOT BE EFFECTED BY PERSONAL SERVICE, THEN NOTICE MAY BE GIVEN BY PUBLICATION OF THE SUMMONS IN WHICH THE REQUESTED RELIEF OF TERMINATION OF PARENTAL RIGHTS OR ADOPTION, OR BOTH, IS SET FORTH; BY AMENDING SECTION 63-9-760, RELATING TO THE EFFECT OF A FINAL ADOPTION DECREE, SO AS TO PROVIDE THAT THE FINAL DECREE IS NOT AFFECTED BY A POSTADOPTION AGREEMENT ENTERED INTO BEFORE OR AFTER THE ADOPTION; BY ADDING SECTION 63-9-765, SO AS TO PROVIDE FOR POSTADOPTION CONTACT AGREEMENTS TO BE ENFORCEABLE IF AGREED TO BY THE PARTIES; BY AMENDING SECTION 63-7-820 RELATING TO THE PUTATIVE FATHER REGISTRY, SO AS TO PROVIDE THAT A REGISTRANT MUST INCLUDE ANY ALIASES WHEN HE REGISTERS; AND BY ADDING SECTION 12-6-3595, SO AS TO PROVIDE FOR A TAX CREDIT FOR ANY RESIDENT TAXPAYER THAT CLAIMS THE FEDERAL TAX CREDIT FOR QUALIFIED ADOPTION EXPENSES RELATED TO A DOMESTIC ADOPTION.

sj-0012sw23.docx : f2e5d3cc-6866-4003-8020-fa7a6cf8199d

Read the first time and referred to the Committee on Judiciary.

S. 801 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-430, RELATING TO DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP

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NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON
FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0190hdb23.docx : 3181943e-423e-43df-9a06-b237af8af22b

Read the first time and referred to the Committee on Judiciary.

Recalled

S. 801 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-430, RELATING TO DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

S. 802 -- Senator Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-4-120, RELATING TO PURPOSE OF THE SOUTH CAROLINA HOMELAND SECURITY ACT, SO AS TO LIMIT THE SCOPE OF PURPOSE OF THE ACT TO COLLECTION OF DATA AND RECORDS; BY REPEALING SECTION 44-4-300 RELATING TO POWERS OVER DANGEROUS FACILITIES AND MATERIALS; BY REPEALING SECTION 44-4-310 RELATING TO USE OF HEALTH CARE FACILITY OR SERVICES IN RESPONSE TO PUBLIC HEALTH EMERGENCY; BY AMENDING SECTION 44-4-330, RELATING TO PURCHASE AND DISTRIBUTION OF PHARMACEUTICAL AGENTS OR MEDICAL SUPPLIES, RATIONING, AND QUOTAS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 44-4-340, RELATING TO DESTRUCTION OF PROPERTY AND CIVIL PROCEEDINGS, SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTION 44-4-500 RELATING TO CONTROL AND TREATMENT OF INFECTIOUS DISEASE; BY REPEALING SECTION 44-4-510 RELATING TO PHYSICAL EXAMINATIONS OR TESTS AND ISOLATION OR QUARANTINE OF PERSONS REFUSING EXAMINATION; BY AMENDING SECTION 44-4-520, RELATING TO VACCINATIONS AND TREATMENT, SO AS TO PROVIDE THAT VACCINATIONS MUST BE ON A VOLUNTARY BASIS

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AND THAT ISOLATION AND QUARANTINE MAY ONLY BE RECOMMENDED; BY AMENDING SECTION 44-4-530, RELATING TO ISOLATION AND QUARANTINE OF INDIVIDUALS OR GROUPS AND A PENALTY FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT DHEC MAY RECOMMEND ISOLATION OR QUARANTINE AND MAKE CONFORMING CHANGES TO LIMIT DHEC'S AUTHORITY; BY REPEALING SECTION 44-4-540 RELATING TO ISOLATION AND QUARANTINE PROCEDURES AND ORDER TO SHOW CAUSE FOR NOT RELEASING; BY AMENDING SECTION 44-4-560, RELATING TO ACCESS TO PROTECTED HEALTH INFORMATION, SO AS TO RESTRICT ACCESS TO PROTECTED HEALTH INFORMATION BY REMOVING DHEC'S ACCESS TO SUCH INFORMATION PURSUANT TO A COURT ORDER OR EXECUTIVE ORDER OF THE GOVERNOR; AND BY AMENDING SECTION 44-4-570, RELATING TO EMERGENCY POWERS REGARDING LICENSING OF HEALTH PERSONNEL, APPOINTMENT OF IN-STATE AND OUT-OF-STATE PROVIDERS, LIABILITY OF APPOINTED PROVIDERS FOR CIVIL DAMAGES, APPOINTMENT OF EMERGENCY MEDICAL EXAMINERS OR CORONERS, WAIVER OF LICENSING FEES AND REQUIREMENTS, AND IMMUNITY, SO AS TO MAKE CONFORMING CHANGES.

sr-0101jg23.docx : 7fc4afc7-88e9-4294-a944-e799bff76f8e

Read the first time and referred to the Committee on Medical Affairs.

S. 803 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-10-240, RELATING TO UNINSURED MOTOR VEHICLES, THE SUSPENSIONS AND APPEALS OF SUSPENSIONS OF MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES, AND PENALTIES, SO AS TO PROVIDE MOTOR VEHICLE OWNERS HAVE FIVE BUSINESS DAYS AFTER THE EFFECTIVE DATE OF THE CANCELLATION OR EXPIRATION OF THEIR LIABILITY POLICIES TO SURRENDER THEIR MOTOR VEHICLES' LICENSE PLATES AND REGISTRATION CERTIFICATES.

lc-0327cm23.docx : a752d0c5-b447-4429-93f9-9f2146913e39

Read the first time and referred to the Committee on Transportation.

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S. 804 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RAHEEM ROBINSON AND CONGRATULATE HIM UPON BEING CHOSEN AS AN EXTRAORDINARY EDUCATOR BY CURRICULUM ASSOCIATES.

sr-0399km-hw23.docx : 37a27fd0-2966-4470-896c-5bdde036ecd3

The Senate Resolution was adopted.

S. 805 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND HONOR HEATHER LEVINE AND CONGRATULATE HER UPON BEING CHOSEN AS AN EXTRAORDINARY EDUCATOR BY CURRICULUM ASSOCIATES.

sr-0398km-hw23.docx : d6dd1db1-23ae-4fbc-89bd-10a7d5a185ee

The Senate Resolution was adopted.

S. 806 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-1-180, RELATING TO ADJOURNMENT OF GENERAL ASSEMBLY AND CONDITIONS FOR EXTENDED SESSION, SO AS TO PROVIDE THAT THE DATE FOR SINE DIE ADJOURNMENT IS AUTOMATICALLY EXTENDED IF THE HOUSE OF REPRESENTATIVES DOES NOT GIVE THIRD READING TO THE ANNUAL APPROPRIATIONS ACT ON OR BEFORE MARCH TENTH, SO AS TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY CALL THEIR RESPECTIVE BODIES INTO SESSION AFTER THE SINE DIE ADJOURNMENT DATE TO FINISH ANY UNFINISHED BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION, AND TO PROVIDE THE TIME PERIOD DURING WHICH THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE CALLED BACK TO COMPLETE THE UNFINISHED BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION.

sr-0355km23.docx : 24e6fb3b-d160-479b-a328-2e0fd14505fe

Read the first time and referred to the Committee on Judiciary.

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S. 807 -- Senators Shealy, Setzler, Massey and Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SHERIFF BRYAN "JAY" KOON OF LEXINGTON COUNTY FOR HIS OUTSTANDING CAREER IN LAW ENFORCEMENT AND TO CONGRATULATE HIM ON BEING NAMED THE 2023 SOUTH CAROLINA SHERIFFS' ASSOCIATION SHERIFF OF THE YEAR.

lc-0332cm-gt23.docx : 2af2d31c-7fa8-4d1a-8fe1-d76f662926da

The Senate Resolution was adopted.

S. 808 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE LUIS RODRIGUEZ UPON THE OCCASION OF HIS RETIREMENT FROM SANTEE-LYNCHES AFFORDABLE HOUSING CDC, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0407km-vc23.docx : e52f15c8-87c6-4b25-9ead-fdd18e45ff91

The Senate Resolution was adopted.

S. 809 -- Senators Massey, Malloy, Alexander, Jackson, Campsen, Rice, Matthews, McLeod, Adams, Allen, Bennett, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Martin, McElveen, Peeler, Rankin, Reichenbach, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT OF ROBERT SMALLS TO BE PLACED IN THE SENATE CHAMBER.

sr-0403km-vc23.docx : 2a9c8673-476a-4956-aa5b-f15b8e0e0073

The Senate Resolution was introduced and referred to the Committee on Operations and Management.

Expression of Personal Interest

Senator CAMPSSEN rose for an Expression of Personal Interest.

Remarks by Senator CAMPSSEN

Thank you, Mr. PRESIDENT. This is an important Resolution. Robert Smalls was a transformative figure we should respect and venerate. Originally from Beaufort, he was enslaved in Charleston, yet a trusted crew member of the cargo vessel *CSS Planter*. I have a painting in my Charleston office of the *Planter* underway off High Battery, with Robert Smalls at the helm, as he and his family make their escape from slavery.

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Robert Smalls was a trusted and well-respected sailor. He was afforded great latitude to maintain and operate the *Planter* on behalf of its owner, John Ferguson. One of my passenger boats in Charleston is similar in appearance to the *Planter*, a sidewheeler with paddlewheels port and starboard.

In November 1861 Federal troops captured Beaufort, Port Royal and surrounding sea islands. Robert Smalls received word that slaves, including his mother, were freed and allowed to farm. He developed a plan for him, six other crewmen and their families to use the *Planter* to escape from slavery in Charleston to freedom in Beaufort.

Small's plan was a dangerous one. He would have to navigate a labyrinth of Confederate vessels and batteries in Charleston Harbor undetected, or he would be fired upon by Confederates. Once off the shore of Charleston, Union blockade ships posed a similar threat because the *CSS Planter* was a Confederate vessel. His plan was to surrender the commandeered vessel to Union blockaders. But if the blockaders were not convinced it had been commandeered by escaping slaves, they would likely fire upon the *Planter*.

Smalls successfully delivered the *Planter* to Union forces. He proceeded to supply detailed knowledge of Charleston's defenses that contributed to the capture of Coles Island on the Folly River shortly after his escape. During the war Smalls became the pilot of the Union ship *USS Crusader*, and later captain of the *Planter* that was put into service for the Union navy. After the war, Smalls returned to Beaufort and purchased his former owner's home. He was elected to the South Carolina House of Representatives, South Carolina Senate and U. S. House of Representatives. Smalls died in 1915 from malaria and diabetes. His perseverance, competency and courage has inspired generations.

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator CAMPSER were ordered printed in the Journal.

H. 3072 -- Reps. Hewitt, McCravy, Burns, Pace, Pope, J. Moore and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-43-220, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES, PROPERTY RECEIVING THE

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FOUR PERCENT ASSESSMENT RATIO SHALL CONTINUE AT FOUR PERCENT WHEN THE OWNER DIES.

lc-0034dg23.docx : 7277821c-8ce3-48c3-990a-ca19455a6224

Read the first time and referred to the Committee on Finance.

H. 3116 -- Reps. Felder, Carter, Pope, Guffey, O'Neal, Gilliam, Hart, Caskey, Williams and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-610, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

lc-0062sa23.docx : 78bf63f9-7bc1-4963-aed2-308f84335b5a

Read the first time and referred to the Committee on Finance.

H. 3121 -- Reps. Hyde, Carter, B. Newton, Neese, T. Moore, Pope, Bauer, Davis, M. M. Smith, Willis, Brewer, Robbins, Felder, Stavrinakis, Wetmore and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

lc-0095sa23.docx : 480c5e00-fe46-4b5d-87e8-d1116e70ccca

Read the first time and referred to the Committee on Finance.

H. 3824 -- Reps. B. Newton, W. Newton, Ballentine, Wetmore, Tedder, Carter, Pope, Pendarvis, M. M. Smith, Bauer, Hyde, Guest, Stavrinakis and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3695, RELATING TO THE ALTERNATIVE FUEL PROPERTY INCOME TAX CREDIT, SO AS TO PROVIDE FOR CERTAIN LEASES, TO ADD ELECTRICAL EQUIPMENT TO THE DEFINITION OF "ELIGIBLE PROPERTY", AND TO ADD ELECTRICITY TO THE DEFINITION OF "ALTERNATIVE FUEL".

lc-0189sa23.docx : fb09ae79-ff5e-49e7-97ea-c961d43103f9

Read the first time and referred to the Committee on Finance.

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H. 3948 -- Reps. Ballentine, Robbins, Brewer, Murphy, M. M. Smith, Williams, Gilliam, Chapman, Gagnon, Kirby, Cobb-Hunter, Erickson, Bradley, Ott, Caskey, Hyde, Bernstein, Bauer, Anderson, Wheeler, Connell and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR CERTAIN RENEWABLE ENERGY RESOURCE PROPERTIES.

lc-0226sa23.docx : f9879b36-bf29-4403-ab26-252db48d24fb

Read the first time and referred to the Committee on Finance.

H. 4145 -- Reps. Murphy and Bannister: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-10-88, RELATING TO REDEVELOPMENT FEES REMITTED BY THE DEPARTMENT OF REVENUE, SO AS TO REMOVE AN ANNUAL MAXIMUM AND TO REMOVE A SUNSET PROVISION; AND BY AMENDING ACT 356 OF 2002 SO AS TO DELETE A PROVISION REQUIRING THE SHARING OF CERTAIN REVENUE.

lc-0191dg23.docx : 11757889-894e-4b4f-875d-876b4e59e44c

Read the first time and referred to the Committee on Finance.

H. 4444 -- Reps. Mitchell, Yow, Connell, Wheeler and B. Newton: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LYNCHES RIVER ALONG UNITED STATES HIGHWAY 1 IN KERSHAW COUNTY "AARON HOUGH MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0320cm-gt23.docx : 05028ccf-b582-41d3-ad3f-542ccbc7f300

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

RECALLED AND ADOPTED

H. 4444 -- Reps. Mitchell, Yow, Connell, Wheeler and B. Newton: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LYNCHES RIVER ALONG UNITED STATES HIGHWAY 1 IN KERSHAW COUNTY "AARON HOUGH MEMORIAL BRIDGE"

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AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator GROOMS, the Resolution was adopted and ordered sent to the House.

OBJECTION

S. 127 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER REGARDING OFFENSES INVOLVING WEAPONS, SO AS TO ADD NECESSARY TERMS; BY ADDING SECTION 16-23-25 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SELL, OFFER TO SELL, DELIVER, LEASE, RENT, BARTER, EXCHANGE, OR TRANSPORT FOR SALE IN THIS STATE ANY HANDGUN TO A PERSON WHO IS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNDER THE AGE OF EIGHTEEN TO POSSESS OR ATTEMPT TO POSSESS A HANDGUN WITHIN THIS STATE, AND TO PROVIDE FOR EXCEPTIONS; BY AMENDING SECTION 16-23-30, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO DELETE THE USE OF THE TERM "HANDGUN" AND REPLACE IT WITH "FIREARM" AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SELL, OFFER TO SELL, DELIVER, LEASE, RENT, BARTER, EXCHANGE, TRANSPORT FOR SALE INTO THIS STATE, OR OTHERWISE DISPOSE OF ANY FIREARM TO A PERSON KNOWING OR HAVING REASONABLE CAUSE TO BELIEVE THAT THE PERSON MEETS A CERTAIN CATEGORY; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES, DISPOSITION OF FINES, AND THE FORFEITURE AND

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DISPOSITIONS OF HANDGUNS, SO AS TO REDUCE THE PENALTY FOR A FIRST OFFENSE FIREARM VIOLATION, TO PROVIDE FOR ENHANCED PENALTIES FOR SUBSEQUENT VIOLATIONS, TO DELETE THE USE OF THE TERM "HANDGUN" AND REPLACE IT WITH "FIREARM", AND TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT RECEIVES A FIREARM PURSUANT TO THIS SECTION SHALL ADMINISTRATIVELY RELEASE THE FIREARM TO AN INNOCENT OWNER UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTIONS 16-23-500 AND 23-31-1040 RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE OR ADJUDICATED AS A MENTAL DEFECTIVE, RESPECTIVELY.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

Senator MARTIN objected.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Agriculture and Natural Resources Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2021, and to expire April 6, 2027

7th Congressional District:

Todd Christopher Brown, 5010 Big Bear Court, Myrtle Beach, SC 29579-5183 *VICE* Bethany M. Tapp

On motion of Senator CLIMER, the question was confirmation of Todd Christopher Brown.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Todd Christopher Brown was confirmed.

Having received a favorable report from the Banking and Insurance Committee, the following appointment was confirmed in open session:

Initial Appointment, Director of Department of Insurance, with term coterminous with Governor

Director:

Michael Wise, 2 School Yard Court, Columbia, SC 29209

On motion of Senator CROMER, the question was confirmation of Michael Wise.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 4

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Climer	Malloy	Senn
Setzler		

Total--4

The appointment of Michael Wise was confirmed.

Having received a favorable report from the Corrections and Penology Committee, the following appointment was confirmed in open session:

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large:

Kathleen Love, 105 Tryon Drive, Summerville, SC 29485-8430

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On motion of Senator MARTIN, the question was confirmation of Kathleen Love.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 3

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Reichenbach	Rice
Scott	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

McElveen	Sabb	Senn
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Total--3

The appointment of Kathleen Love was confirmed.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

2nd Congressional District:

Mollie D. Taylor, 2640 Pine Lake Drive, West Columbia, SC 29169-3742

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On motion of Senator MARTIN, the question was confirmation of Mollie D. Taylor.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 31; Nays 0; Abstain 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Grooms	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	McLeod	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams		

Total--31

NAYS

Total--0

ABSTAIN

Allen	Garrett	Hembree
Malloy	Matthews	McElveen
Sabb	Senn	Young

Total--9

The appointment of Mollie D. Taylor was confirmed.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2023, and to expire March 15, 2029

7th Congressional District:

Kimberly H. Frederick, 411 6th Avenue North, Surfside Beach, SC 29575

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On motion of Senator MARTIN, the question was confirmation of Kimberly H. Frederick.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 31; Nays 0; Abstain 10

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Grooms	Gustafson
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	McLeod	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams		

Total--31

NAYS

Total--0

ABSTAIN

Allen	Garrett	Harpootlian
Hembree	Malloy	Matthews
McElveen	Sabb	Senn
Young		

Total--10

The appointment of Kimberly H. Frederick was confirmed.

Having received a favorable report from the Education Committee, the following appointment was confirmed in open session:

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Reappointment, Governor's School of Agriculture at John De la Howe School Board of Trustees, with the term to commence April 1, 2023, and to expire April 1, 2028

At-Large:

Yvonne C. Knight Carter, 1349 Old Cherry Hill Road, Monks Corner, SC 29461-4571

On motion of Senator HEMBREE, the question was confirmation of Yvonne C. Knight Carter.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Yvonne C. Knight Carter was confirmed.

THURSDAY, MAY 11, 2023

Initial Appointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Anne Hancock, 108 Live Oak Court, Greenwood, SC 29649 *VICE*
Thomas R. Love

On motion of Senator HEMBREE, the question was confirmation of Anne Hancock.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 3

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Reichenbach	Rice
Scott	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

McElveen	Sabb	Senn
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Total--3

The appointment of Anne Hancock was confirmed.

THURSDAY, MAY 11, 2023

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Mark A. Singleton, 5470 Reba Road, Conway, SC 29527-7012 *VICE*
Robin A. Helms

On motion of Senator SHEALY, the question was confirmation of Mark A. Singleton.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The appointment of Mark A. Singleton was confirmed.

THURSDAY, MAY 11, 2023

Initial Appointment, South Carolina Commission for the Blind, with
the term to commence May 19, 2022, and to expire May 10, 2026
6th Congressional District:

Mathias G. Chaplin, 7740 Exeter Lane, Columbia, SC 29223-2518
VICE Peter Smith

On motion of Senator SHEALY, the question was confirmation of
Mathias G. Chaplin.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Mathias G. Chaplin was confirmed.

Initial Appointment, South Carolina Commission for the Blind, with
the term to commence May 19, 2022, and to expire May 19, 2026
4th Congressional District:

Erica James, 901 Jenkins Street, Greenville, SC 29601-3920 *VICE*
Mary S. Sonksen

THURSDAY, MAY 11, 2023

On motion of Senator SHEALY, the question was confirmation of Erica James.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Erica James was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2019, and to expire June 30, 2023

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566
VICE Kent T. Washington

THURSDAY, MAY 11, 2023

On motion of Senator RANKIN, the question was confirmation of Nathaniel Barber.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Nathaniel Barber was confirmed.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2023, and to expire June 30, 2027

2nd Congressional District:

Nathaniel Barber, 401 Centeridge Drive, Columbia, SC 29229-6566

On motion of Senator RANKIN, the question was confirmation of Nathaniel Barber.

THURSDAY, MAY 11, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Nathaniel Barber was confirmed.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large:

Kaala Maple, 1007 Blockade Runner Parkway, Summerville, SC
29485-6317 *VICE* Tammy Wilson

On motion of Senator RANKIN, the question was confirmation of Kaala Maple.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

THURSDAY, MAY 11, 2023

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Kaala Maple was confirmed.

Initial Appointment, South Carolina State Accident Fund, with the term to commence June 11, 2022, and to expire June 11, 2028

Director:

Erin Farrell Farthing, 213 Leventis Lane, Lexington, SC 29072-3961

VICE Amy Cofield

On motion of Senator RANKIN, the question was confirmation of Erin Farrell Farthing.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 7

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Fanning
Gambrell	Garrett	Grooms

THURSDAY, MAY 11, 2023

Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	McLeod	Peeler
Reichenbach	Rice	Scott
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--33

NAYS

Total--0

ABSTAIN

Davis	<i>Johnson, Michael</i>	Matthews
Sabb	Senn	Setzler
Young		

Total--7

The appointment of Erin Farrell Farthing was confirmed.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

5th Congressional District:

Ame E. Fuss, 29049 Snapper Point, Tega Cay, SC 29708-8403 *VICE*
William B. James, Jr.

On motion of Senator RANKIN, the question was confirmation of Ame E. Fuss.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett

THURSDAY, MAY 11, 2023

Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Ame E. Fuss was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department of Employment and Workforce, with term coterminous with Governor

Director:

William H. Floyd, III, 129 Forbidden Lane, Lexington, SC 29072-9331 *VICE* G. Daniel Ellzey

On motion of Senator DAVIS, the question was confirmation of William H. Floyd, III.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 8

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Jackson	<i>Johnson, Kevin</i>

THURSDAY, MAY 11, 2023

<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Martin	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Scott
Senn	Shealy	Stephens
Talley	Turner	Verdin

Total--33

NAYS

Total--0

ABSTAIN

Allen	Davis	Hembree
Malloy	Matthews	Sabb
Setzler	Young	

Total--8

The appointment of William H. Floyd, III was confirmed.

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2020, and to expire July 27, 2023

4th Congressional District:

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607 *VICE*
Stephen Mudge

On motion of Senator DAVIS, the question was confirmation of Michelle B. Seaver.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>

THURSDAY, MAY 11, 2023

Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

ABSTAIN

Climmer

Total--1

The appointment of Michelle B. Seaver was confirmed.

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2023, and to expire July 27, 2026

Michelle B. Seaver, 102 Aldridge Dr., Greenville, SC 29607

On motion of Senator DAVIS, the question was confirmation of Michelle B. Seaver.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Matthews

THURSDAY, MAY 11, 2023

McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

ABSTAIN

Climer

Total--1

The appointment of Michelle B. Seaver was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large/Chairman:

Seema Shrivastava Patel, 101 Anadale Lane, Lexington, SC 29072-7116 *VICE* John Robert Bolchoz

On motion of Senator VERDIN, the question was confirmation of Seema Shrivastava Patel.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 4

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--38

NAYS

Total--0

ABSTAIN

Campsen	Senn	Setzler
Young		

Total--4

The appointment of Seema Shrivastava Patel was confirmed.

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District:

William D. Richmond, 86 Shorebird Loop, Pawleys Island, SC 29585-7540 *VICE* Jim P. Creel

On motion of Senator VERDIN, the question was confirmation of William D. Richmond.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 4

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms

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Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Shealy
Stephens	Talley	Turner
Verdin	Williams	

Total--38

NAYS

Total--0

ABSTAIN

Campsen	Senn	Setzler
Young		

Total--4

The appointment of William D. Richmond was confirmed.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2021, and to expire December 31, 2025

General Public:

Robert J. Wolff, 104 Cyclamen Court, Columbia, SC 29212-2052

On motion of Senator VERDIN, the question was confirmation of Robert J. Wolff.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian

THURSDAY, MAY 11, 2023

Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of Robert J. Wolff was confirmed.

RECESS

At 12:34 P.M., on motion of Senator MASSEY, the Senate recessed from business until 1:15 P.M.

At 1:28 P.M., the Senate resumed.

Call of the Senate

Senator MASSEY moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Climer	Corbin
Davis	Fanning	Garrett
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	Peeler	Reichenbach
Rice	Senn	Setzler

THURSDAY, MAY 11, 2023

Shealy
Young

Stephens

Talley

A quorum being present, the Senate resumed.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3857 -- Rep. McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

THURSDAY, MAY 11, 2023

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

THURSDAY, MAY 11, 2023

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY. and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell,

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Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR

THURSDAY, MAY 11, 2023

DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL

THURSDAY, MAY 11, 2023

1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3726 -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT" BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION

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CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3908 -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith,

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Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3952 -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE

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ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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CONCURRENCE

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator VERDIN explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Verdin	Williams	Young

Total--42

NAYS

Total--0

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On motion of Senator VERDIN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Very respectfully,

Speaker of the House

Received as information.

THURSDAY, MAY 11, 2023

S. 96--SENATE INSISTS ON THEIR AMENDMENTS

On motion of Senator CAMPSSEN, the Senate insisted upon its amendments to S. 96 and asked for a Committee of Conference.

S. 96--CONFERENCE COMMITTEE APPOINTED

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Whereupon, Senators CAMPSSEN, HUTTO and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Henegan, Elliott and Wooten to the Committee of Conference on the part of the House on:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO

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DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Very respectfully,

Speaker of the House

Received as information.

**S. 96--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY

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CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

On motion of Senator CAMPSSEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CAMPSSEN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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The Committee of Conference Report was adopted as follows:

S. 96 – Conference Report

The General Assembly, Columbia, S.C., May 11, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson, and Hutto: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM “PERSONAL WATERCRAFT”; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 50-21-10 (20) through (29) of the S.C. Code are amended to read:

(20) “Personal watercraft” means a vessel, usually less than sixteen feet in length, that uses an inboard motor powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull.

(21) “Reportable boating accident” means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for

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medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

(21)(22) "Serial number" means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft manufactured after November 1, 1972, is part of the hull identification number.

(23) "Specialty propcraft" means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

(22)(24) "Temporary certificate of number" is a temporary registration assigned to a vessel to allow operation for a limited purpose.

(23)(25) "Tender" means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

(24)(26) "Use" means operate, navigate, or employ.

(25)(27) "Vessel" means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

(26)(28) "Water device" means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

(27)(29) "Waters of the State" means waters within the territorial limits of the State but not private lakes or ponds.

(28)(30) "Watercraft" means any thing used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or any thing that does not meet construction or operational requirements of the state or federal government for watercraft.

(29)(31) "Wake surf" means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

SECTION 2. Section 50-21-90 of the S.C. Code is amended to read:

Section 50-21-90. ~~(A) The department is hereby authorized to inaugurate a comprehensive boating safety and boating educational program, and to seek the cooperation of boatmen, the federal government and other states. The department must administer a boating safety~~

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education course and may approve of additional boating safety education courses. A list of approved courses must be provided on the department's website.

(B) The following persons must be issued a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating safety education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.

(C) The department must approve of one or more boat rental safety education courses to be taken by persons renting a vessel, personal watercraft, or specialty propcraft from businesses engaged in the renting of vessels, personal watercrafts, or specialty propcrafts. A person who completes a boat rental safety education course approved by the department must be issued a boat rental safety certificate in either electronic or physical form in the person's name. A boat rental safety certificate is valid for thirty days from the date of issuance and only while operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts.

(D) The department must maintain a database of all persons issued a South Carolina boating safety certificate.

SECTION 3. Article 1, Chapter 21, Title 50 of the S.C. Code is amended by adding:

Section 50-21-95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater or equivalent to ten horsepower or greater, a personal watercraft, or a specialty propcraft unless the person:

(1) was born on or before July 1, 2007;

(2) is in possession of a South Carolina boating safety certificate issued in the person's name or is documented by the department as having been issued a South Carolina boating safety certificate;

(3) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

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(4) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(5) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident's name;

(6) is operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts and is in possession of a valid boat rental safety certificate issued in the person's name; or

(7) is accompanied by a person at least eighteen years old who meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.

SECTION 4. Section 50-21-870(A) of the S.C. Code is amended to read:

(A) As used in this section:

(1)(a) ~~"Personal watercraft" means a boat less than sixteen feet in length which:~~

~~—— (i) has an outboard motor or an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;~~

~~—— (ii) is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;~~

~~—— (iii) has the probability that the operator and passenger, in the normal course of use, may fall overboard.~~

~~—— (b) Personal watercraft includes, without limitation, a vessel where the operator and passenger ride on the outside surfaces of the vessel, even if the primary source of motive propulsion is a propeller, and a vessel commonly known as a "jet ski".~~

(2) ~~"Specialty propcraft" means a vessel which is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller driven motor.~~

~~—— (3) "Class 'A' boat" means a motorboat which is less than sixteen~~

THURSDAY, MAY 11, 2023

feet in length.

~~(4)(2)~~ “Floating device” includes kneeboards, aqua planes, surfboards, saucers, inner tubes, and other similar equipment.

SECTION 5. Section 50-21-870(B)(9) and (10) of the S.C. Code are amended to read:

~~(9)(a) operate a personal watercraft, specialty propercraft, or vessel if he is younger than sixteen years of age, unless accompanied by an adult, eighteen years or older, who is not under the influence of alcohol, drugs, or a combination of them. However, a person younger than sixteen years of age may operate a personal watercraft, specialty propercraft, or vessel without being accompanied by an adult if one or more of the following applies:~~

~~———— (i) the person completes a boating safety program as administered by the Department of Natural Resources; or~~

~~———— (ii) the person completes a boating safety program approved by the Department of Natural Resources;~~

~~———— (iii) anyone operating a vessel with less than fifteen horsepower engine will not be required to take the boating safety program.~~

~~———— (b) It is unlawful for a person who has temporary or permanent responsibility for a child to knowingly or wilfully violate item (9) of subsection (B).~~

~~———— (c) The Department of Natural Resources shall promulgate regulations relating to boating safety programs administered by the department or subject to its approval.~~

~~———— (10) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.~~

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect sixty days after approval by the Governor.

Amend title to conform.

THURSDAY, MAY 11, 2023

/s/Sen. Campsen

/s/Rep. Elliott

/s/Senator Hutto

/s/Rep. Henegan

/s/Senator Davis

/s/Rep. Wooten

On part of the Senate.

On part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

THURSDAY, MAY 11, 2023

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 40

AYES

Total--0

NAYS

Adams
Bennett

Alexander
Campsen

Allen
Cash

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Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

Total--40

On motion of Senator DAVIS, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE

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AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

asks for a Committee of Conference, and has appointed Reps. Hyde, Gagnon and Howard to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

S. 108--CONFERENCE COMMITTEE APPOINTED

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Whereupon, Senators DAVIS, K. JOHNSON and TURNER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn, Campsen and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CONCURRENCE

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn, Campsen and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY

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AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Verdin
Williams	Young	

Total--41

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NAYS

Massey

Reichenbach

Total--2

On motion of Senator DAVIS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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NONCONCURRENCE

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 41

AYES

Total--0

NAYS

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Verdin
Williams	Young	

Total--41

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On motion of Senator DAVIS, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

asks for a Committee of Conference, and has appointed Reps. Davis, Cobb-Hunter and B. Cox to the committee on the part of the House.

Very respectfully,
Speaker of the House

Received as information.

S. 317--CONFERENCE COMMITTEE APPOINTED

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Whereupon, Senators SHEALY, YOUNG and McELVEEN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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**S. 317--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

On motion of Senator McELVEEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator McELVEEN spoke on the report.

**S. 317--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator McELVEEN asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators SHEALY, YOUNG and McELVEEN were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

On motion of Senator McELVEEN, the Report of the Committee of Free Conference to S. 317 was adopted as follows:

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The Committee of Free Conference Report was adopted as follows:

S. 317--Free Conference Report

The General Assembly, Columbia, S.C., May 11, 2023

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

S. 317 -- Senators Shealy: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 25-21-20 of the S.C. Code is amended to read:

Section 25-21-20. (A) There is created the Board of Trustees for the Veterans' Trust Fund of South Carolina composed of ~~nineteen~~ eleven voting members. The Governor, with the advice and consent of the Senate, shall appoint the board consisting of seven members selected at large, two members currently serving as county veterans' affairs officers, and two members who represent veterans' service organizations. Of the seven members appointed at large, three must come from a rural county as designated by the U.S. Census Bureau. Of the eleven appointed members, at least six must be United States Armed Forces veterans. Any veteran who serves on the board, must have been honorably discharged from the armed services. No more than one appointed member may reside in the same county. The Secretary of the Department of Veterans' Affairs shall serve as the Executive Director of the Trust Fund and an ex officio non-voting member of the board. The board shall utilize the staff of the Veterans' Affairs Department in order to carry out its duties, as provided in Section 25-21-30. One member of the board of trustees must be the Director of the Department of Veterans' Affairs. The Governor, with the advice and consent of the Senate, shall appoint individuals to fill the remaining positions on the board of trustees. Of the ~~eighteen~~ remaining positions filled by gubernatorial appointment, four must be

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~~county veterans' affairs officers and five must represent veterans' service organizations. At least eleven of the members of the board of trustees must be United States Armed Forces veterans who were honorably discharged; the remaining members are not required to be veterans; however, if any are veterans, they also must have been honorably discharged from the armed services.~~ The members of the board shall elect officers from among themselves as necessary and shall utilize the staff of the Veterans' Affairs Department in order to carry out its duties, as provided in Section 25-21-30.

(B) Individuals appointed at large by the Governor shall serve four-year terms, and the remaining initial appointees shall serve two-year terms. Upon the expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves; however, no member may serve more than two consecutive terms or eight continuous years, whichever is greater. A member shall not serve on the board in a hold-over capacity at the conclusion of his term for more than 180 days. Vacancies on the board must be filled in the same manner as the initial appointment for the unexpired term, at the pleasure of the Governor and may be removed by the Governor at any time.

(C) Members of the board who are not full-time employees of the State of South Carolina or any of its political subdivisions may be paid per diem, mileage, and subsistence at rates established by the board, not to exceed standards provided by law for state boards, commissions, and committees. Per diem, mileage, and subsistence may be paid to members of the board only for travel and costs incurred due to meetings of the board.

(D) A complete report of the activities of the Veterans' Trust Fund must be made to the General Assembly annually.

SECTION 2. This act takes effect upon approval by the Governor.

Amend title to conform.

/s/Sen. Shealy

/s/Senator Young

/s/Senator McElveen

On part of the Senate.

/s/Rep. Davis

/s/Rep. Cobb-Hunter

/s/Rep. BJ Cox

On part of the House.

, and a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Davis, Cobb-Hunter and B.Cox to the Committee of Free Conference on the part of the House on:

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

Very respectfully,

Speaker of the House

Received as information.

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**S. 317--REPORT OF COMMITTEE OF FREE CONFERENCE
ENROLLED FOR RATIFICATION**

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE

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DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO

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ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT

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OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms:
A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE

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CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS

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CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

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CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator DAVIS explained the House amendments.

Senator DAVIS proposed the following amendment (SR-399.KM0069S):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. On July 1, 2024:

(1) There is created the Department of Public Health to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial Director after creation of the Department of Public Health, the Director of the Department of Health and Environmental Control shall serve as the Director of the Department of Public Health.

(2) There is created the Department of Environmental Services to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial Director after creation of the Department of Environmental Services, the Director of Environmental Affairs of the Department of Health and Environmental Control shall serve as the Director of the Department of Environmental Services.

(3) The South Carolina Department of Health and Environmental Control and the South Carolina Board of Health and Environmental Control are abolished.

(4) The food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture.

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(5) The authority to establish, manage, and operate veterans homes shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs.

(6) The hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources shall become a division of the Department of Environmental Services, and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Department of Environmental Services.

SECTION 2. (A) It is the intent of the General Assembly to restructure and transfer the programs, services, duties, and authority of the Department of Health and Environmental Control into the Department of Public Health or the Department of Environmental Services. Accordingly, the Department of Administration immediately shall commence the process of analyzing the circumstances and determining the best manner to efficiently and effectively restructure and transfer all programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health or the Department of Environmental Services, consistent with the provisions of this act. The Department of Health and Environmental Control shall cooperate with the Department of Administration and assign such personnel as requested by the Executive Director of the Department of Administration to assist the department and enable it to complete its duties under this SECTION. To complete its duties under this SECTION the Department of Administration shall consult with the existing Director of the Department of Health and Environmental Control and the existing Director of Environmental Affairs of the Department of Health and Environmental Control.

(B) The Department of Administration's analysis required by this SECTION must include the submission of a report to the General Assembly no later than December 31, 2023, with specific recommendations of statutory changes needed throughout the South Carolina Code of Laws to reflect the restructuring and transfer of the health-related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health and to reflect the restructuring and transfer of the environmental related programs, services, duties, and authority of the

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Department of Health and Environmental Control to the Department of Environmental Services. The Department of Health and Environmental Control shall assign such legal, programmatic and administrative personnel as requested by the Executive Director of Department of Administration to assist the department in identifying statutory provisions requiring change and in suggesting appropriate language to effectuate required changes. The Code Commissioner shall be available to consult with and assist the Department of Administration in making the recommendations required by this SECTION.

(C) The Department of Administration may procure such supplies, services, information technology, and experts, including attorneys, as are necessary to perform the requirements of this SECTION. Such procurements are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code but must be made with as much competition as is practicable. Additionally, if determined necessary, the State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of Department of Administration to assist the department in any required procurements. The Department of Health and Environmental Control shall pay the costs of any supplies, services, information technology, and experts, including attorneys, procured pursuant to this subsection.

SECTION 3.A. Section 44-1-20 of the S.C. Code is amended to read:

~~Section 44-1-20. There is created the South Carolina Department of Public Health and Environmental Control which shall be administered under the supervision of the South Carolina Board of Health and Environmental Control. The board shall consist of eight members, one from each congressional district, and one from the State at large to be appointed by the Governor, upon the advice and consent of the Senate. The member who is appointed at large shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.~~

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B. Section 44-1-60(A) of the S.C. Code is amended to read:

(A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case ~~except a decision to establish a baseline or setback line~~, must be made using the procedures set forth in this section. ~~A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.~~

C. Section 44-1-140 of the S.C. Code is amended to read:

Section 44-1-140. (A) The Department of Public Health and Environmental Control may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) ~~For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public;~~

(2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;

~~(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;~~

~~(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;~~

~~(5)~~(3) ~~For the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans;~~

~~(6)~~(4) ~~For the control of disease-bearing insects, including the impounding of waters;~~

~~(7) For the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;~~

~~(8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;~~

~~(9) For the use of water in air humidifiers;~~

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~~—(10)(5) For the care, segregation, and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and~~

~~(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;~~

~~(12)(6) For the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; and~~

~~—(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.~~

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health.

D. Section 44-1-150(A) and (E) of the S.C. Code is amended to read:

(A) Except as provided in Section 44-1-151, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health and Environmental Control, made by the department pursuant to Section 44-1-140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

~~(E) This section does not apply to fines levied under Section 44-1-140(8) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10 et seq.~~

E. Sections 1-30-45 and 44-1-65 of the S.C. Code are repealed.

F. Chapter 1, Title 44 of the S.C. Code is renamed “Department of Public Health”.

SECTION 4. Title 48 of the S.C. Code is amended by adding:

CHAPTER 6

Department of Environmental Services

Section 48-6-10. (A) There is created the Department of Environmental Services which shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1-3-240.

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(B) As the governing authority of the department, the director is vested with all authorities and duties as provided for in Section 1-30-10.

(C) The Department of Environmental Services is comprised of:

- (1) the Division of Air Quality;
- (2) the Division of Land and Waste Management;
- (3) the Division of Water;
- (4) the Division of Regional and Laboratory Services, which includes the Office of Emergency Response and the Office of Onsite Wastewater and Enforcement; and
- (5) the Division of Coastal Management.

(D) The Director of the Department of Environmental Services may realign the bureaus, divisions, offices, and programs to gain additional efficiencies or to better align resources with changes in environmental statutes or regulation.

Section 48-6-20. (A) The Department of Environmental Services is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of the Department of Health and Environmental Control on the effective date of this act.

(B) The department may promulgate regulations necessary to implement the provisions of this chapter.

(C) The department may apply for and accept funds, grants, gifts, and services from the State, the United States government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs, as may be necessary for carrying out the department's duties.

Section 48-6-30. (A) All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 48-6-40.

(B) The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval, the department shall take into consideration all material

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comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a decision is made, the department shall issue a written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as those materials are referred to specifically in the department decision. The department is not required to issue a written decision for issuance of routine permits for which the department has not received adverse public comments.

(D)(1) The department shall send notice of a decision by certified mail, return receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a department decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Within thirty calendar days after the mailing of a decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 48-6-40. (A) In making a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 48-6-30(C), the department shall base its decision solely on whether the permit complies

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with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a contested case hearing pursuant to Section 48-6-30(D)(2);

(2) only an applicant, permittee, licensee, or affected person may become a party to a contested case hearing; and

(3) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy-two hours to provide in writing a withdrawal or rescission of the waiver.

(D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.

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(E) For purposes of this section, “affected person” means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.

Section 48-6-50. All rules and regulations promulgated by the department shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation.

Section 48-6-60. (A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

- (1) the classification of waters;
- (2) the control of disease-bearing insects, including the impounding of waters;
- (3) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;
- (4) the use of water in air humidifiers;
- (5) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and
- (6) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment.

Section 48-6-70. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Environmental Services, made by the department pursuant to Section 48-6-60, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 48-6-60 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

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(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term "notice" as used in this section means either actual notice or constructive notice.

(E) This section does not apply to fines levied pursuant to Section 48-6-60(3) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

Section 48-6-80. Nothing contained in Section 48-6-60 in any way abridges or limits the right of a person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

CHAPTER 3

Water Resources Planning and Coordination Act

Section 49-3-10. ~~This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act. The former Water Resources Division of the Department of Natural Resources is transferred to the Division of Water in the Department of Environmental Services. The regulatory functions of the former Water Resources Commission that were transferred to the Department of Health and Environmental Control are further transferred to the Department of Environmental Services.~~

Section 49-3-20. As used in this chapter:

(1) ~~"Board" means the governing body of the Department of Natural Resources.~~

(2) "Department" means the Department of Environmental Services.
~~Natural Resources.~~

Section 49-3-40. ~~(a)~~ (A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

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(4) reviewing any project, plan, or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long-range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation, and coordinating functions as the Governor and the General Assembly may designate.

~~(b)~~(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys, or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic, and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local units, agencies, and departments of government.

~~(c)~~(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

~~(d)~~(D) The department shall encourage, assist, and advise regional, metropolitan, and local governmental agencies, officials, or bodies responsible for planning in relation to water aspects of their programs,

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and shall assist in coordinating local and regional water resources activities, programs, and plans.

~~(e)~~(E) The department may publish reports, including the results of such studies, inquiries, surveys, and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

~~(f)~~(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

~~(g)~~(G) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes including, but not limited to, the following:

- (1) navigation,
- (2) irrigation,
- (3) water storage,
- (4) aquatic weed management,
- (5) flood control,
- (6) salinity control,
- (7) interstate water concerns, and
- (8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

~~(a)~~(1) adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial;

~~(b)~~(2) water of suitable quality for all purposes;

~~(c)~~(3) water availability for recreational and commercial needs;

~~(d)~~(4) hydroelectric power;

~~(e)~~(5) flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses;

~~(f)~~(6) land stabilization measures;

~~(g)~~(7) drainage measures, including salinity control;

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- ~~(h)~~(8) watershed protection and management measures;
- ~~(i)~~(9) outdoor recreational and fish and wildlife opportunities;
- ~~(j)~~(10) studies on saltwater intrusion into groundwater and surface water;
- ~~(k)~~(11) measures to protect the state's fisheries and other aquatic resources;
- ~~(l)~~(12) any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows.~~All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

(B) ~~For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.~~The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public

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comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.

(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

SECTION 6.A. Section 1-30-10(A)8. of the S.C. Code is amended to read:

8. Department of Public Health and Environmental Control

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B. Section 1-30-10(A) of the S.C. Code is amended by adding:

25. Department of Environmental Services

SECTION 7.A. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-135. There is hereby created, within the executive branch of the state government, the Department of Public Health, headed by a director appointed by the Governor, with the advice and consent of the Senate. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the public health prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Health.

B. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-140. There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 48-6-10. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

SECTION 8. Chapter 11, Title 25 of the S.C. Code is amended by adding:

Article 7

South Carolina Veterans Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes to provide treatment for South Carolina veterans who require long-term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts,

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grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult with the Department of Public Health and the Office of the Governor concerning the policies, management, and operation of the South Carolina veterans homes.

Section 25-11-720. For the purpose of Section 25 11 710, "South Carolina veterans" means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

SECTION 9. Section 49-3-60 of the S.C. Code is amended to read:

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows.~~ All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

(B) ~~For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility. The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.~~

(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which

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must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.

(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

SECTION 10. Title 46 of the S.C. Code is amended by adding:

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CHAPTER 57

Food Safety

Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions contained in this chapter.

Section 46-57-20. (A) For the purposes of this section:

(1) "Home based food production operation" means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.

(2) "Nonpotentially hazardous foods" means candy and baked goods that are not potentially hazardous foods.

(3) "Person" means an individual consumer.

(4) "Potentially hazardous foods" means:

(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

	Aw values		pH values	
		4.6 or less	> 4.6 - 5.6	> 5.6
(1)	< 0.92	non-PHF	non-PHF	non-PHF
(2)	> 0.92 - 0.95	non-PHF	non-PHF	PHF
(3)	> 0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:

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(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;

(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.

(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:

(1) department-approved water supply;

(2) a separate storage place for ingredients used in foods intended for sale;

(3) a properly functioning refrigeration unit;

(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;

(5) adequate facilities for the storage of utensils and equipment;

(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

(7) a properly functioning toilet facility;

(8) no evidence of insect or rodent activity; and

(9) department approved sewage disposal, either on-site treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

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(1) the name and address of the home-based food production operation;

(2) the name of the product being sold;

(3) the ingredients used to make the product in descending order of predominance by weight; and

(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "NOT FOR RESALE PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."

(E) Home-based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home-based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home-based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25.

(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.

(G) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).

Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, unless otherwise ordered by the immediate consumer.

(B) The food service provider, its business, or its employees or agents, are not liable for any adverse effects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty five degrees Fahrenheit, or sixty-eight degrees Celsius, if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, and be given to the purchaser:

(1) in writing;

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(2) as stated on the menu; or

(3) by visible sign warning.

(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty-five degrees Fahrenheit (sixty-eight degrees Celsius), the individual must be eighteen years of age or older.

Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.

Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit; and

(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants; and

(4) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants.

Section 46-57-60. The department may not use any funds appropriated or authorized to the department to enforce Regulation 61-25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Section 46-57-70. (A) Except as provided in Section 46-57-50, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

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(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term "notice" as used in this section means either actual notice or constructive notice.

SECTION 11. Section 24-9-20 of the S.C. Code is amended to read:

Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases of operation, fire safety, and health and sanitation conditions at the respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of ~~Health and Environmental Control~~Agriculture. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of ~~Health and Environmental Control~~Agriculture shall each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

SECTION 12. Section 39-37-120 of the S.C. Code is amended to read:

Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to the provisions of this chapter. The Department of ~~Health and Environmental Control~~Agriculture shall establish and enforce sanitary regulations pertaining to the manufacture and distribution of frozen desserts, including the sanitary condition of (a)

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buildings, ground, and equipment where frozen desserts are manufactured, (b) persons in direct physical contact with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped and (d) premises, buildings, surroundings, and equipment where frozen desserts are sold. Such rules and regulations shall be filed and open for public inspection at the principal office of the ~~Department~~ department and shall have the force of law.

SECTION 13. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section~~ timely filed requests for a contested case hearing of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

SECTION 14. (A) This SECTION is effective upon approval by the Governor.

(B) The Department of Administration shall identify, select, retain, and procure the services of independent, third-party experts, consultants, or advisors to analyze the missions and delivery models of all state agencies concerned with the overall public health of the State, as well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control and its successor entities, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging. Any agencies identified by the Department of Administration as being subject to this analysis shall provide the department with any and all information requested and shall fully participate as requested and required.

(C) The analysis procured by the Department of Administration shall consider whether structural changes are necessary to improve health services delivery in the State, recognize operational efficiencies, and maximize resource utilization. Structural changes to be analyzed include reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as the establishment of any new health

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agencies or the privatization of services currently provided by existing health agencies.

(D) The third-party experts, consultants, or advisors must make appropriate recommendations based on the analysis required pursuant to this section and the benefits of each recommendation.

(E) The Department of Administration shall prepare a final report summarizing the aforementioned analysis and recommendations and shall submit the final report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Medical Affairs Committee, the Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department of Administration of all experts, consultants, and advisors pursuant to and required by this SECTION are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist in procuring the necessary services.

(F) The Department of Health and Human Services shall give support to the Department of Administration in fulfilling the purposes of this SECTION.

SECTION 15. (A) When the provisions of this act transfer particular state agencies, departments, boards, commissions, committees, or entities, or sections, divisions, or portions thereof (transferring departments), to another state agency, department, division, or entity or make them a part of another department or division (receiving departments), the employees, authorized appropriations, bonded indebtedness if applicable, real and personal property, assets, and liabilities of the transferring department also are transferred to and become part of the receiving department or division unless otherwise specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division, or position employed by these transferring departments on the effective date of this act, either by contract or by employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation

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with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(B) When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity, or official, regulations promulgated by that transferred agency, department, entity, or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it. When powers and duties of an agency, department, entity, or official are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

(C) References to the names of agencies, departments, entities, or public officials changed by this act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials, or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered to be and must be construed to mean appropriate references.

(D) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

SECTION 16. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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SECTION 17. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2024, for the veterans homes for which the Department of Mental Health has a service contract with a third-party provider as of May 1, 2023. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2025, for the veterans homes for which the Department of Mental Health does not have a service contract with a third-party provider as of May 1, 2023.

SECTION 18. This act takes effect on July 1, 2024, except that the provisions of SECTION 2 and SECTION 14, relating to the Department of Administration's duties, take effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Verdin	Williams	Young

Total--42

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NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms:
A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO

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CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95,

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48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Very respectfully,

Speaker of the House

Received as information.

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S. 399--SENATE INSISTS ON THEIR AMENDMENTS

On motion of Senator PEELER, the Senate insisted upon its amendments to S. 399 and asked for a Committee of Conference.

CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators HUTTO, VERDIN and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Herbkersman, Cobb-Hunter and Hewitt to the Committee of Conference on the part of the House on:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF

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ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO

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AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT

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OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40
RELATING TO VETERANS' HOMES.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms:
A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING

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CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY

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AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Very respectfully,

Speaker of the House

Received as information.

THURSDAY, MAY 11, 2023

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE

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SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF

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NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Very respectfully,

Speaker of the House

Received as information.

**S. 399--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms:
A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH
CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT

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OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE “DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH” AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS’ AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS’ HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE

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46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL,

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DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy

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Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

S. 399--Conference Report

The General Assembly, Columbia, S.C., May 11, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH

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AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND

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GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

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Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/10/23.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. On July 1, 2024:

(1) There is created the Department of Public Health to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial director after creation of the Department of Public Health, the Director of the Department of Health and Environmental Control shall serve as the Director of the Department of Public Health.

(2) There is created the Department of Environmental Services to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial director after creation of the Department of Environmental Services, the Director of Environmental Affairs of the Department of Health and Environmental Control shall serve as the Director of the Department of Environmental Services.

(3) The South Carolina Department of Health and Environmental Control and the South Carolina Board of Health and Environmental Control are abolished.

(4) The food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture.

(5) The authority to establish, manage, and operate veterans homes shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs.

(6) The hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural

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Resources shall become a division of the Department of Environmental Services, and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Department of Environmental Services.

SECTION 2. (A) It is the intent of the General Assembly to restructure and transfer the programs, services, duties, and authority of the Department of Health and Environmental Control into the Department of Public Health or the Department of Environmental Services. Accordingly, the Department of Administration immediately shall commence the process of analyzing the circumstances and determining the best manner to efficiently and effectively restructure and transfer all programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health or the Department of Environmental Services, consistent with the provisions of this act. The Department of Health and Environmental Control shall cooperate with the Department of Administration and assign such personnel as requested by the Executive Director of the Department of Administration to assist the department and enable it to complete its duties under this SECTION. To complete its duties under this SECTION the Department of Administration shall consult with the existing Director of the Department of Health and Environmental Control and the existing Director of Environmental Affairs of the Department of Health and Environmental Control.

(B) The Department of Administration's analysis required by this SECTION must include the submission of a report to the General Assembly no later than December 31, 2023, with specific recommendations of statutory changes needed throughout the South Carolina Code of Laws to reflect the restructuring and transfer of the health-related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health and to reflect the restructuring and transfer of the environmental related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Environmental Services. The Department of Health and Environmental Control shall assign such legal, programmatic and administrative personnel as requested by the Executive Director of Department of Administration to assist the department in identifying statutory provisions requiring change and in suggesting appropriate language to effectuate required changes. The Code Commissioner shall be available to consult with and assist the Department of Administration in making the recommendations required by this SECTION.

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(C) The Department of Administration may procure such supplies, services, information technology, and experts, including attorneys, as are necessary to perform the requirements of this SECTION. Such procurements are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code but must be made with as much competition as is practicable. Additionally, if determined necessary, the State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of Department of Administration to assist the department in any required procurements. The Department of Health and Environmental Control shall pay the costs of any supplies, services, information technology, and experts, including attorneys, procured pursuant to this subsection.

SECTION 3.A. Section 44-1-20 of the S.C. Code is amended to read:

~~Section 44-1-20. There is created the South Carolina Department of Public Health and Environmental Control which shall be administered under the supervision of the South Carolina Board of Health and Environmental Control. The board shall consist of eight members, one from each congressional district, and one from the State at large to be appointed by the Governor, upon the advice and consent of the Senate. The member who is appointed at large shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.~~

B. Section 44-1-60(A) of the S.C. Code is amended to read:

(A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case, ~~except a decision to establish a baseline or setback line,~~ must be made using the procedures set forth in this section. ~~A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.~~

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C. Section 44-1-140 of the S.C. Code is amended to read:

Section 44-1-140. (A) The Department of Public Health and Environmental Control may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) ~~For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public;~~

(2) ~~For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;~~

~~(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;~~

~~(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;~~

~~(5)(3) For the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans;~~

~~(6)(4) For the control of disease bearing insects, including the impounding of waters;~~

~~(7) For the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;~~

~~(8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;~~

~~—(9) For the use of water in air humidifiers;~~

~~—(10)(5) For the care, segregation and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and~~

~~(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;~~

~~(12)(6) For the thorough investigation and study of the causes of all~~

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diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; ~~and~~

~~(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.~~

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other danger to the public life and health.

D. Section 44-1-150(A) and (E) of the S.C. Code is amended to read:

(A) Except as provided in Section 44-1-151, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health and Environmental Control, made by the department pursuant to Section 44-1-140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

~~(E) This section does not apply to fines levied under Section 44-1-140(8) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10 et seq.~~

E. Sections 1-30-45 and 44-1-65 of the S.C. Code are repealed.

F. Chapter 1, Title 44 of the S.C. Code is renamed "Department of Public Health".

SECTION 4. Title 48 of the S.C. Code is amended by adding:

CHAPTER 6

Department of Environmental Services

Section 48-6-10. (A) There is created the Department of Environmental Services which shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1-3-240.

(B) As the governing authority of the department, the director is vested with all authorities and duties as provided for in Section 1-30-10.

(C) The Department of Environmental Services is comprised of:

- (1) the Division of Air Quality;
- (2) the Division of Land and Waste Management;
- (3) the Division of Water;
- (4) the Division of Regional and Laboratory Services, which includes the Office of Emergency Response and the Office of Onsite Wastewater and Enforcement; and

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(5) the Division of Coastal Management.

(D) The Director of the Department of Environmental Services may realign the bureaus, divisions, offices, and programs to gain additional efficiencies or to better align resources with changes in environmental statutes or regulation.

Section 48-6-20. (A) The Department of Environmental Services is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of the Department of Health and Environmental Control on the effective date of this act.

(B) The department may promulgate regulations necessary to implement the provisions of this chapter.

(C) The department may apply for and accept funds, grants, gifts, and services from the State, the United States government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs, as may be necessary for carrying out the department's duties.

Section 48-6-30. (A) All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 48-6-40.

(B) The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a decision is made, the department shall issue a written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and

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need not be physically included in the same file as the rest of the record as long as those materials are referred to specifically in the department decision. The department is not required to issue a written decision for issuance of routine permits for which the department has not received adverse public comments.

(D)(1) The department shall send notice of a decision by certified mail, return receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a department decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Within thirty calendar days after the mailing of a decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 48-6-40. (A) In making a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 48-6-30(C), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a contested case hearing pursuant to Section 48-6-30(D)(2);

(2) only an applicant, permittee, licensee, or affected person may become a party to a contested case hearing; and

(3) only an applicant, permittee, licensee, or affected person is

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entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy-two hours to provide in writing a withdrawal or rescission of the waiver.

(D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.

(E) For purposes of this section, "affected person" means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.

Section 48-6-50. All rules and regulations promulgated by the department shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General

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Assembly following their promulgation.

Section 48-6-60. (A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

- (1) the classification of waters;
- (2) the control of disease-bearing insects, including the impounding of waters;
- (3) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;
- (4) the use of water in air humidifiers;
- (5) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and
- (6) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment.

Section 48-6-70. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Environmental Services, made by the department pursuant to Section 48-6-60, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 48-6-60 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term "notice" as used in this section means either actual notice or constructive notice.

(E) This section does not apply to fines levied pursuant to Section 48-6-60(3) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

Section 48-6-80. Nothing contained in Section 48-6-60 in any way abridges or limits the right of a person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

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CHAPTER 3

Water Resources Planning and Coordination Act

Section 49-3-10. ~~This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act. The former Water Resources Division of the Department of Natural Resources is transferred to the Division of Water in the Department of Environmental Services. The regulatory functions of the former Water Resources Commission that were transferred to the Department of Health and Environmental Control are further transferred to the Department of Environmental Services.~~

Section 49-3-20. As used in this chapter:

(1) ~~"Board" means the governing body of the Department of Natural Resources.~~

(2) ~~"Department" means the Department of Natural Resources.~~ "Department" means the Department of Environmental Services.

Section 49-3-40. (a)(A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) reviewing any project, plan, or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long-range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation, and coordinating functions as the Governor and the General Assembly may designate.

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~~(b)~~(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys, or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic, and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local units, agencies and departments of government.

~~(c)~~(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

~~(d)~~(D) The department shall encourage, assist, and advise regional, metropolitan, and local governmental agencies, officials, or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local and regional water resources activities, programs, and plans.

~~(e)~~(E) The department may publish reports, including the results of such studies, inquiries, surveys, and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

~~(f)~~(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

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~~(g)~~(G) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes including, but not limited to, the following:

- (1) navigation,
- (2) irrigation,
- (3) water storage,
- (4) aquatic weed management,
- (5) flood control,
- (6) salinity control,
- (7) interstate water concerns, and
- (8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

~~(a)~~(1) adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial;

~~(b)~~(2) water of suitable quality for all purposes;

~~(c)~~(3) water availability for recreational and commercial needs;

~~(d)~~(4) hydroelectric power;

~~(e)~~(5) flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses;

~~(f)~~(6) land stabilization measures;

~~(g)~~(7) drainage measures, including salinity control;

~~(h)~~(8) watershed protection and management measures;

~~(i)~~(9) outdoor recreational and fish and wildlife opportunities;

~~(j)~~(10) studies on saltwater intrusion into groundwater and surface water;

~~(k)~~(11) measures to protect the state's fisheries and other aquatic resources;

~~(l)~~(12) any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned~~

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~~by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows.~~All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

~~(B) For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.~~The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

~~(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.~~

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(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

SECTION 6.A. Section 1-30-10(A)8. of the S.C. Code is amended to read:

8. Department of Public Health and Environmental Control

B. Section 1-30-10(A) of the S.C. Code is amended by adding:

25. Department of Environmental Services

SECTION 7.A. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-135. There is hereby created, within the executive branch of the state government, the Department of Public Health, headed by a director appointed by the Governor, with the advice and consent of the Senate. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the public health prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual

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rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Health.

B. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-140. There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 48-6-10. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

SECTION 8. Chapter 11, Title 25 of the S.C. Code is amended by adding:

Article 7

South Carolina Veterans Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes to provide treatment for South Carolina veterans who require long-term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult with the Department of Public Health and the Office of the Governor concerning the policies, management, and operation of the South Carolina veterans homes.

Section 25-11-720. For the purpose of Section 25 11 710, "South Carolina veterans" means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

SECTION 9. Section 49-3-60 of the S.C. Code is amended to read:

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an~~

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~~entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows. All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.~~

~~(B) For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility. The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.~~

~~(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that~~

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permit.

(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

SECTION 10. Title 46 of the S.C. Code is amended by adding:

CHAPTER 57

Food Safety

Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions contained in this chapter.

Section 46-57-20. (A) For the purposes of this section:

(1) "Home-based food production operation" means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.

(2) "Nonpotentially hazardous foods" means candy and baked goods that are not potentially hazardous foods.

(3) "Person" means an individual consumer.

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(4) "Potentially hazardous foods" means:

(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

Aw values		pH values	
	4.6 or less	> 4.6 - 5.6	> 5.6
(1)	< 0.92	non-PHF	non-PHF
(2)	> 0.92 - 0.95	non-PHF	PHF
(3)	> 0.95	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Food Administration Food Code.

(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;

(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food,

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who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.

(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:

- (1) department approved water supply;
- (2) a separate storage place for ingredients used in foods intended for sale;
- (3) a properly functioning refrigeration unit;
- (4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;
- (5) adequate facilities for the storage of utensils and equipment;
- (6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;
- (7) a properly functioning toilet facility;
- (8) no evidence of insect or rodent activity; and
- (9) department approved sewage disposal, either on-site treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

- (1) the name and address of the home-based food production operation;
- (2) the name of the product being sold;
- (3) the ingredients used to make the product in descending order of predominance by weight; and
- (4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "NOT FOR RESALE PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."

(E) Home-based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home-based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home-based food production operation

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must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25.

(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.

(G) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).

Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty five degrees Fahrenheit, or sixty-eight degrees Celsius, unless otherwise ordered by the immediate consumer.

(B) The food service provider, its business, or its employees or agents, are not liable for any adverse effects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty five degrees Fahrenheit, or sixty-eight degrees Celsius, if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, and be given to the purchaser:

- (1) in writing;
- (2) as stated on the menu; or
- (3) by visible sign warning.

(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty-five degrees Fahrenheit (sixty-eight degrees Celsius), the individual must be eighteen years of age or older.

Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.

Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

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(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit; and

(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants; and

(4) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants.

Section 46-57-60. The department may not use any funds appropriated or authorized to the department to enforce Regulation 61 25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Section 46-57-70. (A) Except as provided in Section 46-57-50, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term "notice" as used in this section means either actual notice or constructive notice.

SECTION 10. Section 24-9-20 of the S.C. Code is amended to read:

Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases

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of operation, fire safety, and health and sanitation conditions at the respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of ~~Health and Environmental Control~~Agriculture. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of ~~Health and Environmental Control~~Agriculture shall each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

SECTION 11. Section 39-37-120 of the S.C. Code is amended to read:

Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to the provisions of this chapter. The Department of ~~Health and Environmental Control~~Agriculture shall establish and enforce sanitary regulations pertaining to the manufacture and distribution of frozen desserts, including the sanitary condition of (a) buildings, ground, and equipment where frozen desserts are manufactured, (b) persons in direct physical contact with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped and (d) premises, buildings, surroundings, and equipment where frozen desserts are sold. Such rules and regulations shall be filed and open for public inspection at the principal office of the ~~Department~~department and shall have the force of law.

SECTION 12. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section~~ timely filed requests for a contested case hearing of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State ~~the Department of Environmental Services. Emergency actions taken by the Department of~~

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Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

SECTION 13. (A) This SECTION is effective upon approval by the Governor.

(B) The Department of Administration shall identify, select, retain, and procure the services of independent, third-party experts, consultants, or advisors to analyze the missions and delivery models of all state agencies concerned with the overall public health of the State, as well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control and its successor entities, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging. Any agencies identified by the Department of Administration as being subject to this analysis shall provide the department with any and all information requested and shall fully participate as requested and required.

(C) The analysis procured by the Department of Administration shall consider whether structural changes are necessary to improve health services delivery in the State, recognize operational efficiencies, and maximize resource utilization. Structural changes to be analyzed include reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as the establishment of any new health agencies or the privatization of services currently provided by existing health agencies.

(D) The third-party experts, consultants, or advisors must make appropriate recommendations based on the analysis required pursuant to this section and the benefits of each recommendation.

(E) The Department of Administration shall prepare a final report summarizing the aforementioned analysis and recommendations and shall submit the final report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Medical Affairs Committee, the Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department of Administration of all experts, consultants, and advisors pursuant to and required by this SECTION are

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exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist in procuring the necessary services.

(F) The Department of Health and Human Services shall give support to the Department of Administration in fulfilling the purposes of this SECTION.

SECTION 14. (A) When the provisions of this act transfer particular state agencies, departments, boards, commissions, committees, or entities, or sections, divisions, or portions thereof (transferring departments), to another state agency, department, division, or entity or make them a part of another department or division (receiving departments), the employees, authorized appropriations, bonded indebtedness, if applicable, real and personal property, assets, and liabilities of the transferring department also are transferred to and become part of the receiving department or division unless otherwise specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division, or position employed by these transferring departments on the effective date of this act, either by contract or by employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(B) When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity, or official, regulations promulgated by that transferred agency, department, entity, or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it. When powers and duties of an agency, department, entity, or official are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

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(C) References to the names of agencies, departments, entities, or public officials changed by this act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials, or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered to be and must be construed to mean appropriate references.

(D) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 16. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2024, for the veterans homes for which the Department of Mental Health has a service contract with a third-party provider as of May 1, 2023. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2025, for the veterans homes for which the Department of Mental Health does not have a service contract with a third-party provider as of May 1, 2023.

SECTION 17. This act takes effect on July 1, 2024, except that the provisions of SECTION 2 and SECTION 13, relating to the Department of Administration's duties, take effect upon approval by the Governor.

Amend title to conform.

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/s/Sen. Daniel Byron Verdin III	/s/Rep. William Lee Hewitt III
/s/Sen. Brad Hutto	/s/Rep. Gilda Cobb-Hunter
/s/Sen. Tom Davis	/s/Rep. William G. Herbkersman
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Expression of Personal Interest

Senator PEELER rose for an Expression of Personal Interest.

Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 4023 -- Repts. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY

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AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Very respectfully,

Speaker of the House

Received as information.

H. 4023--SENATE INSISTS ON THEIR AMENDMENTS

On motion of Senator MASSEY, the Senate insisted upon its amendments to H. 4023 and asked for a Committee of Conference.

CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators HEMBREE, TURNER and SCOTT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., April 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Erickson, S. Jones and Tedder to the Committee of Conference on the part of the House on:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND

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REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

asks for a Committee of Conference, and has appointed Reps. Bannister, Herbkersman and Weeks to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

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H. 4300--CONFERENCE COMMITTEE APPOINTED

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Whereupon, Senators PEELER, SETZLER and ALEXANDER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

asks for a Committee of Conference, and has appointed Reps. Bannister, Herbkersman and Weeks to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

H. 4301--CONFERENCE COMMITTEE APPOINTED

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Whereupon, Senators PEELER, SETZLER and ALEXANDER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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HOUSE CONCURRENCE

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 782 -- Senators Matthews and Davis: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS, AND TO REPEAL SECTION 2 OF ACT 476 OF 1998 RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS OF THE JASPER COUNTY SCHOOL DISTRICT.

On motion of Senator MATTHEWS.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND

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FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

H. 4177 -- Rep. Hyde: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

Senator MASSEY moved under Rule 32A to vary the order of the day and proceed directly to Bills Returned from the House.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Verdin	Williams	Young

Total--42

NAYS

Total--0

The motion to vary the Order of the Day was adopted.

AMENDED, CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE

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PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR

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VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SJ-3518.MF0039S), which was adopted:

Amend the bill, by striking all after the enacting words and inserting:
SECTION 1. Section 56-1-286(K) of the S.C. Code is amended to read:

~~(K)~~(L)(1) Within thirty days of the issuance of the notice of suspension the person may:

~~(1)~~(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure; and, either:

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license by filing with from the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and,

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, then the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the

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remainder of the suspension periods provided for in subsections (F) and (G); ~~or and~~

(b) the person must enroll in the Ignition Device Program pursuant to Section 56-5-2941.

(4) If the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

SECTION 2. Section 56-5-2951(B) of the S.C. Code is amended to read:

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure; and, either:

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

~~(1)(c)~~ (c) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, Twentytwenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while- theThe remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section, or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person ~~that the person is eligible to receive a restricted license pursuant to subsection (H); and,~~

~~(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure.~~

At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the

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suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 and must enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

(3) If the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

(4) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

SECTION 3. This act takes effect one year after the effective date approved by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HUTTO, the Resolution was carried over.

CARRIED OVER

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES

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PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

On motion of Senator CLIMER, the Bill was carried over.

CARRIED OVER

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

READ THE SECOND TIME

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice

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Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator SHEALY, with unanimous consent, Senators SHEALY, McELVEEN and YOUNG were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

CARRIED OVER

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF

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VIOLETIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET

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UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

On motion of Senator MALLOY, the Bill was carried over.

READ THE SECOND TIME

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Climer
Corbin	Davis	Gambrell
Garrett	Grooms	Harpootlian

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-3503.BM0022S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-370(d) of the S.C. Code is amended to read:

(d) A person who violates subsection (c) with respect to:

(1) a controlled substance classified in Schedule I (B) and (C) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than two thousand dollars, or both, except as provided in subsection (d)(4). Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(3) cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense, the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon

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conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(4) more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

~~(4)~~(5) possession of more than: one gram of cocaine, one hundred milligrams of alpha- or beta-eucaine, four grains of opium, four grains of morphine, two grains of heroin, two grains of fentanyl or a fentanyl-related substance as described in Section 44-53-190 or 44-53-210, one hundred milligrams of isonipecaine, twenty-eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4-methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44-53-450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention

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program under the provisions of Sections 17-22-10 through 17-22-160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in Section 14-1-205. The assessment portion of the bail must be distributed as provided in Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable.

Amend the bill further, SECTION 2, by striking Section 44-53-370(e)(9)(a)1. and inserting:

1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-393. Notwithstanding any provision of law to the contrary, the term "drug paraphernalia" as defined in Section 44-53-110 shall not include rapid fentanyl test strips or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues.

Amend the bill further, by deleting SECTION 3.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Senator Rankin proposed the following amendment (SJ-3503.BM0033S), which was out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-370(d) of the S.C. Code is amended to read:

(d) A person who violates subsection (c) with respect to:

(1) a controlled substance classified in Schedule I (B) and (C) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than two thousand dollars, or both, except as provided in subsection (d)(4). Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(3) cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense, the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon

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conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(4) more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

~~(4)~~(5) possession of more than: one gram of cocaine, one hundred milligrams of alpha- or beta-eucaine, four grains of opium, four grains of morphine, two grains of heroin, two grains of fentanyl or a fentanyl-related substance as described in Section 44-53-190 or 44-53-210, one hundred milligrams of isonipecaine, twenty-eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4-methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44-53-450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention

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program under the provisions of Sections 17-22-10 through 17-22-160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in Section 14-1-205. The assessment portion of the bail must be distributed as provided in Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable.

Amend the bill further, SECTION 2, Section 44-53-370, by striking the undesignated paragraph and inserting:

1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-393. Notwithstanding any provision of law to the contrary, the term "drug paraphernalia" as defined in Section 44-53-110 shall not include rapid fentanyl test strips or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION X. Section 16-23-500 of the S.C. Code is amended to read:

Section 16-23-500. (A) Except as provided in subsection (F), it is unlawful for a person who has been convicted of a violent crime, as defined by Section 16-1-60, that is classified as a felony offense, crime punishable by a maximum term of imprisonment of more than one year to possess a firearm or ammunition within this State.

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(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, ~~must be fined not more than two thousand dollars or imprisoned not more than five years, or both;~~

(1) for a first offense, must be imprisoned not more than five years;

(2) for a second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and

(3) for a third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

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(D) The judge that hears the case involving the violent court with jurisdiction over an offense, as defined by Section 16-1-60, that is classified as a felony offense, punishable by imprisonment for more than one year, as provided in subsection (A), shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense subject to the provisions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

(E) A second or subsequent offense for the purpose of this section means any conviction pursuant to Section 16-23-500(A).

(F) For the purpose of this section, "crime punishable by a maximum term of imprisonment of more than one year" does not include:

(1) any offense in this State or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) any offense classified by the laws of this State or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or less; or

(3) any crime for which the conviction has been expunged, or set aside, or for which a person has been pardoned or has had his civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Point of Order

Senator CLIMER raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator RANKIN spoke on the Point.

Senator CORBIN spoke on the Point.

The PRESIDENT sustained the Point of Order.

Senator MALLOY spoke on the Bill.

The question then being second reading of the Bill, as amended.

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Motion Adopted

Senator RANKIN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3553.SW0005S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 63-7-1710(A) of the S.C. Code is amended to read:

(A) When a child is in the custody of the department, the department shall file a petition to terminate parental rights or shall join as party in a termination petition filed by another party or may amend or supplement a petition for removal or a complaint for removal to include an action for termination of parental rights if:

(1) a child has been in foster care under the responsibility of the State for fifteen of the most recent twenty-two months;

(2) a court of competent jurisdiction has determined the child to be an abandoned infant;

(3) a court of competent jurisdiction has determined that the parent has committed murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

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(4) a court of competent jurisdiction has determined that the parent has aided, abetted, conspired, or solicited to commit murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

(5) a court of competent jurisdiction has determined that the parent has committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent; or

(6) a court of competent jurisdiction has found the parent to be in wilful contempt on two occasions over a twelve-month period for failure to comply with the terms of the treatment plan or placement plan established pursuant to subarticle 11.

SECTION X. Section 63-7-2530(B) of the S.C. Code is amended to read:

(B) The department may file an action for termination of parental rights without first seeking the court's approval of a change in the permanency plan pursuant to Section 63-7-1680 and without first seeking an amendment of the placement plan pursuant to Section 63-7-1700. Additionally, the department may amend or supplement a petition for removal or a complaint for removal to include a cause of action for termination of parental rights any time after grounds for termination of parental rights are present.

SECTION X. Section 63-9-710 of the S.C. Code is amended to read:

Section 63-9-710. (A) A petition for adoption shall specify:

(1) the full name, age, address, and place of residence of each petitioner, and, if married, the place and date of the marriage;

(2) when the petitioner acquired, or intends to acquire, custody or placement of the child and from what person or agency;

(3) the date and place of birth of the child, if known;

(4) the name used for the child in the proceeding, and if a change in name is desired, the new name;

(5) that it is the desire of the petitioner to establish the relationship of parent and child between the petitioner and the child, and that the petitioner is a fit and proper person and able to care for the child and to provide for the child's welfare;

(6) a full description and statement of value of all real property and of any personal property of value owned or possessed by the child;

(7) facts, if any, which excuse consent on the part of a parent to the adoption or which excuse notice of the adoption proceedings to a parent;

(8) facts, if any, which may permit placement with or adoption by nonresidents of this State, pursuant to Section 63-9-60;

(9) the existence and nature of any prior court orders known to the petitioner which affect the custody, support, or visitation of the child;

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(10) the relationship, if any, of each petitioner to the child; and

(11) the name and address of the child placing agency or the person facilitating placement of the child for adoption, if any.

(B)(1) The petition must be filed within sixty days of the date the adoptee is placed for the purpose of adoption in the home of the petitioner.

(2) For a child in the custody of the department by a removal action pursuant to Section 63-7-1660 or an infant who has been voluntarily left with a safe haven pursuant to Section 63-7-40, the petition for adoption may be filed prior to the issuance of a court order terminating parental rights to the child.

(C) All of the following must be filed at the time the adoption petition is filed or, after the filing, upon good cause shown:

(1) any consent or relinquishment required by Section 63-9-310;

(2) the preplacement investigation report;

(3) the background investigation report;

(4) a statement of all payments of money or anything of value made within the past five years or agreed to be made in the future by or on behalf of the petitioner to any person, agency, or organization connected with the adoption that is not a disbursement made and reported pursuant to Section 63-9-740.

(D) For purposes of this article, the petitioner may employ the use of fictitious names where necessary to avoid disclosure of identities of parties or persons, so long as service of process or notice is considered sufficient by the court.

SECTION X. Section 63-7-1660 of the S.C. Code is amended by adding:

(H)(1) If the court removes custody of the child and there is a pending petition for termination of parental rights filed by the department, the department shall promptly exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child, and the department must not delay adoption planning because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

(2) If at any time after the court removes custody of the child and the department files a petition for termination of parental rights, then the department promptly shall exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child prior to any permanency planning or termination of parental rights hearing, and the department must not delay adoption planning

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because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

SECTION X. Section 63-7-40(E) of the S.C. Code is amended to read:

(E)(1) Within forty-eight hours after taking legal custody of the infant, the department shall publish notice, in a newspaper of general circulation in the area where the safe haven that initially took the infant is located, and send a news release to broadcast and print media in the area. The notice and the news release must state the circumstances under which the infant was left at the safe haven, a description of the infant, and the date, time, and place of the permanency planning and termination of parental rights hearing provided for in subsection (E)(2). The notice and the news release must also state that any person wishing to assert parental rights in regard to the infant must do so at the hearing. If the person leaving the infant identified anyone as being a parent of the infant, the notice must be sent by certified mail to the last known address of the person identified as a parent at least two weeks prior to the hearing.

(2) Within forty-eight hours after obtaining legal custody of the infant, the department shall file a petition for permanency planning alleging that the infant has been abandoned, that the court should dispense with reasonable efforts to preserve or reunify the family, that continuation of keeping the infant in the home of the parent or parents would be contrary to the welfare of the infant, and that termination of parental rights is in the best interest of the infant. The department shall file concurrently with the petition for permanency planning a petition for termination of parental rights pursuant to Section 63-7-2570 based on abandonment and any other applicable grounds. A hearing ~~on the petition~~ both petitions must be held no earlier than thirty and no later than sixty days after the department takes legal custody of the infant. ~~This~~ Unless a person wishing to assert parental rights does so at the hearing, this hearing is shall serve as the permanency planning hearing and the termination of parental rights hearing for the infant. If the court approves the permanent plan of termination of parental rights and issues an order terminating parental rights to the infant, the order must also provide that ~~a petition for termination of parental rights on the grounds of abandonment must be filed within ten days after receipt of the order by the department shall, within thirty days of the close of the hearing, submit a plan to the court and to the infant's guardian ad litem for permanent placement of the infant and otherwise comply with the requirements of Section 63-7-2580(A).~~ If a person asserts parental rights to the infant at the hearing, and the court approves a permanent plan of termination of

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parental rights and adoption, the court shall schedule a hearing on the petition to terminate parental rights no later than thirty days after the close of the permanency planning hearing.

SECTION X. Section 63-7-40(F) of the S.C. Code is amended to read:

~~(F) The In any judicial proceeding in which the abuse or neglect of an infant is an issue, the act of voluntarily leaving an infant with a safe haven pursuant to this section is conclusive evidence that the infant has been abused or neglected for purposes of Department of Social Services' jurisdiction and for evidentiary purposes in any judicial proceeding in which abuse or neglect of an infant is an issue. It~~ The act of voluntarily leaving an infant with a safe haven pursuant to this section is also conclusive evidence that the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.

SECTION X. Section 63-9-30(10) of the S.C. Code is amended to read:

(10) For purposes of adoption, “Special-special needs child” means children who fall into one or more of the following categories:

- (a) children who are members of a sibling group;
- (b) children of ~~mixed racial heritage~~ marginalized ethnic backgrounds, except for purposes of Section 63-9-60(B);
- (c) children aged six or older; or
- (d) children with physical, mental, or emotional disabilities.

SECTION X. Section 63-7-1700(C) of the S.C. Code is amended to read:

(C) At the permanency planning hearing, the court shall approve a plan for achieving permanence for the child.

(1) The court shall review the proposed plans of the department, the guardian ad litem, and the local foster care review board and shall address the recommendations of each in the record.

(2) At each permanency planning hearing where the department's plan is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights and adoption, the department must provide documentation of the department's intensive, ongoing, yet unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. If the court approves a plan of another planned permanent living arrangement (APPLA), the court must find compelling reasons for approval of the plan, including compelling reasons why reunification with the parents, custody, or guardianship with

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a fit and willing relative, or termination of parental rights and adoption is not in the best interest, and that the plan is and continues to be in the child's best interest. The court shall not approve or order APPLA pursuant to this item for children under the age of sixteen. At each hearing in which the court approves or renews APPLA for a child over the age of sixteen, the court must ask the child about the child's wishes as to the placement plan.

(3) In addition to the requirements in items (1) and (2), at each permanency planning hearing, the court shall review the department's efforts to facilitate the caregiver's compliance with the reasonable and prudent parent standard pursuant to Section 63-7-20 and Section 63-7-25 and the department's efforts to determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

(4) Upon motion of any party or at the discretion of the court, a pending termination of parental rights action may be consolidated with a contested permanency planning hearing.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing,

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Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3583.BM0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-15-430(B) and inserting:

(B) A person commits the offense of felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value. Except as provided in subsections (C) and (D), a person convicted of felony sexual extortion must be imprisoned:

- (1) not more than five years for a first offense;
- (2) not more than ten years for a second offense; or
- (3) not more than twenty years for a third or subsequent offense.

Amend the bill further, SECTION 1, by striking Section 16-15-430(C) and (D) and inserting:

(C)(1) A person commits the offense of aggravated felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value and either:

(a) the victim is a minor or a vulnerable adult and the person convicted of sexual extortion is an adult; or

(b) the victim suffers great bodily injury or death and the finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.

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(2) A person convicted of aggravated felony sexual extortion must be imprisoned not more than twenty years.

(D) If the person convicted is a minor, then the person is guilty of misdemeanor sexual extortion and must be sentenced by the family court. The court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider.

Amend the bill further, by striking SECTION 2 and inserting:

SECTION 2. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's office, as appropriate, to implement a policy to educate and notify students of the provisions of this act which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law. The State Department of Education must file a report as to the status of the adoption and implementation of the education policies under this act to the Governor, the President of the Senate, and the Speaker of the House of Representatives, annually by July first of each year.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senators CLIMER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, K. JOHNSON, M. JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, MCELVEEN, MCLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS, and YOUNG proposed the following amendment (SR-3583.KM0016S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. This act may be cited as "Gavin's Law".

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 3583--Ordered to a Third Reading

On motion of Senator MALLOY, H. 3583 was ordered to receive a third reading on Tuesday, May 16, 2023.

OBJECTION

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF

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LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

H. 4352 -- Reps. Calhoon and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

Senator MALLOY objected to consideration of the Bill.

OBJECTION

H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

Senator MALLOY objected to consideration of the Bill.

OBJECTION

H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT

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UNIT” WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

Senator MALLOY objected to consideration of the Bill.

ADOPTED

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA’S COASTAL CULTURE AND ECONOMY.

The Resolution was adopted, ordered sent to the House.

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE “CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION” AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4175 -- Reps. Yow, Mitchell and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 742 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH ADAMS ROAD TO ITS INTERSECTION WITH DAVID’S GROVE CHURCH ROAD “SENATOR EDWARD MCIVER LEPPARD MEMORIAL

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HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

On motion of Senator HEMBREE, the Bill was carried over.

Motion Adopted

On motion of Senator MARTIN, the Senate agreed to stand adjourned.

ADJOURNMENT

At 4:35 P.M., on motion of Senator MARTIN, the Senate adjourned *Sine Die*.

* * *

Tuesday, May 16, 2023
(Extraordinary Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Extraordinary Session of the General Assembly of the State of South Carolina, begun and holden at Columbia on the third Tuesday in May, being the 16th day of the month.

Pursuant to the provisions of the Executive Order of the Governor, the members of the Senate assembled this day in the Senate Chamber at 12:00 Noon.

EXECUTIVE ORDER
STATE OF SOUTH CAROLINA
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBIA, SOUTH CAROLINA

EXECUTIVE ORDER No. 2023-12

WHEREAS, on March 23, 2023, the undersigned received and accepted the resignation of Richard Eckstrom as Comptroller General of the State of South Carolina, effective April 30, 2023, in accordance with Section 8-1-145 of the South Carolina Code of Laws, as amended; and

WHEREAS, Article VI, Section 7 of the South Carolina Constitution provides, in relevant part, that “[t]here shall be elected by the qualified voters of the State a . . . Comptroller General . . . who shall hold [his] respective office for a term of four years, coterminous with that of the Governor”; and

WHEREAS, Section 1-1-120 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]n case any vacancy shall occur in the office of . . . Comptroller General . . . such vacancy shall be filled by election by the General Assembly, a majority of the votes cast being necessary to a choice” and that “[i]f such vacancy occur during the recess of the General Assembly, the Governor shall fill the vacancy by appointment until an election by the General Assembly at the session next ensuing such vacancy”; and

WHEREAS, Section 1-3-220(1) of the South Carolina Code of Laws, as amended, similarly provides that among the appointments which “shall be made by the Governor” is “[a]n appointment to fill any vacancy in an office of the executive department as defined in [S]ection 1-1-110 occurring during a recess of the General Assembly,” and “[t]he term of

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such appointment shall be until the vacancy be filled by a general election or by the General Assembly in the manner provided by law”; and

WHEREAS, in accordance with Section 1-1-110 of the South Carolina Code of Laws, as amended, the Comptroller General is an officer of the “executive department of this State”; and

WHEREAS, pursuant to Article IV, Section 1 of the South Carolina Constitution, “[t]he supreme executive authority of this State shall be vested in” the Governor of the State of South Carolina; and

WHEREAS, on May 11, 2023, the regular annual session of the General Assembly of the State of South Carolina adjourned *sine die* in accordance with Section 2-1-180 of the South Carolina Code of Laws, as amended; and

WHEREAS, the General Assembly did not elect a successor to fill the vacancy in the office of the Comptroller General pursuant to Section 1-1-120 of the South Carolina Code of Laws prior to adjourning *sine die* on May 11, 2023; and

WHEREAS, in light of the foregoing, there is a vacancy in the office of the Comptroller General, said vacancy occurring during a recess of the General Assembly, which will continue to exist until such time as the General Assembly shall elect a successor to serve in said office for the remainder of the unexpired term; and

WHEREAS, as presently constituted, the office of Comptroller General is among those “important administrative positions, the functioning of which are necessary to effectively run a complex government,” *Senate ex rel. Leatherman v. McMaster*, 425 S.C. 315, 330, 821 S.E.2d 908, 916 (2018), and the undersigned has determined that it is critical to avoid a vacancy in said office and thereby imperative to designate and appoint an individual to assume the duties and attend to the responsibilities of the Comptroller General, *see, e.g.*, S.C. Code Ann. § 11-3-170 (“After the approval of the annual appropriation act by the Governor, monies may be obtained from the State Treasury only by drawing vouchers upon the Comptroller General . . .”); *id.* § 11-3-185 (“The expenditure of money appropriated by the General Assembly is by warrant requisitions directed to the Comptroller General . . .”); *id.* § 11-3-210. (“The Comptroller General shall enter in books, kept for that purpose, such statements of the accounts of persons having the distribution of public money, directed by law to be rendered to him, as will enable him, at any time, to show how such accounts stand between the parties, respectively.”); and

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WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is necessary and appropriate under the circumstances presented to designate and appoint a suitable person to serve as Comptroller General until such time as the General Assembly shall elect a successor or a successor shall otherwise qualify as provided by law, *see Op. Att’y Gen.*, 1984 WL 249919, at *2 (S.C.A.G. June 28, 1984); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Brian J. Gaines, MPA, CPM, of Columbia, South Carolina, is a fit and proper person to serve as Comptroller General until such time as the General Assembly shall elect a successor or a successor shall otherwise qualify as provided by law.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby designate and appoint Brian J. Gaines, MPA, CPM to serve as Comptroller General until such time as the General Assembly shall elect a successor or a successor shall otherwise qualify as provided by law. This Order is effective immediately and shall remain in effect unless or until modified, amended or rescinded by subsequent Order.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 11th DAY OF MAY, 2023.

HENRY McMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State

EXECUTIVE ORDER No. 2023-13

WHEREAS, on May 11, 2023, the regular annual session of the General Assembly of the State of South Carolina adjourned *sine die* in accordance with Section 2-1-180 of the South Carolina Code of Laws, as amended; and

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WHEREAS, the General Assembly passed Legislation to address various important matters before adjourning *sine die*, and such Legislation has been presented to the undersigned, or will be presented to the undersigned upon ratification, for review and consideration as to whether to approve said Legislation or return the same with objections; and

WHEREAS, notwithstanding the foregoing, although the General Assembly has reached agreement on numerous budget-related matters and appointed a conference committee on H. 4300 (General Appropriations Bill), the General Assembly did not adopt, enroll or ratify a General Appropriations Act for the 2023–2024 fiscal year, or pass a continuing resolution to otherwise provide for the continued operation of state government after the end of the current fiscal year, in advance of *sine die* adjournment; and

WHEREAS, because “[m]oney shall be drawn from the treasury of the State or the treasury of any of its political subdivisions only in pursuance of appropriations made by law,” S.C. Const. Art. X, § 8, the absence of a General Appropriations Act for the upcoming fiscal year is a matter that requires the immediate attention of, and action by, the General Assembly prior to its next regular session; and

WHEREAS, while the General Assembly also made commendable progress in advancing some critical measures, Legislation to enhance penalties for illegal gun possession, S. 474 (Fetal Heartbeat and Protection from Abortion Act), H. 3532 (Bond Reform), and other matters of significant public importance remain unresolved and did not achieve consensus prior to *sine die* adjournment; and

WHEREAS, the undersigned has determined that it is necessary and appropriate for the General Assembly to convene in advance of its next regular session for purposes of promptly adopting a General Appropriations Act, passing the above-referenced pending Legislation, and presenting the same for the undersigned’s consideration; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution provides that “[t]he Governor may on extraordinary occasions convene the General Assembly in extra session” and further provides that “[s]hould either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such times as he shall think proper, not beyond the time of the annual session then next ensuing”; and

WHEREAS, pursuant to Article IV, Section 19 of the South Carolina Constitution and in accordance with the authority and discretion

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conferred therein, the undersigned has determined that the foregoing and other circumstances constitute an “extraordinary occasion” such that it is necessary and appropriate to convene the General Assembly in extra session at the earliest practicable opportunity; and

WHEREAS, the undersigned has concluded that Tuesday, May 16, 2023, is the earliest practicable opportunity to convene the General Assembly in extra session, and the undersigned does not anticipate that timely consideration and resolution of the aforementioned matters will require the General Assembly to remain in extra session beyond May 31, 2023.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby call an extra session of the General Assembly of the State of South Carolina to convene at the State House in Columbia, commencing at noon on Tuesday, May 16, 2023. This Order is effective immediately and shall remain in effect unless and until modified, amended or rescinded by subsequent Order.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 11th DAY OF MAY, 2023.

HENRY McMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 40:33

Near the end of the Book of Exodus, we read that: “Then Moses set up the courtyard around the tabernacle and altar and put up the curtain at the entrance to the courtyard. And so Moses finished the work.”

Let us pray: O Lord, how wonderful it is to finish one’s work and to be able to catch one’s breath after weeks and even months of challenging effort. That clearly is where Moses found himself ages ago. The tabernacle had been completed, we read; his labor on that project was

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done. And even though this Senate officially wrapped things up last Thursday, the members of this Body know clearly that more is expected of them now -- that they still have considerable work to do for the people of South Carolina. So today, O God, we ask You to bless all that these faithful servants and their aides have already done, and that You will continue to guide them as they tackle matters that are yet to be completed. And through it all, Lord, bless each one of these leaders as they strive consciously and faithfully to do their very best for all. In Your loving name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Motion to Ratify Adopted

At 12:03 P.M., Senator PEELER asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator PEELER, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Tuesday, May 23, 2023, at 12:00 P.M.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 539 Sen. Senn

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith,

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Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

On motion of Senator MALLOY.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 12, 2023, at 11:00 A.M. and the following Acts and Joint Resolution were ratified:

(R23, S. 92) -- Senators Campsen, Senn, Garrett, Malloy and Young: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.
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(R24, S. 101) -- Senator Campsen: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.
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(R25, S. 120) -- Senators Hembree, Campsen and Martin: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL, TO PROVIDE A CRIMINAL

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PENALTY FOR A PERSON WHO VIOLATES CERTAIN PROVISIONS OF THIS SECTION, TO MAKE TECHNICAL CHANGES, TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE, TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY IS EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY, TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, THE BOARD OF PHARMACY, OR ANY OTHER STATE AGENCY UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY, TO PROVIDE THE COMPTROLLER GENERAL AND STATE TREASURER SHALL WORK WITH THE DEPARTMENT OF CORRECTIONS TO ENSURE CERTAIN FINANCIAL RECORDS RELATING TO AN EXECUTION ARE KEPT IN A DE-IDENTIFIED CONDITION, TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE, TO PROVIDE THE DEPARTMENT OF CORRECTIONS SHALL COMPLY WITH FEDERAL REGULATIONS REGARDING THE IMPORTATION OF EXECUTION DRUGS, AND TO PROVIDE MEMBERS OF THE GENERAL ASSEMBLY MUST NOT OFFER NOR PROVIDE DRUGS, MEDICAL SUPPLIES, OR MEDICAL EQUIPMENT TO EXECUTE A DEATH SENTENCE.

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(R26, S. 146) -- Senators Shealy, Goldfinch and Campsen: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 44-48-115 AND 44-48-180 SO AS TO PROVIDE FOR THE RIGHT TO CHALLENGE COMMITMENT TO THE SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL AND TO GIVE PRIORITY STATUS TO SEXUALLY VIOLENT PREDATOR CASES FOR PURPOSES OF SCHEDULING COURT PROCEEDINGS RESPECTIVELY; BY AMENDING SECTIONS 44-48-30, 44-48-40, 44-48-50, 44-48-80, 44-48-90, 44-48-100, 44-48-110, 44-48-120, 44-48-130, 44-48-150, AND 44-48-160, ALL RELATING TO THE SEXUALLY VIOLENT PREDATOR ACT, SO AS TO ADD DEFINITIONS FOR "QUALIFIED EVALUATOR" AND "RESIDENT" AND CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE", TO ESTABLISH EFFECTIVE DATES FOR THE GRANTING OF SUPERVISED REENTRY, TO REQUIRE MULTIDISCIPLINARY TEAMS TO DETERMINE WHETHER THERE IS PROBABLE CAUSE TO BELIEVE A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE FOR THE USE OF COURT-APPOINTED QUALIFIED EVALUATORS AND TO ESTABLISH CERTAIN TIMELINES FOR EVALUATIONS, TO ALLOW FOR THE USE OF INDEPENDENT, QUALIFIED EVALUATORS IN CERTAIN CIRCUMSTANCES, TO REQUIRE COURTS TO CONDUCT A NONJURY HEARING BEFORE RELEASE OF A PERSON FOUND INCOMPETENT TO STAND TRIAL, TO ESTABLISH CERTAIN BENCHMARKS FOR ADDITIONAL REVIEWS OF MENTAL CONDITIONS, TO ESTABLISH CERTAIN REQUIREMENTS REGARDING EVALUATORS IN PROCEEDINGS ON PETITIONS FOR RELEASE, TO ALLOW ACCESS TO SEALED COURT RECORDS BY THE ATTORNEY GENERAL AND OTHER COUNSEL OF RECORD, TO MAKE CONFORMING CHANGES, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION, SO AS TO MAKE INMATES DETERMINED TO BE SEXUALLY VIOLENT PREDATORS INELIGIBLE FOR REENTRY SUPERVISION.
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(R27, S. 164) -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen, Turner, Davis and Young: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED; BY AMENDING SECTION 44-7-160, RELATING TO CERTIFICATE OF NEED REQUIREMENTS, SO AS TO APPLY ONLY TO NURSING HOMES; BY ADDING SECTION 44-7-161 SO AS TO PROVIDE THAT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA MUST APPEAR BEFORE THE JOINT BOND REVIEW COMMITTEE AND OBTAIN APPROVAL FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY PRIOR TO TAKING CERTAIN ACTIONS; BY ESTABLISHING THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA; BY ADDING SECTION 44-7-266 SO AS TO REQUIRE AMBULATORY SURGICAL FACILITIES TO PROVIDE UNCOMPENSATED INDIGENT CARE AND FOR OTHER PURPOSES; BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS TO MAKE CONFORMING CHANGES TO CERTAIN EXEMPTIONS; BY AMENDING SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA, SO AS TO REQUIRE THE PRIORITIZATION OF TIMELY ACCESS TO HEALTH CARE SERVICES; BY AMENDING SECTION 44-7-200, RELATING TO THE CERTIFICATE OF NEED APPLICATION PROCESS, SO AS TO CHANGE THE TIME LINE FOR THE APPLICATION PROCESS; AND BY AMENDING SECTIONS 44-7-210 AND 44-7-220, RELATING TO CERTIFICATE OF NEED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS, SO AS TO SHORTEN CERTAIN TIMEFRAMES OF THESE PROCEEDINGS AND ELIMINATE THE ROLE OF THE COURT OF APPEALS.

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(R28, S. 256) -- Senators M. Johnson and Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS SHALL NOT PROHIBIT THE POSSESSION OR PERSONAL USE OF SUNSCREEN, AND TO DEFINE NECESSARY TERMS.
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(R29, S. 259) -- Senators Rankin, Young, Hutto, Sabb and Malloy: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS FOR PURPOSES OF THE STRUCTURED SETTLEMENT PROTECTION ACT, SO AS TO PROVIDE ADDITIONAL DEFINITIONS; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN THE CIRCUIT COURT IN A COUNTY IN WHICH THE PAYEE RESIDES, A HEARING MUST BE HELD IN THE COUNTY IN WHICH THE AGREEMENT WAS APPROVED IF THE PAYEE IS A NONRESIDENT OF THE STATE, AND FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF TRANSFER AGREEMENTS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT MAY APPOINT AN ATTORNEY TO SERVE AS A

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GUARDIAN AD LITEM TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

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(R30, S. 342) -- Senators Shealy, Jackson and Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO RESTATE THE EXISTING DEFINITIONS; AND BY ADDING SECTION 63-1-45 SO AS TO DEFINE "UNACCOMPANIED HOMELESS YOUTH", "HOMELESS CHILD OR YOUTH", AND "YOUTH AT RISK OF HOMELESSNESS".

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(R31, S. 363) -- Senators Rankin, Grooms and Verdin: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO RESTRICTIONS ON ELEVATING OR LOWERING MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLES' FRONT FENDERS BEING RAISED OR LOWERED FOUR OR MORE INCHES GREATER THAN THE HEIGHT OF THE REAR FENDERS, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FENDERS, TO DEFINE THE TERM "FENDER", AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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(R32, S. 380) -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO DEFINE "LEGAL GUARDIANSHIP" AND "LEGAL GUARDIAN"; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION AND BY MAKING CONFORMING CHANGES; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING ARTICLE 9 TO CHAPTER 7, TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH AND ADMINISTER A PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP, TO DEFINE TERMS, TO PROVIDE

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ELIGIBILITY REQUIREMENTS FOR PROGRAM BENEFITS, TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS, AND FOR OTHER PURPOSES; BY AMENDING SECTION 63-1-20, RELATING TO THE STATE'S CHILDREN'S POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO APPLY ALSO TO PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.
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(R33, S. 394) -- Senator Rice: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR CERTAIN NOTIFICATIONS OF ABNORMAL RESULTS.
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(R34, S. 405) -- Senators Campsen, Kimbrell and Garrett: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.
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(R35, S. 449) -- Senators Climer and Campsen: AN ACT TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO THE TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO REPEAL THE SUNSET CLAUSE.
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(R36, S. 500) -- Senators Cromer, Campsen and Rankin: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, ESTABLISH A NONMATCHING GRANT FORMULA, AND TO REMOVE A CAP ON THE AMOUNT OF THE GRANT; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-1-20, RELATING TO THE DEFINITION OF "SURPLUS LINES INSURANCE", SO AS TO INCLUDE A REFERENCE TO COMMERCIAL MOTOR VEHICLE LIABILITY.

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(R37, S. 520) -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH

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INSURANCE POLICIES OR HEALTH MAINTENANCE
ORGANIZATION PLANS.

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(R38, S. 566) -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley, Davis, Malloy and Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT CERTAIN BEER SOLD FOR ON-PREMISES CONSUMPTION MUST BE PRODUCED BY THE BREWERY ON ITS PERMITTED PREMISES OR TRANSFERRED TO THE BREWERY AND TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR.

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(R39, S. 603) -- Senator Climer: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

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(R40, S. 612) -- Senators Shealy, Gustafson and McElveen: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO REVISE STATED CHILD WELFARE SERVICE PRINCIPLES AND REQUIRE CERTAIN REPORTING; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO CHANGE GUIDELINES FOR

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INVESTIGATION AND REPORTING IN THE CASE OF A REPORT
OF SUSPECTED CHILD ABUSE OR NEGLECT.

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(R41, S. 698) -- Education Committee: A JOINT RESOLUTION TO
APPROVE REGULATIONS OF CLEMSON UNIVERSITY,
RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY
REGULATIONS, DESIGNATED AS REGULATION DOCUMENT
NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE
1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF
LAWS.

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(R42, H. 3142) -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones,
Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn,
Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: AN ACT
TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY
ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE
THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS
DAY" IN SOUTH CAROLINA.

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(R43, H. 3204) -- Rep. Erickson: AN ACT TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420,
RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO
PROVIDE FOR THE UNITED STATES DISTRICT COURT OF
GEORGIA TO RESOLVE DISPUTES.

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(R44, H. 3231) -- Reps. West and W. Newton: AN ACT TO AMEND
THE SOUTH CAROLINA CODE OF LAWS BY REPEALING
SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO
THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND
HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD
DEVELOPMENT SERVICES.

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(R45, H. 3269) -- Rep. W. Newton: AN ACT TO AMEND THE
SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION
50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS

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OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF
NATURAL RESOURCES.

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(R46, H. 3681) -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, OR TOBACCO PRODUCTS AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT; BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND PENALTY FOR VIOLATIONS; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES; AND BY ADDING SECTION 12-36-511 SO AS TO REQUIRE RETAILERS TO PROVIDE THE DEPARTMENT OF REVENUE CERTAIN TOBACCO-RELATED INFORMATION IN THEIR RETAIL LICENSE APPLICATIONS.

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(R47, H. 3689) -- Reps. Rutherford and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER AND STEVENS CREEK.
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(R48, H. 3797) -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE AFTER ARRIVAL, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.
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(R49, H. 3857) -- Rep. McGinnis: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.
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(R50, H. 3868) -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE THIRD SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

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(R51, H. 3870) -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

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(R52, H. 3905) -- Reps. Hixon and Clyburn: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

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(R53, H. 3908) -- Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin,

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Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON A QUALIFYING EVENT FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

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(R54, H. 3952) -- Reps. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE, TO REQUIRE THE FEE BE REASONABLE, AND TO SPECIFY THE MANNER IN WHICH THE DEPARTMENT OF CONSUMER AFFAIRS IS TO PROVIDE ENFORCEMENT MEASURES.

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(R55, H. 3987) -- Rep. Thayer: AN ACT TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

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(R56, H. 4017) -- Rep. Ballentine: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF THE FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE

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TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.
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(R57, H. 4122) -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.
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(R58, H. 4177) -- Rep. Hyde: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.
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(R59, H. 4291) -- Rep. Felder: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.
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(R60, H. 4350) -- Reps. Moss and Lawson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R61, H. 4412) -- Rep. Long: AN ACT TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

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(R62, H. 4413) -- Rep. Bamberg: AN ACT TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024, AND TO PROVIDE A SUNSET PROVISION.

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Motion Adopted

On motion of Senator PEELER, the Senate agreed to stand adjourned.

ADJOURNMENT

At 12:04 P.M., on motion of Senator PEELER, the Senate adjourned to meet Tuesday, May 23, 2023 at 12:00 Noon.

* * *

Tuesday, May 23, 2023
(Extraordinary Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Extraordinary Session of the General Assembly of the State of South Carolina, begun and holden at Columbia on the fourth Tuesday in May, being the 23rd day of the month.

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 3:11, 12a

Returning again to Exodus, we read: “But Moses said to God, ‘Who am I that I shall go to Pharaoh?’ And God said, ‘I will be with you.’”

Please bow with me as we pray: Gracious and ever-loving Lord, everyone in this Senate Chamber today is acutely aware of why we are here. There remain for these leaders issues still unresolved, problems crying out for resolution, concerns which simply cannot be ignored. And so these Senators and aides are back again to tackle as much as possible for the common good. And perhaps more than ever, O God, these leaders need Your assurance that You are with them, as You were with Moses, offering Your guidance as they strive to do what is right and just and needful. Truly, embrace these servants in Your care, Lord, and give them peace of heart and mind as they offer their genuine best efforts on behalf of every woman, man, and child in this State. So we pray in Your loving name, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>

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Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 17, 2023, at 12:00 Noon and the following Acts and Joint Resolutions were ratified:

(R63, S. 31) -- Senators Hutto and K. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; BY AMENDING SECTION 14-1-208, RELATING TO FINES AND ASSESSMENTS, SO AS TO INCLUDE REFERENCES TO FILING A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 4-9-150, RELATING TO AUDITS OF COUNTY RECORDS, SO AS TO ALLOW FOR A FILING EXTENSION IN CERTAIN CIRCUMSTANCES.

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(R64, S. 36) -- Senators Hutto, Young, Campsen and Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE

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OF MOTOR VEHICLE HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID, AND TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE A PERSON TO OBTAIN AN IGNITION INTERLOCK DEVICE UNLESS AT LEAST ONE OFFENSE THAT RESULTED IN SUSPENSION WAS ALCOHOL RELATED; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE

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VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE INSTALLATION OF AN IGNITION INTERLOCK DEVICE UNTIL A SUSPENSION IS UPHELD AT A CONTESTED CASE HEARING OR THE CONTESTED HEARING IS WAIVED, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE IF SUSPENSIONS ARE UPHELD, THE PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, TO PROVIDE IF SUSPENSIONS ARE OVERTURNED, THE PERSONS' DRIVING PRIVILEGES MUST BE REINSTATED, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS

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RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENSE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

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(R65, S. 252) -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE "LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT", TO GIVE LAW ENFORCEMENT OFFICERS THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, AND TO PROVIDE LIMITED EXCEPTIONS, TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; TO PROVIDE THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL CREATE A FORM FOR USE BY LAW ENFORCEMENT OFFICERS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM; BY ADDING ARTICLE 7 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE "JUDICIAL PERSONAL PRIVACY PROTECTION ACT", TO GIVE ACTIVE OR FORMER MEMBERS OF THE JUDICIARY THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL

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AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; AND TO PROVIDE SOUTH CAROLINA COURT ADMINISTRATION SHALL CREATE A FORM FOR USE BY ACTIVE OR FORMER MEMBERS OF THE JUDICIARY WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

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(R66, S. 284) -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn, Campsen and Sabb: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO THE USE OF CERTAIN REVENUE FROM THE ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE FUNDS MAY BE USED; BY AMENDING SECTION 6-4-15, RELATING TO THE USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED; BY ADDING SECTION 6-4-12 SO AS TO REQUIRE A LOCAL GOVERNMENT TO PREPARE A HOUSING IMPACT ANALYSIS BEFORE USING SUCH FUNDS FOR WORKFORCE HOUSING; BY AMENDING SECTIONS 6-4-5 AND 6-1-510, RELATING TO DEFINITIONS, SO AS TO ADD CERTAIN DEFINITIONS; BY AMENDING SECTION 6-29-510, RELATING TO LOCAL PLANNING, SO AS TO REQUIRE THE PLANNING COMMISSION MUST SOLICIT INPUT FOR THE ANALYSIS FROM HOMEBUILDERS AND OTHER EXPERTS WHEN DEVELOPING A HOUSING ELEMENT FOR THE LOCAL COMPREHENSIVE PLAN; TO CREATE THE LAND DEVELOPMENT STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO PLAN FOR AND MANAGE LAND DEVELOPMENT; AND TO REQUIRE A REPORT DETAILING THE

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EFFECTS OF THIS ACT ON TOURISM AND WORKFORCE HOUSING.

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(R67, S. 317) -- Senator Shealy: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES FOR THE VETERANS' TRUST FUND OF SOUTH CAROLINA, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

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(R68, S. 343) -- Senators Shealy, Jackson, Hutto and Sabb: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

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(R69, S. 360) -- Senator Sabb: AN ACT TO AMEND ACT 471 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

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(R70, S. 399) -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-1-20, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE FOR THE CREATION OF A DEPARTMENT OF PUBLIC HEALTH TO ASSUME THE HEALTH-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL AND FOR OTHER PURPOSES; BY AMENDING SECTIONS 44-1-60, 44-1-140, AND 44-1-150, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, ALL SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTIONS 1-30-45 AND 44-1-65 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PERMITTING OF CERTAIN ANIMAL FACILITIES; BY RENAMING CHAPTER 1 OF TITLE 44, "DEPARTMENT OF PUBLIC HEALTH"; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ASSUME THE ENVIRONMENTAL-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR BY THE GOVERNOR, AND FOR OTHER PURPOSES; BY AMENDING CHAPTER 3 OF TITLE 49, RELATING TO WATER RESOURCES, SO AS TO TRANSFER THE WATER RESOURCES DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND FOR OTHER PURPOSES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES; BY ADDING SECTIONS 1-30-135 AND 1-30-140 SO AS TO MAKE CONFORMING CHANGES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS HOMES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE THE DIVISION OF FOOD SAFETY WITHIN THE DEPARTMENT OF AGRICULTURE AND TO TRANSFER CERTAIN FOOD SAFETY RESPONSIBILITIES FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 24-9-20, RELATING TO CERTAIN FOOD INSPECTIONS IN PRISON FACILITIES, SO AS TO TRANSFER INSPECTION RESPONSIBILITY TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 39-37-120, RELATING TO FROZEN MILK PRODUCT CONSUMER SAFETY, SO AS TO TRANSFER RESPONSIBILITY TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 1-23-600, RELATING TO CONTESTED CASE HEARINGS DECIDED

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BY CERTAIN BOARDS OR COMMISSIONS, SO AS TO MAKE CONFORMING CHANGES; BY REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PERFORM CERTAIN FUNCTIONS TO EFFECT THE RESTRUCTURING OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE CREATION OF THE DEPARTMENT OF PUBLIC HEALTH AND DEPARTMENT OF ENVIRONMENTAL SERVICES, INCLUDING THE ANALYSIS OF THE PROGRAMS, SERVICES, AND POPULATIONS SERVED BY THE PREDECESSOR AGENCIES AND THE PREPARATION OF REPORTS SUMMARIZING THE ANALYSIS AND MAKING RECOMMENDATIONS AS TO THE APPROPRIATE STRUCTURE AND OPERATION OF THE RESTRUCTURED STATE AGENCIES; AND FOR OTHER PURPOSES.

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(R71, S. 459) -- Senator Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION-SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

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(R72, S. 549) -- Senator Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE

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PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED MUST OBTAIN NEW INSURANCE OR SURRENDER REGISTRATIONS AND PLATES, WRITTEN NOTICES BY INSURER, SUSPENSION OF REGISTRATIONS AND PLATES, APPEALS OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO THE PER DIEM FINES FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY

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ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE REFERENCES IN THE DEFINITIONS OF “INSURED MOTOR VEHICLE” AND “UNINSURED MOTOR VEHICLE”; BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATIONS AND LICENSES, TEMPORARY LICENSE PLATES, AND THE TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR TEMPORARY LICENSE PLATES AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST-TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIPS, CERTIFICATIONS OF THIRD-PARTY PROVIDERS, AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEES FOR PERFORMING DUTIES, RESPONSIBILITIES, OR FUNCTIONS OF THE AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT THE AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENTS BY ANY PAYMENT METHOD OTHER THAN CASH; BY AMENDING SECTION 56-14-30,

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RELATING TO LICENSES FOR RECREATIONAL VEHICLE DEALERS, EXHIBITION LICENSES, FEES, AND PENALTIES, SO AS TO REVISE THE EXPIRATION DATE OF LICENSES AND FEES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES PROVIDE CERTAIN INFORMATION TO LICENSE APPLICANTS NEEDED IN AUDITS OR REVIEWS, AND TO PROVIDE FOR DEPARTMENTAL INSPECTIONS AND COMPLAINTS ARISING FROM ALLEGED VIOLATIONS, TO REVISE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES, AND TO PROVIDE FOR THE ENFORCEMENT OF THIS SECTION AND DISBURSEMENT OF FINES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANTS CHANGES OR LICENSEES CEASE OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING DEALERS' MAINTENANCE OF BONA FIDE PLACES OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF DEALER LICENSES, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT OF MOTOR VEHICLES MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO DEALER AND WHOLESALE LICENSES, TERMS OF LICENSES, FEES, SCOPE OF LICENSES, AND PENALTIES FOR VIOLATIONS, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS, TO INCREASE THE LICENSE FEE, TO REVISE THE LOCATIONS WHERE A LICENSE MAY OPERATE, TO ELIMINATE THE TEMPORARY LICENSE, TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS, TO INCREASE THE PENALTY, TO ALLOW LAW ENFORCEMENT AGENCIES TO ENFORCE THIS PROVISION, AND TO PROVIDE FOR THE DISTRIBUTION OF FINES; BY AMENDING SECTION 56-15-320, RELATING TO

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APPLICATIONS FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESSES RELATING TO WHOLESALERS AND DEALERS, SO AS TO PROVIDE THAT NEW BONDS OR CONTINUATION CERTIFICATES MUST BE PROVIDED TO THE DEPARTMENT OF MOTOR VEHICLES EVERY TWELVE MONTHS DURING A LICENSE PERIOD, TO PROVIDE WHEN DEALERS' LICENSES EXPIRE, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, TO INCREASE THE AGGREGATE LIABILITY OF SURETIES FOR CLAIMS, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESSES IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALERS' LICENSES, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF BONA FIDE ESTABLISHED PLACES OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF LICENSES, GROUNDS, AND PROCEDURES, SO AS TO REVISE THE GROUNDS FOR DENIALS, SUSPENSIONS, OR REVOCATIONS OF A LICENSE; BY ADDING CHAPTER 37 TO TITLE 56 SO AS TO ESTABLISH THE MOTOR VEHICLE DEALER PERFORMANCE EVALUATION SYSTEM TO EVALUATE THE PERFORMANCE RECORD OF DEALERS LICENSED UNDER THIS TITLE, TO CREATE A DEALER REVIEW BOARD, AND PROVIDE A PROCESS TO SUSPEND OR REVOKE DEALERS' LICENSES FOR CERTAIN VIOLATIONS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSES FOR MOTORCYCLE DEALERS OR WHOLESALERS, EXHIBITION LICENSES, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THE SECTION ALSO APPLIES TO MOTORCYCLE WHOLESALERS, TO PROVIDE THE LICENSES LAST FOR THIRTY-SIX MONTHS, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MUST PROVIDE CERTAIN INFORMATION TO LICENSE APPLICANTS, TO PROVIDE COMPLAINT PROCEDURES, TO REVISE THE PENALTIES FOR DEALERS SELLING MOTORCYCLES WITHOUT LICENSES, AND TO PROVIDE FOR THE DISTRIBUTION OF FINES; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATIONS FOR MOTORCYCLE DEALERS' OR WHOLESALERS' LICENSES, BONDS, AND THE DUTY TO

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NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANTS CHANGE OR LICENSEES CEASE OPERATIONS, SO AS TO PROVIDE THE PROVISION APPLIES TO MOTORCYCLE WHOLESALERS AND DEALERS, TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING MOTORCYCLE DEALERS' MAINTENANCE OF BONA FIDE ESTABLISHED PLACES OF BUSINESS, SIZE OF BUSINESSES, AND PERMANENT SIGNS, SO AS TO PROVIDE THAT DEALERS MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO BONA FIDE ESTABLISHED PLACES OF BUSINESS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 56-16-180, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF CERTAIN LICENSES, SO AS TO REVISE THE REASONS THE DEPARTMENT OF MOTOR VEHICLES MAY DENY, SUSPEND, OR REVOKE MOTORCYCLE DEALERS' LICENSES; BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFERS AND DEALERS PURCHASING VEHICLES FOR RESALE, SO AS TO PROVIDE PROCEDURES FOR DEALERS TO TITLE AND REGISTER CERTAIN VEHICLES, AND PENALTIES FOR VIOLATING THESE PROVISIONS; TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES SHALL ENSURE THAT NO ONE IS REGISTERED AS AN UNINSURED MOTORIST; TO REPEAL SECTIONS 56-3-180, 56-3-215, ARTICLE 29 OF CHAPTER 3, TITLE 56, AND ARTICLE 30 OF CHAPTER 3, TITLE 56, RELATING TO THE ISSUANCE OF CERTAIN SPECIAL PERMITS, TEMPORARY PERMITS, TEMPORARY LICENSE PLATES, AND REGISTRATION CARDS BY THE DEPARTMENT OF MOTOR VEHICLES, TO AMEND SECTION 56-23-60, RELATING TO STANDARDS FOR OPERATING DRIVER TRAINING SCHOOLS, SO AS TO DELETE THE TERM "DEFENSIVE DRIVING COURSE" AND REPLACE IT WITH THE TERM "DRIVER TRAINING COURSE"; BY ADDING SECTION 56-23-105 SO AS TO DEFINE THE TERM "CLASSROOM TRAINING"; TO AMEND SECTION 56-1-20, RELATING TO REQUIRING CERTAIN PERSONS TO POSSESS DRIVERS' LICENSES TO DRIVE MOTOR VEHICLES, SO AS TO PROVIDE CERTAIN DRIVERS POSSESSING OUT-OF-STATE DRIVERS'

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LICENSES MUST SURRENDER THEM WITHIN FORTY-FIVE DAYS OF BECOMING RESIDENTS BEFORE BEING ISSUED SOUTH CAROLINA DRIVERS' LICENSES; TO AMEND SECTION 56-1-220, RELATING TO VISION SCREENING TESTS REQUIRED FOR RENEWAL OF DRIVERS' LICENSES, SO AS TO PROVIDE EXEMPTIONS FOR CERTAIN ACTIVE-DUTY MEMBERS OF THE ARMED FORCES; AND TO AMEND SECTION 56-23-40, RELATING TO DRIVER TRAINING SCHOOL LICENSE FEES, SO AS TO INCREASE FEES AND REVISE THE LICENSES' EXPIRATION DATE.

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(R73, S. 564) -- Senator Matthews: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R74, S. 569) -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell, Young, M. Johnson, Turner, Sabb, Matthews, Campsen, Setzler and Malloy: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

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(R75, S. 639) -- Senator Climer: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R76, S. 739) -- Senators Setzler, Alexander, Peeler, Williams, Davis, Talley and Malloy: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, CERTAIN FEDERAL LOW-INCOME HOUSING CREDITS, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NONRECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTIFAMILY HOUSING DEVELOPMENTS.

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(R77, S. 764) -- Senators Climer, M. Johnson and Peeler: AN ACT TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

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(R78, H. 3209) -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.
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(R79, H. 3340) -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING ALZHEIMER'S DISEASE OR A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER THROUGH THE USE OF WIRELESS EMERGENCY ALERT NOTIFICATIONS, DEPARTMENT OF TRANSPORTATION MESSAGE SIGNS, SLED WIRELESS EMERGENCY ALERTS, AND CERTAIN MEDIA OUTLETS.
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(R80, H. 3433) -- Reps. Hixon and W. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-5-2545 RELATING TO POINTS AND SUSPENSIONS PRIOR TO THE MARINE RESOURCES ACT OF 2000; BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES; BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY UNITED STATES MAIL; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; AND BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY

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UNITED STATES MAIL AND TO PROVIDE FOR A METHOD OF APPEAL.

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(R81, H. 3538) -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAMES SPECIES AND TO OUTLINE REQUIREMENTS OF THE PERSON WHO TAKES A BIG GAME CARCASS FOR PROCESSING AND OF THE PROCESSOR; BY AMENDING SECTION 50-11-320, RELATING TO THE ISSUANCE OF TAGS FOR HUNTING AND TAKING DEER, SO AS TO INCLUDE A REFERENCE TO THE ELECTRONIC HARVEST REPORTING SYSTEM; BY AMENDING SECTION 50-11-390, RELATING TO THE DEPARTMENTAL AUTHORITY OF GAME ZONES, SO AS TO INCLUDE A REFERENCE TO THE ELECTRONIC HARVEST REPORTING SYSTEM; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO INCLUDE A REFERENCE TO BIG GAME SPECIES.

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(R82, H. 3583) -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING "GAVIN'S LAW" BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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TUESDAY, MAY 23, 2023

(R83, H. 3691) -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS, DEPUTY CORONERS, OR CORONERS' DESIGNEES TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS, DEPUTY CORONERS, AND CORONERS' DESIGNEES AND FOR THE REPORTING OF THEIR USE; BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO RESTATE THE SECTION; AND BY ADDING SECTION 17-5-150 SO AS TO PROVIDE THAT CORONERS AND DEPUTY CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

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(R84, H. 3726) -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO ENACT THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT", TO STATE THE PURPOSE OF THE CHAPTER, TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE AND PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO

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REDESIGNATE REGIONAL EDUCATION CENTERS AS REGIONAL WORKFORCE ADVISORS AND PROVIDE FOR THE OVERSIGHT, FUNCTIONS, RESPONSIBILITIES, AND GEOGRAPHIC CONFIGURATION REQUIREMENTS OF THE CENTERS, AMONG OTHER THINGS; TO AMEND SECTION 41-31-160, RELATING TO CONTRIBUTION AND WAGE REPORTS REQUIRED BY THE DEPARTMENT, SO AS TO REVISE CRITERIA FOR EMPLOYERS WHO MUST FILE THE REPORTS, AND TO REQUIRE THE ELECTRONIC FILING OF THE REPORTS ABSENT DEMONSTRATED HARDSHIP; TO AMEND SECTION 41-35-615, RELATING TO DEPARTMENT NOTICES TO EMPLOYERS CONCERNING INSURED STATUS DETERMINATIONS AND EMPLOYER RESPONSES, SO AS TO REQUIRE THE ELECTRONIC FILING OF CERTAIN EMPLOYER RESPONSES ABSENT DEMONSTRATED HARDSHIP; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

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(R85, H. 3890) -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING SCHOOLS OFFENSE.

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(R86, H. 4049) -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101, 33-31-701, 33-7-102, AND 33-31-702, ALL RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE COMMUNICATION.

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TUESDAY, MAY 23, 2023

(R87, H. 4115) -- Reps. Sandifer, Ott and Brewer: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST REQUIREMENT OF SUCH WORK; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING CRITERIA FOR INDIVIDUALS TO BE PRIMARY QUALIFYING PARTIES, SO AS TO REVISE THE CRITERIA; BY AMENDING SECTION 40-11-240, RELATING TO CRITERIA FOR LICENSURE, SO AS TO REVISE THE CRITERIA; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR LICENSE GROUPS AND TO PROHIBIT DISCLOSURE OF APPLICANT FINANCIAL STATEMENT INFORMATION; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REGISTRATION PROCEDURES;

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BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS, AND ELIMINATE THE POSTER REQUIREMENT, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.
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ACTING PRESIDENT PRESIDES

Senator JACKSON assumed the Chair.

Presentation of Service Pins

In commemoration of continuous service with the State of South Carolina, Senator ALEXANDER, PRESIDENT of the Senate, presented a certificate and service pin to the following Senator for his years of service:

30 Year Pins

Senator Michael Fanning

Senator ALEXANDER, PRESIDENT of the Senate, presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pins

Amy Wieseahn
Carlos Whitmore

20 Year Pins

Lynn Ballentine
Lisa Dial
David Owens
Anna Rushing

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30 Year Pins

Jean Tisdale
Andrea Truitt

40 Year Pins

Barbara Lengel
Martha Casto

All were highly commended for their years of devoted and loyal service.

PRESIDENT PRESIDES

At 12:17 P.M., the PRESIDENT assumed the Chair.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2020, and to expire July 1, 2026

2nd Congressional District:

Ben W. Satcher, Jr., 358 Catawba Court, Lexington, SC 29072-9500
VICE William H. Floyd III

Referred to the Committee on Education.

Reappointment, South Carolina State Board of Medical Examiners, with the term to commence December 31, 2022, and to expire December 31, 2026

At-Large Doctor:

Theresa Mills-Floyd, 47 Love Valley Court, Chapin, SC 29036-8591

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2023, and to expire June 30, 2029

1st Congressional District:

Dottie Farfone, 2690 Cotton Gin Road, Johns Island, SC 29455-7412
VICE Lauren B. Thomas

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Referred to the Committee on Medical Affairs.

Local Appointments

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Willard D. Branch, P.O. Box 57, Fairfax, SC 29827-0057

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laura Dukes Beck, 176 Croghan Spur Road, Suite 400, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407-5112

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Frances L. Coain-Lofton, 10009 North Highway 17, McClellanville, SC 29458-9482

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Ellison Fox, 2127 Pentland Dr., Charleston, SC 29412-2781
VICE Nicholas J. Clekis

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Stephen Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455

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Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amanda Stilley Haselden, 3831 Leeds Avenue, Suite 200, North Charleston, SC 29405-7469

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ittriss Jermain Jenkins, 16 Dewey Street, Charleston, SC 29403-4121

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amy Jowers Mikell, 247 Ashley Avenue, Charleston, SC 29403-5493

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheryl Mitchell Perry, 7836 Highway 162, Hollywood, SC 29449

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Richardine L. Singleton-Brown, 2172 Edward D. Singleton Drive, Charleston, SC 29412

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Joy D. Stoney, P. O. Box 1262, Johns Island, SC 29457-1262

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

JoAnna E. Summey, 6185 Rivers Avenue, Suite E, North Charleston, SC 29406-4999

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laura Campbell Waring, 15 Moore Drive, Charleston, SC 29407-7229

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Initial Appointment, Cherokee County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Edward P. Suppiger, 147 Petty Drive, Gaffney, SC 29341-4224 *VICE*
David Clary

Initial Appointment, Chester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

W. Cyrus Corbett, 1263 Silverbrook Rd., Chester, SC 29706-8531
VICE Dana Greenleaf

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell A. Demott, 1001 Mount Whitney Drive, Summerville, SC 29483-3323

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tara L. Frost, 141 Gadsden Street, Summerville, SC 29483-4320

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amanda M. Leviner, 207 West Richardson Ave., Summerville, SC 29483-6023

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483-3734

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Julie B. Stewart, 106 Tabby Lane, Summerville, SC 29485-8426

Recorded Vote

Senator SENN desired to be recorded as abstaining in the confirmation of Julie B. Stewart.

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Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jerry F. Rivers, 1808 Benjamin Blvd., Florence, SC 29501-6309

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John A. Love, 3827 El Duce Place, Myrtle Beach, SC 29588-4629

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James McKenzie, 7 Gillette Place, Murrells Inlet, SC 29576-5238

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Steven C. Pop, 47 Deer Moss Court, Pawley's Island, SC 29585-8170

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Benjamin C. Allen, 4041 J and S Countryside Road, Conway, SC 29527-6658

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christopher J. Arakas, 804 Calhoun Rd., Myrtle Beach, SC 29577-2254

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Manuela Clayton, 1618 Bay Tree Lane, Myrtle Beach, SC 29575-5253

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Monte L. Harrelson, P. O. Box 153, Green Sea, SC 29545-0153

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mark Ashley Harris, 3817 Walnut St., Loris, SC 29569-2333

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William N. Hutson, 383 William Nobles Rd., Aynor, SC 29511-2816

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Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Margie Livingston, 1201 3rd Ave., Conway, SC 29526-5105

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley D. Mayers, 511 Beaty Street, Conway, SC 29526

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gerald Whitley, 107 Highway 57 N., Little River, SC 29566-7050

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Rebecca Adams, 111 Lincreek Dr., Columbia, SC 29212-8102

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brian N. Buck, 104 Oaks Court, Lexington, SC 29072-7496

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170-2713

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054-8594

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Arther L. Myers, 1297 Savannah Hwy., Swansea, SC 29160-9240

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Scott D. Whittle, 4601 Fish Hatchery Road, Gaston, SC 29053-9045

Initial Appointment, Newberry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laverne Brock, 138 Glenn Street, Whitmire, SC 29178-1313 *VICE*
Gordon Johnson Sr.

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Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Wanda Govan, 143 Sweet Maple Drive, Orangeburg, SC 29118 *VICE*
Robert Lake Hill

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Donald Rhett West, 6426 Charleston Hwy., Bowman, SC 29018-8761

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Stephanie Bess, 520 Wild Hickory Lane, Columbia, SC 29216-8038

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Michelle Branch-Howard, 2364 Lang Road, Columbia, SC 29204-1289

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Harold A. Cuff, 516 Motley Road, Hopkins, SC 29061

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tomothy C. Edmond, 6101 Easter Dr., Columbia, SC 29203

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patience Orbriel Van Ellis, 192 Traditions Circle, Columbia, SC 29229-8050

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Diedra Hightower, 613 Dulaney Blvd., Columbia, SC 29229-7416

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Deirde Simmons, P. O. Box 2910062, Columbia, SC 29229-0018

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Valerie R. Stroman, Post Office Box 9381, Columbia, SC 29290-0381

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kela E. Thomas, 22 Sunturf Circle, Columbia, SC 29223-6717

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christina Thompson, 700 Woodrow Street, #606, Columbia, SC 29205

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Margaret Strom Williams, 1420 Hagood Ave., Columbia, SC 29205-1327

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Barbara J. Wofford-Kanwat, 108 King Charles Rd., Columbia, SC 29209

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Paulette Edwards, 471 Guard Tower Lane, Columbia, SC 29209-3174

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cecil Jackson, 115 North Harvin Street, Sumter, SC 29150-4956

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

W. Mattison Gamble, 6 Clematis Court, Sumter, SC 29150-2336

MESSAGE FROM THE GOVERNOR

May 9, 2023

Dear Mr. President and Members of the Senate:

TUESDAY, MAY 23, 2023

Pursuant to Section 22-1-30(B) of the South Carolina Code of Laws, I am hereby notifying the Senate that I am not reappointing the following magistrates:

The Honorable Walter R. Martin, 614 Dogwood Road, Greenwood, South Carolina 29646

The Honorable Christopher R. Johnson, 157 Rutledge Avenue, Greenwood, South Carolina 29649

Yours very truly,
Henry McMaster

Motion Adopted

At 12:20 P.M., on motion of Senator GARRETT, the Senate ratified the message from the Governor.

Leave of Absence

At 6:29 P.M., Senator GOLDFINCH requested a leave of absence until January 9, 2024.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT, members of the Senate, I said every day last week that I would return to share some information on hate crimes. I'm back, unfortunately -- we are back but as long as we are back you will hear from me on that. As you know, we are one of only two states that do not have hate crimes Legislation. Yesterday I saw the news report of Senator Tim Scott's announcement in North Charleston. And regardless of how you feel about his politics we all must be proud of his accomplishments and what he has achieved. But I could not help but wonder what is going to happen in January, when the national media comes to South Carolina. They asked Senator Scott -- they asked former Governor Haley, "Why is it your State is only one of two states without

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hate crimes?" Perhaps they would have gone to ask the question of both Senator Scott and Governor Haley, "Do you support the Republican Senate's position?" I want to be clear on this. Do you support the Republican Senate's position? Because that has not been the House's position. It's not the position of the Democrats in the Senate not to even entertain hate crimes last year or this year -- think it's going to make for an interesting dialogue at some point. We know it will. We know that it is coming. We know that those questions, Senator GROOMS, will be asked of good people like Senator Scott, Governor Haley and others. And I'm sure it is going to put them in an unusual position to have to defend the position or disassociate themselves with the position. And we remain, again, one of only two states without hate crimes.

As I did last week, I want to share with you a quick handout that we all have heard at some point in our career. One that has given great inspiration to those who came out of genetics Naziism -- came out against Adolf Hitler -- is a quote by a pastor who originally was a Nazi supporter but eventually became a staunch supporter of Jews and what they went through. And the reading is entitled "First They Came", by pastor Martin Neimaller. First, they came for the communists, and I did not speak out because I was not a communist. Then they came for the socialists, I did not speak out because I was not a socialist. Then they came for the unionist, I was not a unionist, then they came out for the Jews, I was not a Jew. Then they came out for me and there was no one left to speak out for me.

My brothers and sisters, we have reached a point where I think we, at least, owe it to the citizens of South Carolina and to the country and to the leaders of South Carolina to have a debate on hate crimes. If there are some amendments that you would like to put up to take some things out, we can't get there without taking up the Bill. I leave you with what my former baseball coach said to one of my best friends who was not a particularly good hitter, but he was fast. Senator CAMPSSEN, he was the fastest guy on the team. And he often would brag, he would say, "Coach, put me in because I can steal second." And the coach said, "The problem is, you can't get on first. And the only way you can steal second is that you have to get on first." I would tell you, the only way you can take up your concerns on hate crimes -- take up what amendments that you may have -- you have to at least allow us the opportunity to get on first base. Thank you, members of the Senate.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

TUESDAY, MAY 23, 2023

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 538 Sen. Verdin

S. 634 Sen. Garrett

RECALLED AND READ THE SECOND TIME

H. 4217 -- Reps. W. Newton, Herbkersman, Erickson, Bradley and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator DAVIS asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

Senator DAVIS asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator DAVIS with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

H. 4217--Ordered to a Third Reading

On motion of Senator DAVIS, H. 4217 was ordered to receive a third reading on the next legislative day.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 810 -- Senators Young, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson,

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Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE H.G. REYNOLDS COMPANY UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0411km-vc23.docx : 78f3f269-1345-4174-a905-7d405f80308c

The Senate Resolution was adopted.

S. 811 -- Senators K. Johnson and McElveen: A SENATE RESOLUTION TO CONGRATULATE DR. ANSEL R. MCFADDIN III UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0414km-vc23.docx : 5b24c9a3-46fa-4883-b0bd-e5f4bec5c0fd

The Senate Resolution was adopted.

S. 812 -- Senators Young, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE CLAY KILLIAN UPON THE OCCASION OF HIS RETIREMENT AS AIKEN COUNTY ADMINISTRATOR, TO COMMEND HIM FOR HIS FORTY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0409km-hw23.docx : 3046ecdd-77ce-43dc-88e6-dc92bb52af2b

The Concurrent Resolution was adopted, ordered sent to the House.

S. 813 -- Senator Scott: A SENATE RESOLUTION TO CONGRATULATE AND HONOR JANE S. SOSEBEE, PRESIDENT OF AT&T SOUTH CAROLINA, UPON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR HER DEDICATED SERVICE OF MANY YEARS, AND TO WISH HER CONTINUED SUCCESS

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AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

lc-0333cm-rm23.docx : 456cd38f-46f0-4273-b3f4-0d0549e30382

The Senate Resolution was adopted.

S. 814 -- Senator Turner: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. HOLLY CLARKE WILLIAMS.

sr-0404km-vc23.docx : 9daeef33-f83e-4745-80b0-e3080cb0aa56

The Senate Resolution was adopted.

S. 815 -- Senator Cromer: A SENATE RESOLUTION TO HONOR CHARM ALTMAN FOR HER MANY YEARS OF DEDICATED SERVICE TO THE NEWBERRY COUNTY REPUBLICAN PARTY AND THE SOUTH CAROLINA REPUBLICAN PARTY AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

lc-0144ha-jn23.docx : 132d0961-ea26-4fe1-920c-e977ed96bd9f

The Senate Resolution was adopted.

S. 816 -- Senator Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOSE ACABA, AN ARTIST FROM HONEA PATH, AND TO CONGRATULATE HIM ON HIS SIGNIFICANT CONTRIBUTION TO THE TOWN OF HONEA PATH AND ITS OWN HISTORIC MURAL.

lc-0235dg-gm23.docx : b2b916af-7e92-4715-9a0d-2799b39bc03f

The Senate Resolution was adopted.

S. 817 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CAROLYN LENHARDT, DEAN OF STUDENTS AT ST. ANTHONY OF PADUA CATHOLIC SCHOOL, UPON THE OCCASION OF HER RETIREMENT ON JUNE 2, 2023, AFTER FIFTY-THREE YEARS OF OUTSTANDING SERVICE IN EDUCATION, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0338cm-gm23.docx : fc66bf02-e85f-46bc-804d-872f2a5d6877

The Senate Resolution was adopted.

S. 818 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220(B), RELATING TO CLASSES OF PROPERTY THAT ARE EXEMPT FROM AD VALOREM TAXATION, SO AS TO PROVIDE

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THAT CURRENT VOLUNTEER FIREFIGHTERS ARE ELIGIBLE FOR THE TAX EXEMPTION ON PROPERTY THEY OWN.

sr-0410km23.docx : bc075dea-1cae-411b-a547-783469cdb2d0

Read the first time and referred to the Committee on Finance.

S. 819 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55-1-1, RELATING TO DIVISION OF AERONAUTICS ESTABLISHED WITHIN SOUTH CAROLINA BUDGET AND CONTROL BOARD, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL ASSIST AND OVERSEE THE OPERATION OF THE DIVISION AND TO REMOVE THE AERONAUTICS COMMISSION; BY AMENDING SECTION 55-1-5, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 55-1-110 SO AS TO REQUIRE FOR THE SUBMISSION OF PROPOSALS FOR EXPENDITURES EXCEEDING FIFTY THOUSAND DOLLARS TO THE JOINT BOND REVIEW COMMITTEE FOR REVIEW AND COMMENT; BY AMENDING SECTION 13-1-1000, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1010, RELATING TO COMMISSION CREATED, PURPOSE, AND PURCHASE AND SALE OF AERONAUTICS ASSETS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1020, RELATING TO COMMISSION DISTRICTS, ELECTION, AND APPOINTMENT OF MEMBERS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1030, RELATING TO COUNTY-COMMISSION DISTRICT OVERLAP, CONSECUTIVE TERMS, AND TWO COMMISSIONERS FROM SAME COUNTY, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1040, RELATING TO DELEGATIONS TO ELECT COMMISSIONER FROM DISTRICT, ORGANIZATION OF DELEGATION, CERTIFICATION, AND ISSUANCE OF COMMISSION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1050, RELATING TO TERMS OF COMMISSION MEMBERS, VACANCIES, FORFEITURE OF OFFICE, AND AT-LARGE COMMISSION MEMBER AS CHAIRMAN, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1060, RELATING TO OATH OF OFFICE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1070, RELATING TO OFFICIAL SEAL, ADOPTION OF RULES AND PROCEDURES, AND

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REIMBURSEMENT FOR OFFICIAL EXPENSES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13-1-1080, RELATING TO APPOINTMENT OF EXECUTIVE DIRECTOR, SO AS TO PROVIDE THE PROCEDURE; AND BY AMENDING SECTION 13-1-1090, RELATING TO QUALIFICATIONS FOR COMMISSION CHAIRMAN AND MEMBERS, SO AS TO MAKE CONFORMING CHANGES.

sr-0100jg23.docx : 541c3522-72a1-4d8e-95aa-6a6a9ce6b635

Read the first time and referred to the Committee on Transportation.

S. 820 -- Senator McLeod: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CARDINAL NEWMAN SCHOOL BOYS SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2023 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 4A STATE CHAMPIONSHIP TITLE.

lc-0238dg-gm23.docx : fca59f0b-300e-40da-8bce-c1b6d3564551

The Senate Resolution was adopted.

H. 3425 -- Reps. Pope, Thayer, Gilliam, S. Jones, Wooten, B. Newton, McCravy, Lawson, Leber, Atkinson, Forrest, Robbins, Caskey, Crawford, Guest, Blackwell, Landing, Ligon, O'Neal, Hixon, M. M. Smith and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-90, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE THAT THE EARNINGS LIMITATION DOES NOT APPLY IN CERTAIN CIRCUMSTANCES; AND BY AMENDING SECTION 9-1-1790, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE THAT THE EARNINGS LIMITATION DOES NOT APPLY IN CERTAIN CIRCUMSTANCES.

lc-0029sa23.docx : 396fcf03-b720-490a-bf3e-2c1bbc670565

Read the first time and referred to the Committee on Finance.

H. 3811 -- Rep. Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3585, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO PROVIDE FOR AN INCREASE IN THE

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AGGREGATE CREDIT FROM NINE MILLION TO TWELVE MILLION DOLLARS FOR TAX YEARS AFTER 2022.

lc-0190sa23.docx : c4d9fb04-d729-4dab-a440-a82c796aba9c

Read the first time and referred to the Committee on Finance.

H. 3880 -- Reps. M. M. Smith, Herbkersman, Davis, Elliott, B. J. Cox, B. L. Cox and Pace: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-2420, RELATING TO THE ADMISSIONS TAX, SO AS TO PROVIDE THAT NO TAX MAY BE CHARGED OR COLLECTED ON ANNUAL OR MONTHLY DUES PAID TO A GOLF CLUB.

lc-0142dg23.docx : 15ea17eb-1373-499a-8028-81bb486ebd31

Read the first time and referred to the Committee on Finance.

H. 4502 -- Reps. Stavrinakis, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE WESTMINSTER PRESBYTERIAN CHURCH OF CHARLESTON ON THE OCCASION OF ITS HISTORIC TWO HUNDREDTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR TWO CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

lc-0337cm-rm23.docx : 4e040370-0854-45f2-90e6-0e3a7392a8a2

The Concurrent Resolution was adopted, ordered returned to the House.

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Motion to Ratify Adopted

At 2:02 P.M., Senator PEELER asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet subject to the call of the PRESIDENT.

Message from the House

Columbia, S.C., May 16, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 16, 2023

Mr. President and Senators:

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The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 16, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

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Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 16, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 23, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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Motion Adopted

On motion of Senator SHEALY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Message from the House

Columbia, S.C., May 23, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator SHEALY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Message from the House

Columbia, S.C., May 23, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS

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TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Senator GROOMS moved to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

POINT OF ORDER

Senator MATTHEWS raised the Point of Order that the motion to waive the provisions of Rule 32A was Out of Order.

The PRESIDENT overruled the Point of Order.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 29; Nays 15

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Setzler
Talley	Turner	Verdin
Williams	Young	

Total--29

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NAYS

Fanning	Gustafson	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Matthews	McElveen
McLeod	Sabb	Scott
Senn	Shealy	Stephens

Total--15

The motion was adopted.

Motion Adopted

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House:

S. 782 -- Senators Matthews and Davis: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS, AND TO REPEAL SECTION 2 OF ACT 476 OF 1998 RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS OF THE JASPER COUNTY SCHOOL DISTRICT.

On motion of Senator MATTHEWS.

ORDERED ENROLLED FOR RATIFICATION

The following Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4299 -- Reps. Bannister, G.M. Smith, Pope, Hiott and Rutherford: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT

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IF THE 2023-2024 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to a consideration of the Resolution.

Senator PEELER explained the Resolution.

Senator MALLOY spoke on the Resolution.

CARRIED OVER

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

On motion of Senator MALLOY, the Bill was carried over.

AMENDED, HOUSE BILL RETURNED

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

The Senate proceeded to a consideration of the Bill.

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Senator HUTTO proposed the following amendment (SJ-3503.BM0038S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-379. (A) It is unlawful for a person who has been convicted of possession with intent to distribute, distribution or delivery of, manufacturing of, or trafficking in a controlled substance as defined in Sections 44-53-370 and 44-53-375, to possess a firearm or ammunition within this State.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm

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or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

(D) The court with jurisdiction over an offense, as defined by subsections (A) or (B), shall make a specific finding on the record that the conviction is for possession with intent to distribute, distribution or delivery of, manufacturing of, or trafficking in a controlled substance as defined in Sections 44-53-370 and 44-53-375, and the person would be subject to the prohibitions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then being adoption of the amendment.

Point of Order

Senator CLIMER raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator HUTTO spoke on the Point of Order.

Senator CORBIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HEMBREE spoke on the amendment.

Senator RANKIN spoke on the amendment.

Senator HARPOOTLIAN spoke on the amendment.

Senator ADAMS moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 11; Nays 34

AYES

Adams	Cash	Corbin
Gustafson	Hembree	<i>Johnson, Michael</i>
Loftis	Martin	Reichenbach
Rice	Verdin	

Total--11

NAYS

Alexander	Allen	Bennett
Campsen	Climer	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimbrell	Kimpson	Malloy
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--34

The Senate refused to lay the amendment on the table.

The amendment was adopted.

Recorded Vote

Senators MARTIN and VERDIN desired to be recorded as voting against the adoption of the amendment.

Senator MALLOY spoke on the Bill.

The question then being third reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

HOUSE BILL RETURNED

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

The Senate proceeded to a consideration of the Bill.

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The question being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE

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ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE

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THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

On motion of Senator MASSEY, the Bill was carried over.

RECOMMITTED

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Agriculture and Natural Resources.

RECOMMITTED

S. 514 -- Senators Hutto, Jackson, Sabb, Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE

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MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

On motion of Senator HUTTO, the Resolution was recommitted to the Committee on Judiciary.

OBJECTION

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

Senator TURNER objected to consideration of the Bill.

RECOMMITTED

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GROOMS, the Resolution was recommitted to the Committee on Transportation.

CARRIED OVER

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED

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PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH

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THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER

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THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

H. 4352 -- Reps. Calhoun and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT UNIT" WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN

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IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

S. 801 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-430, RELATING TO DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator MASSEY, the Bill was carried over.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:03 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

Columbia, S.C., May 22, 2023

Mr. President and Senators:

I am vetoing and returning without my approval R63, S.31:

(R63, S31) -- Senators Hutto and K. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; BY AMENDING SECTION 14-1-208, RELATING TO FINES AND ASSESSMENTS, SO AS TO INCLUDE REFERENCES TO FILING A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 4-9-150, RELATING TO AUDITS OF COUNTY RECORDS, SO AS TO

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ALLOW FOR A FILING EXTENSION IN CERTAIN CIRCUMSTANCES.

Yours very truly,

Henry McMaster

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator HUTTO, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was taken up for consideration when that category was reached in the order of the day.

May 22, 2023

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R.63, S. 31, which seeks to amend several provisions of existing law so as to relax annual financial reporting requirements for municipalities and to authorize the State Treasurer to extend the deadline for a county to submit an independent annual audit of its financial records and transactions. Although I do not doubt that this is a well-intentioned effort to address what may be an onerous reporting requirement for smaller municipalities and to provide flexibility to counties under certain circumstances, because I believe current law does not afford the State sufficient oversight over local governments' fiscal affairs, I cannot support Legislation that risks reducing rather than enhancing transparency and accountability. Accordingly, for the reasons detailed further below, I must veto S. 31 and return the same without my signature.

As I have noted in previous State of the State addresses, the public should know -- and, indeed, has a right to know -- whether officials are properly spending tax dollars entrusted to their care and control. This is particularly true for local governments, which have, for far too long,

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operated without adequate oversight or sufficient accountability. While the public can, and should, hold public officials accountable for their actions or inactions on election day, allegations of waste, fraud, mismanagement, or other misconduct involving public officials, employees, or resources must be identified, investigated, and addressed in real time. Transparency is a critical component of ensuring trust and confidence in government, particularly on an issue as significant as a government's financial status. Yet, as a general rule, while certain state agencies and officials are authorized to inspect or review discreet aspects of a county's or municipality's financial records, no state official or agency has the specific jurisdiction or express legal authority to conduct a comprehensive audit of a local government's fiscal affairs and transactions in most instances or to otherwise exercise oversight or local elected officials. Thus, I have repeatedly urged the General Assembly to expand the State Inspector General's investigative jurisdiction to include local governments.

In view of these considerations, I am concerned that this Legislation risks significantly, albeit perhaps unintentionally, weakening the state's ability to detect financial irregularities and deter mismanagement and misconduct by local government officials and employees. Specifically, S. 31 would alter existing law to allow municipalities with less than \$500,000 in total revenues to provide a compilation of financial statements instead of an independent audit of all of the municipality's financial records and transactions. This Bill would also seemingly relax the audit requirements for municipalities above the aforementioned revenue threshold, allowing a larger municipality to submit an annual audit *of financial statements* in lieu of an independent yearly audit of "all financial records and transactions of the municipality and any agency funded in whole by municipal funds." S.C. Code Ann. § 5-7-240. In attempting to incorporate the above-referenced changes to the statute governing fines collected by a municipal court, it appears S. 31 would also eliminate the specific statutory requirement that a municipality's "annual independent external audit . . . must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution." *Compare* S. 31, § 2, *with* S.C. Code Ann. § 14-1-208(E). Finally, S. 31 seeks to amend the statute requiring counties to submit independent annual audits so as to require counties to file those audits with the Treasurer rather than the Comptroller General and to allow the Treasurer to grant a 90-day extension for a county to file the required audit. Although this last proposed change to current law appears

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reasonable, the remaining provisions of S. 31 would seemingly reduce rather than enhance the state's existing, and already limited, means of providing oversight and accountability with respect to local governments' financial affairs.

For the foregoing reasons, I am respectfully vetoing R.63, S. 31 and returning the same without my signature.

Yours very truly,
Henry McMaster

VETO OVERRIDDEN

(R63, S31) -- Senators Hutto and K. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; BY AMENDING SECTION 14-1-208, RELATING TO FINES AND ASSESSMENTS, SO AS TO INCLUDE REFERENCES TO FILING A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 4-9-150, RELATING TO AUDITS OF COUNTY RECORDS, SO AS TO ALLOW FOR A FILING EXTENSION IN CERTAIN CIRCUMSTANCES.

The veto of the Governor was taken up for immediate consideration.

Senator HUTTO moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Harpootlian	Hembree	Hutto

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Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

CARRIED OVER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

On motion of Senator HEMBREE, the Bill was carried over.

CARRIED OVER

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett, Alexander and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

On motion of Senator PEELER, the Bill was carried over.

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CONCURRENCE

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The House returned the Bill with amendments.

POINT OF ORDER

Senator SENN raised the Point of Order that there was not a fiscal impact statement on the Bill and that the Bill should be recommitted to Committee on Medical Affairs.

The PRESIDENT overruled the Point of Order.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator MASSEY explained the House amendments.

Senator SENN spoke on the Bill.

Amendment No. 1A

Senator HUTTO proposed the following amendment (SMIN-474.MW1175S), which was carried over:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-41-680.

Renumber sections to conform.

Amend title to conform.

On motion of Senator HUTTO, the amendment was carried over.

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Amendment No. 2A

Senators SHEALY, SENN and GUSTAFSON proposed the following amendment (SR-474.JG1141S), which was not adopted:

Amend the bill, by striking all after the enacting words and inserting:
SECTION 1. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

~~(a)~~(1) “Abortion” means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

~~(b)~~(2) “Physician” means a person licensed to practice medicine in this State.

~~(c)~~(3) “Department” means the South Carolina Department of Health and Environmental Control.

~~(d)~~(4) “Hospital” means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

~~(e)~~(5) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

~~(f)~~(6) “Pregnancy” means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

~~(g)~~(7) “Conception” means the fecundation of the ovum by the spermatozoa.

~~(h)~~(8) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

~~(i)~~(9) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

~~(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.~~

~~(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.~~

~~(l)~~(10) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother’s womb with or without the aid of artificial life support systems. For the purposes of this

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chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.

~~(m)~~(11) "Minor" means a female under the age of seventeen.

~~(n)~~(12) "Emancipated minor" means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~(13) "In loco parentis" means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

(14) "Medical Emergency" means a condition that, in reasonable medical judgment, a condition exists that has complicated the pregnant woman's medical condition and necessitates an abortion to prevent death or a serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(15) "Fatal fetal anomaly" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

(16) "Gestational Age" means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman.

SECTION 2. Section 44-41-20 of the S.C. Code is amended to read:

Section 44-41-20. ~~(A) Abortion shall be a criminal act except when performed under the following circumstances: It is unlawful to perform or induce an abortion if the probable gestational age of the child is more than twelve weeks.~~

~~—(a) During the first trimester of pregnancy the abortion is performed with the pregnant woman's consent by her attending physician pursuant to his professional medical judgment.~~

~~—(b) During the second trimester of pregnancy the abortion is performed with the pregnant woman's consent by her attending physician in a hospital or clinic certified by the Department.~~ (B) The prohibition on abortions performed or induced on a pregnant woman after the probable gestational age of the child is more than twelve weeks contained in subsection (A) do not apply if:

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(1) the pregnancy is the result of an act of criminal sexual conduct, regardless of the degree of criminal sexual conduct, and the probable gestational age of the child is not more than twenty weeks;

(2) the pregnancy is the result of incest, and the probable gestational age of the child is not more than twenty weeks;

(3) there exists a fatal fetal anomaly; or

(4) there exists a medical emergency.

~~—(e) During the third trimester of pregnancy, the abortion is performed with the pregnant woman's consent, and if married and living with her husband the consent of her husband, in a certified hospital, and only if the attending physician and one additional consulting physician, who shall not be related to or engaged in private practice with the attending physician, certify in writing to the hospital in which the abortion is to be performed that the abortion is necessary based upon their best medical judgment to preserve the life or health of the woman. In the event that the preservation of the woman's mental health is certified as the reason for the abortion, an additional certification shall be required from a consulting psychiatrist who shall not be related to or engaged in private practice with the attending physician. All facts and reasons supporting such certification shall be set forth by the attending physician in writing and attached to such certificate.~~

SECTION 3. Section 44-41-30(D) of the S.C. Code is amended to read:

(D) In cases of incest or criminal sexual conduct that result in pregnancy, the physician performing the abortion shall report the alleged incest or criminal sexual conduct to the local county department of social services or to a law enforcement agency in the county where the child resides or is found. Failure to report is a violation punishable under the child abuse laws of this State.

SECTION 4. Section 44-41-80 of the S.C. Code is amended to read:

Section 44-41-80. ~~(a)~~ Any person, except as permitted by this chapter, who provides, supplies, prescribes or administers any drug, medicine, prescription or substance to any woman or uses or employs any device, instrument or other means upon any woman, with the intent to ~~produce~~perform or induce an abortion shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than two nor more than five years or fined not more than five thousand dollars, or both. Provided, that the provisions of this item shall not apply to any woman upon whom an abortion has been attempted or performed.

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~~—(b) Except as otherwise permitted by this chapter, any woman who solicits of any person or otherwise procures any drug, medicine, prescription or substance and administers it to herself or who submits to any operation or procedure or who uses or employs any device or instrument or other means with intent to produce an abortion, unless it is necessary to preserve her life, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a term of not more than two years or fined not more than one thousand dollars, or both.~~

~~—(c) Any woman upon whom an abortion has been performed or attempted in violation of the provisions of this chapter may be compelled to testify in any criminal prosecution initiated pursuant to subsection (a) of this section; provided, however, that such testimony shall not be admissible in any civil or criminal action against such woman and she shall be forever immune from any prosecution for having solicited or otherwise procured the performance of the abortion or the attempted performance of the abortion upon her.~~

SECTION 5. Article (5), Chapter 41, Title 44 of the S.C. Code is repealed.

SECTION 6. Article (6), Chapter 41, Title 44 of the S.C. Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

Remarks by Senator SHEALY

Thank you, Mr. PRESIDENT. What we have here, and I hope you have it on your screens, is an amendment. It is actually an amendment that's been thought through. It really has been thought through. It's been thought through a lot. We can thank the House for that because they have given us so long to think about it. It is not what the House chamber has decided we want or what we need, it is really a compromise -- a real compromise. I want to thank them for giving me so much time to read. I've gotten a lot of books in the mail the last couple of weeks -- time to hear what women across South Carolina really think about this issue -- what some women think when their husbands aren't telling them what to think. This is not a feel good amendment and by that I mean an amendment that men here think will make us feel good, but a real compromise. We should all know by now, at least those of us listening

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for the last eight months about the progression of a pregnancy -- if you stayed in your seat and listened to Senators GUSTAFSON, SENN, MATTHEWS and McLEOD, you know exactly how a woman gets pregnant and how she feels during pregnancy the entire nine months. Thank you, Senators. You know how a baby is born. You know how she feels afterwards. You even know about postpartum depression. If you didn't listen, we can give you a refresher course later today. What we didn't discuss was the exact size of a zygote, fetus, a baby, child, whichever noun the House chooses to call it as it grows inside a woman's womb and when we expect her to know she is pregnant.

Earlier, I passed out some reading material. We will get to that as I go along. It's been a while since we have been here, but in the first four weeks a fetus is the size of a poppy seed. I know y'all have all seen poppy seeds. They are on top of bread and all those things. Five weeks -- a sesame seed -- we get those in our Chinese food. Senator KIMPSON is not back there, but he likes Chinese food -- six weeks is the size of a lentil -- seven weeks, a blueberry, eight weeks, a raspberry and by nine weeks, a grape and so on and so on. Y'all can read these. It is very colorful. Mason did good making my chart for me. By twelve weeks it is the size of a lime. We are now about the size of those rubber babies we have all had the opportunity to have passed around but were not nearly as well formed. I don't want anybody to leave, y'all might miss some good information I've got here.

We have been misled by those in the lobby who want us to believe different. All of you listening to me that have daughters and granddaughters -- some of us are a lot older -- I want you to stop and think about the laws that you're making for their future. Have you talked to them? Why don't you text them right now, if you haven't talked to them. Why don't you ask them how they feel about having you and the State of South Carolina being in their bedroom, at the dinner table, in the doctor's office and in the labor room with them. You might even have to go to the police department to tell them if they have an abortion for some unfortunate reason to help give all their medical history to go in a permanent file. What happened to HIPAA? My doctor can't even share my information with my family because of HIPAA, but he can be forced to give it to the sheriff. Some people don't want to wear masks or take a vaccine, but you want your personal medical history taken to the police department, where the guy could call the guy you reported it to because he is his friend or buddy or doesn't like him. What kind of law is it if it is against your wives, daughters and granddaughters? Surely, we are confused. I think these are basic human rights.

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This amendment I have before you will change the six weeks to twelve weeks. Twelve weeks gives a woman, her family and her doctor time to find out if she is pregnant. When my mom was pregnant with me, yes, way back in the stone ages, back before they had all those fancy ultrasound machines and those devices to find out things, Dr. Mathias over in West Columbia -- Senator SETZLER I'm sure you remember Dr. Mathias. He thought I was a tumor because my mom was predisposed to cancer and her family has a strong history of cancer. The doctor had talked to my mom and dad about having surgery. But my dad and mom got together and talked about it. They said, "Let's wait." They didn't come ask the South Carolina Legislature. As much as my sister wanted to trade me in for a blueberry pie, and y'all might have wished they had too before this is over, it was still their decision. It wasn't a bunch of men in stuffy suits telling my mom and dad what to do. They were smart enough to decide by themselves whether to keep me, have me taken out or trade me in for a blueberry pie. This amendment gives twenty weeks for rape and incest victims and protects health care for fatal fetal anomalies and the life of the mother. This amendment really is a compromise. This amendment actually has a chance of getting past the Supreme Court. Whatever we do, six weeks, twelve weeks or twenty -- you know there are those that will continue to bring this Legislation up - - so why not pass something that has a chance to withstand a Supreme Court ruling? Why? Because that makes sense. It still invades privacy, but it also gives a woman more of a chance to know she is pregnant and make an informed choice.

I have been very disappointed that we failed in so many ways this year. We need reform in our judicial system. We need stronger bond reform. We need reform in our juvenile justice system. We need drug courts, and the fentanyl drug issue is killing people every day, every hour and every few minutes. What about human trafficking and child abuse? What about helping veterans, the disabled and the poor? Do you really think there aren't other problems? What about that fourteen year old little girl trafficked and murdered last Friday in Dorchester County? What about her? Don't we think we need to do something about those issues? But many of these issues haven't even been touched because we don't have time. We've debated abortion four times in eight months. We've had to stop what we were doing to make sure we get adoption laws passed faster, because we are going to have so many more babies once we stop abortions. Some of the adoption Bills even want a policy so we can return babies -- a return policy. I guess babies are going to be like puppies now once they are born. Once they are no longer the unborn. We can just

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bring them back if they cry too much, or their hair turned red or they ended up not being that perfect child. They might even want to return them once they get older because they didn't realize how difficult it was going to be. You can just take them back. If you take back your children now, we call that abandonment.

As of this morning we have three thousand seven hundred sixty-eight children in foster care, and five hundred forty-nine that are legally ready to adopt. That is just today. If you want to adopt -- and you have to adopt that child, though, with a no return policy -- I passed out a list this morning of six children. You have their names so I'm not going to read them to you. Six children that you can go right now today and adopt them. I mean one's sixteen, fifteen, thirteen and a twelve year old and thirteen year old brother. You can go right now and adopt these children. We have five hundred forty-nine children who are legally free, that are up for adoption and one hundred sixty-seven of those are legally free and have no one out there that's holding them up. There is nothing holding them up to be adopted. Seven of them are zero-to-one. Those of y'all that want babies -- there are babies. Ten of them are two to three. Nine of them are four to five. You get more when you get older. Ages six to nine, there are nineteen. Ten to twelve, there's thirty-seven and eighty-five are thirteen to seventeen but nobody wants to adopt them.

We did send a Bill over to the House in February and had the House not wanted to make this an election issue, they would have passed that Bill. They would have kept South Carolina from being that abortion destination state we all like to call it. But that is not what they wanted. They wanted it their way or no way. Well, we are not backpedaling now. The House wants to be the upper chamber. By God, we keep proving they are. In the last few years, we have turned tail and run every time they tell us to. They already tell us who the judges are going to be. They make decisions and we can't make decisions without getting their permission. Just once, just once, can't we do the right thing? I have had a lot of time to think this over. Maybe you've given me too much time, or maybe just enough time. I have been put on a guilt trip. That is the trip where, you know -- that is not what you are supposed to believe. You have to take care of babies or you are a baby killer. First, how does anybody know what I'm supposed to believe. I think I can think and act for myself, or so something you have given me to read says. Second, I take care of babies -- lots of babies. I take care of toddlers, small children, middle schoolers, tweens -- I even send kids to college. I'm certainly not a baby killer. I would never harm any child. I have been told, you know, this isn't good for you politically. Well, how is that? I have now polled

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my district twice. The State has been polled. The caucus sent out a mailer. No one believes what is being pushed on the citizens of South Carolina, but those of you that are here just for the next election or where you want to go from here. So shame on you. You should be here for the people you serve now -- especially for the women.

Now here is a fun fact. Men, y'all might not like this. Did you know, well, not each of you individually, but men are one hundred percent responsible for pregnancy? Yes, gentlemen, that is right. Women are only fertile two days or actually, only twenty-four hours a month in a six or seven day window. Men are fertile one hundred percent of the time. So, it is time for men in this Chamber and ones across the hall and across the State of South Carolina to take some ejaculation responsibility. I don't mean that joke of that amendment about child support at conception is responsibility. That is about as funny as getting child support paid now. Just last year DSS had to fight to collect over \$202 million in child support. That was just a portion of the over \$350 million owed last year. And just a fraction of the \$1.2 billion in total unpaid child support that is due right now. So you can just take that ridiculousness right out of here. You are not going to get it. Women will just be left to do it all once again because of that one hundred percent responsibility men forget about. Remember, men can leave that woman after rape, incest, one-night stands, or just a bad relationship never to be seen again. They don't have the responsibility of carrying the baby for nine months. They don't have the responsibility of raising a toddler or a preschooler. They don't care about the preteen who is acting out in school or the teenager who needs to learn to drive, get a car, get insurance or graduate from high school unless they want to.

You see, they didn't have the baby. All the laws that you make -- that we can make in here -- can't make them show up and support that son or daughter. All the laws we make can't make them a two parent family. That little boy who just wants a dad, you can't put that into a law. It just doesn't work that way. All the laws you make can't make people love them or protect the woman that was traumatized by rape or incest. You can put them in jail for rape and incest but jailhouse salaries don't support a child. They don't give them the daddy they need just to love them. Men have a whole different look at how this works. Men have an entirely different makeup -- a different hormonal makeup. I don't know any man in this Chamber who has been pregnant or gone through the hormonal changes a woman goes through when a woman finds out she is pregnant. This can be the most exciting time in her life if this is what she had planned. It took me two years and lots of doctor's visits to get pregnant,

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so I was excited when I got the news, but it can also be the worst thing ever if she is not ready -- if you were raped, and ashamed to tell anyone, then find out you are pregnant -- if you are in a home where you are abused by a family member and seriously your life depends on not talking about it, or if you are a teenager with a deadbeat boyfriend -- every young girl doesn't come from a good home. Every woman doesn't have a great relationship like I'm sure all of your wives do. Some are abused. You say why don't you just leave them. Well, maybe you should read just a little more about domestic violence and how many women and families are murdered every year just for trying to leave.

We in the South Carolina Legislature are not God. We do not know what is going on in someone's life. We do not have the right to make decisions for someone else. If you listened to members in the other chamber the other day, they feel it is their right to make decisions for women. It amazes me. I shuddered at some of the words I heard come out of some House members' mouths and their lack of concern for women. They do not want anyone telling them what to do with their property or own personal business, but when it comes to women they want to be in your business from the bedroom to the delivery room.

Here is the one thing I ask you to do. Support this amendment to give women and children a chance. A woman who wants to have a baby will be a good mother and love her baby and nurture it even if there isn't a dad in the picture. A woman who has the chance to make this decision on her own and not mandated by the government to make a decision will make the right decision. Don't force women into making a decision in six weeks for something they may not even know is happening. If you pass this amendment, South Carolina will not be a destination state and there will be fewer South Carolina women having abortions because you are giving them the chance to decide on their own, and not forcing them to make a quick six-week decision. Have faith in people, they will do the right thing. Remember we are not the morality police. You cannot be someone else's conscience. We must let people make these decisions for themselves. I'd like to move for passage of this amendment.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

Senator CASH spoke on the amendment.

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Remarks by Senator CASH

Thank you, Mr. PRESIDENT. So what we have before us of course is the Fetal Heartbeat Bill that we sent over to the House and they have now sent back to us. What the amendment before us does is move it from a Fetal Heartbeat Bill to Abortion-on-demand through the first twelve weeks of pregnancy. That is what this amendment does. There's always been two central questions in this debate. One question is when does a human life begin? The second question is when is a human life deserving of legal protection? Those are the fundamental questions you can't get away from.

Now we have before us a piece of paper showing the relative size of a developing human being compared to fruit. Let me just say, I don't take offense at it. My youngest daughter recently delivered a baby and when she went to her appointment at one point she came back and said the baby is now the size of a raspberry. From that point on that little baby was known as Razzzy or Baby Razz. For months we referred to it as Baby Razz. Babies don't come fully formed by the storm. Babies begin with the union of the sperm and the ova. That is how God designed it. But if at any point in the process you destroy that human organism, that living being, then you have destroyed a unique person. If you had taken Baby Razz at the size of a raspberry and performed an abortion, then today there would not be a Peter Dietrich born. Because we understand Baby Raz and Peter Dietrich are actually one and the same person -- one is simply in an earlier stage of human development -- development in utero. It is still not an adult when it comes out. It is going to go through many stages of development before it reaches the adult stage. So, on what basis do we say we are going to write a law and draw a line by a majority vote in which we can kill that human being? That is what this debate is all about.

I'll be the first to say it is a terribly flawed Bill that we are going to vote on -- this Fetal Heartbeat Bill filled with inconsistencies and exceptions. It fails to protect human life from the beginning but it's certainly much better than this amendment that has been offered. It is certainly protecting an individual human being at a much earlier point in time and I'm all in favor of that, but let's be clear -- this is a human rights issue. It is a human rights issue. There are two human rights at stake here -- competing rights at stake here. Which brings us back to first principles, all men are created equal, that they are endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness. When anything overtakes that first right, that right to life,

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we've got things upside down. So, we are going to vote on this amendment. Eventually, hopefully we will vote on and pass this Bill.

I've got some people who want me to introduce amendments to change the Bill -- to get votes on different aspects that are faulty. I don't intend to do that. I intend to vote to table all the amendments that are offered. So, we can pass this Bill and send it on to the Governor. We know it's been a long and contentious process since last summer and I don't disagree that we are not through it. It is a fundamental human rights issue that is not going away -- certainly not in our lifetime. The Fetal Heartbeat Bill is not a perfect Bill -- certainly, much better than we have now, which is twenty weeks -- certainly, will save half the 1,000 or more unborn babies being aborted, whether through chemical abortions by pills or sucked out of their mother's wombs by a vacuum cleaner. It will save half those babies -- it is a start -- it is a step in the right direction.

Mr. PRESIDENT, I'm not going to take questions. So, that's it. I'm not going to be long. I urge this amendment be tabled and all subsequent amendments. Thank you, Mr. PRESIDENT.

On motion of Senator RICE, with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

Senator SENN spoke on the amendment.

Senator GUSTAFSON spoke on the amendment.

Senator REICHENBACH spoke on the amendment.

Remarks by Senator REICHENBACH

Thank you, Mr. PRESIDENT. Number forty-six is obviously the number I wear. So, I am newest to the Senate. I don't come to the well often -- usually for introductions. I have sat here and listened to this and have so much respect for the Senators who have spoken on the amendments and on the Bill. I respect the passion, the intensity and the emotion. I especially appreciate the balance between dueling needs, dueling positions.

Obviously, the women have a lot to say. My wife is here most days. After twenty-seven years, there is no one I hold in higher regard. I have a daughter, my mom and my sister. I love and I appreciate -- I respect and revere women. I have heard men be brought up. We are there. They are in the impregnation process. We help get you pregnant so we have an interest in this as well. We don't carry the babies but I respect that men have a need here. The men have a position. As Senators we have positions. The one position I don't hear talked about often, though, is the

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baby's. I'm going to briefly -- because I'm not going to be here long. I'm going to speak for the baby because as someone who was adopted -- adopted after being born to a fourteen year-old girl who was scared to death. For those that will ask, how do you know how she felt? It is a longer story for another day.

When I was eighteen, just through pure God's providence and wild life, I met her, unexpectedly. It came out of nowhere, but I met her. I talked with her. I know how she felt. She shared with me. A very quick summary, she was fourteen, had sex with her fifteen year-old boyfriend, got pregnant and neither expected it. In 1971, at the time -- 1971 abortion was not legal in the state of Ohio. She got pregnant and was scared -- scared out of her mind. She had three options. The first was give birth to the baby but she was told by her parents, you will not bring a baby home to this house. The second option was keep the baby and try to make it work with her boyfriend, but that was quickly taken off the table because he left and wanted no part of that. The third option was to try to find an abortion. Abortion wasn't legal. In talking to her after the fact, eighteen years later, she said it was the hardest decision she ever made, but she had one goal in mind, which was to give that baby in her stomach a chance -- an opportunity. She had no clue how it was going to turn out. She said for eighteen years she struggled with the questions of, "Did he have a good life, did he have a bad life, was he happy, unhappy, did he resent me for birthing him and giving him up." So many questions. I really do believe it was God's grace that allowed her to meet me and ask me how I felt about it. But in talking to her, realizing the one voice she listened to, she didn't discount her voice or how hard it would be to be fourteen. She said the one person she wanted to consider was that child she birthed and was never able to hold because she said she wanted me to have a chance.

Now I don't expect my story to convince anyone. I understand that for the most part we're probably entrenched in what we are going to do and how we are going to vote so I respect that. I'm not trying to impugn anyone's decision on how we are going to vote or trying to convince anyone. The law that made abortion illegal in 1971 is probably why I'm here. She said, you know, there were friends that said I could find an abortion. It was dangerous but probably could find someone. She said she knew it was illegal. That helped her mindset to say, if it is illegal and I want this child to have a chance, I'm going to go ahead and have this baby. Now from there my life wasn't perfect but I had the opportunity.

When constituents have reached out and said what about the mother, what about the mother? I respond to hopefully every constituent I see, I

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care about the mother. I really do. But I also care about the snuffed out opportunity that could be that young man or that young woman. Doesn't mean life is going to be great but don't they deserve the same opportunity that I received? When I tell the constituents that I vote for pro-life legislation, it is in no way an indictment or demeaning or taking away or trying to disparage the challenging position that women are in when they are pregnant and have an unwanted pregnancy. I simply am here to advocate on behalf of that child because they have an opportunity if they are given birth. They have an opportunity to become something wonderful in life. As I vote pro-life, I ask those here in the Chamber to also consider the opportunity of that child because they are a component we are not talking about enough in my opinion.

On motion of Senator CAMPSSEN, with unanimous consent, the remarks of Senator REICHENBACH were ordered printed in the Journal.

Motion Under Rule 15A Adopted

At 4:48 P.M., pursuant to Rule 15A, Senator MASSEY moved that the debate on the entire matter of S. 474 be brought to a close; and that up to 30 minutes of debate would be allowed on Amendment No. 2A; and that the Majority Leader and Minority Leader each would be allowed to authorize up to five amendments; and that up to five minutes debate be allowed for both the proponents and opponents of each amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 26; Nays 20

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total--26

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NAYS

Allen	Fanning	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Kimpson	Malloy
Matthews	McElveen	McLeod
Rankin	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Williams	

Total--20

Having received the necessary vote, the motion under Rule 15A was adopted.

Senator McLEOD spoke on Amendment 2A.

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. Colleagues, you know, we've talked about a lot in a very limited, very small amount of time today. I've heard some things that really just bother me. One is that we've got folks who are more interested in protecting a fetus or an embryo that is not even viable but don't seem to be concerned about protecting the women and the girls who are carrying that fetus. So, Senator CASH said that one of the key questions in this debate is when is a life worthy of legal protection by the State? If I were able to ask questions from the well, I would ask the very same question about my life, about the lives of other women and girls across our State. When will we be protected?

We just celebrated Mother's Day a couple of weeks ago. This year, you know, it hit me a little differently. I miss my mom every day. So it wasn't -- it wasn't just that. Being a mom to two of the most amazing human beings on this planet is one of the greatest joys of my life every day. So, it wasn't that either. After debating and defeating a total abortion ban, I found myself thinking more about the women and girls across our State who will be forced to give birth if this Bill passes. I'm going to get to the amendment, as well. Because it made me think about the fact that will be the case, regardless of whether they're mentally, physically, emotionally or financially able to do that. I thought about how many more women and girls will lose their lives trying, like my friend, and sorority sister, Denise Humphreys Huff also from Anderson County, Senator CASH. She died giving birth, leaving her daughter and her husband to raise their children by himself. Denise was relatively healthy but had some chronic health conditions that put her at extremely high

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risk for complications, life threatening complications, during her pregnancies. When she died during childbirth, while giving birth to her second child, where was the support from the State? Where was it for her husband who struggled for years to be mom and dad to their two children, and handle all of the responsibilities that come with child rearing. He had to handle them by himself. So what's up with all of these empty promises and all of the love and the support for the women and the men who are left behind? Women and girls do die, especially in this State during childbirth.

These are issues that real people are struggling with. Real people trying to keep a roof over their heads -- food on their tables. I thought about this kind of political power and control in our male dominated legislatures. Why it is our priority every year, as it has been multiple times, just this year. I'm reminded that these are the same folks, the same folks who call themselves pro-life, but prove time after time, year after year, they don't seem to care about the living. In the height of the pandemic, they are the same ones who said COVID was a hoax -- adamantly opposed mask mandates, temporary shut-downs, and later even vaccinations. They are the same ones who continued to push people back to work before it was safe -- for slave wages knowing that nobody can live on and certainly shouldn't have to die or lose their life for \$7.25 an hour. They are the same ones who pushed for and prioritized getting the lethal injection drugs and concealing the identities of the companies that make those drugs. They are the ones who added firing squads as another option to make sure that no one on death row escapes capital punishment in this State. Even if the State kills innocent men, and women, in the process like it did to George Stinney, Jr. The ones who want guns in the hands of even reckless South Carolinians, without any training or concern about those who they know will do with those guns. The same thing Dylann Roof did when he walked into Mother Emmanuel AME Church and shot nine people to death in cold blood just because of the color of their skin. One was a man who served with many of the men who were blocking us from even debating the Hate Crimes Bill for the second year in a row. How can we call ourselves pro-life, because I'm pro-life. For those of you who may not realize it, because I care about the living. My sister Senators, all of us, are pro-life -- we prove that every single day inside and outside of this Chamber. How can we call ourselves pro-life as a Body if we're not outraged when yet another young, unarmed black man, or woman, is gunned down here or across the country? Where is the concern for women who are already working multiple minimum wage jobs and still struggling to make ends meet?

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Where is the accountability for the men who impregnate these women and girls? Some consensually, others by force. I know that there may be others who want to speak but I stand here today as a woman, as a mother, as a Senator, who is only one of five in this Body who can personally attest to what it takes to give birth and to raise a child in this State. And yet, I've got colleagues who I respect, and serve with who have admitted they're not doctors. They don't understand. I was over six weeks when I found out that I was pregnant with my first-born son. If my memory serves me correctly, I don't think I could even get an appointment with my ob/gyn until I was at least six-weeks pregnant.

The ridiculousness that we are debating yet again here today is utterly unconscionable. We know that you cannot legislate morality. We also know that we are not God. And yet we love playing God on every legislative Tuesday, Wednesday and Thursday, and even come back after the session is supposedly officially over just to make sure that what the Supreme Court -- that had one woman justice on it at the time, what they deemed unconstitutional. The proponents of the six-week ban have made sure that they get another opportunity to send us back to send this back to the Supreme Court -- their all male Supreme Court.

So before I take my seat, I just want to say to all of the women and girls who are watching -- who are listening, many of whom are here. We thank you. We see you. And when I say we, I'm speaking for at least the five of us in here who understand, have firsthand knowledge about what it takes to carry a child to term, to carry a baby to term, to love that baby in the womb, to take care and to have the means to take care of ourselves in the process.

I can remember going to my doctor when I was much younger and living at home. I was sick and in and out of hospitals as a child, and wasn't diagnosed with sickle cell anemia until my freshman year at USC. My pediatrician, when I went back home, advised me that if I ever planned to have children, I should have them before or by the time I was 30. I never thought that advice, that medical advice, would hit me so deeply, but it is something I never forgot. I wondered why he said that. I remember asking, and he said, because the older you get, the more likely you are to have complications during and beyond pregnancy. Guess what, I was blessed to be able to have my first son at 25, which was very young. I was actually in law school -- my second son at 30 because what he said stuck with me. What we haven't said much from this well today is that every person who has spoken and given and shared a story about a constituent or family member or friend, or themselves, guess what -- the woman or girl who is at the center of those stories had

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one thing in common. It is called a choice. They had a choice. That's all we're asking. That's all we're asking. For the women and girls across South Carolina to have a meaningful choice. To make these decisions for themselves, like every other woman and girl has had. Thank you, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator McLEOD were ordered printed in the Journal.

Senator DAVIS spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 21; Nays 25

AYES

Allen	Davis	Fanning
Gustafson	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Rankin	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Williams

Total--21

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Turner	Verdin
Young		

Total--25

The amendment was not adopted.

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Amendment No. 21

Senator CAMPSSEN proposed the following amendment (SR-474.JG1207S), which was not adopted:

Amend the bill, as and if amended, SECTION 4, by striking Section 63-17-325(B) and inserting:

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any pregnancy-related expenses incurred by the mother and for the full cost of any mental health counseling arising out of the rape or incest.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke in favor of the amendment.

Senator SENN spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 3; Nays 40

AYES

Kimpson	Matthews	McElveen
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Total--3

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn

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Shealy
Turner
Young

Stephens
Verdin

Talley
Williams

Total--40

The amendment was not adopted.

Amendment No. 3

Senator GUSTAFSON proposed the following amendment (SR-474.JG1180S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, Section 44-41-610, by adding a subsection to read:

(15) "Multifetal pregnancy" means a pregnancy in which there exists two or more fetuses.

Amend the bill further, SECTION 2, Section 44-41-640, by adding a subsection to read:

(F) It is not a violation of Section 44-41-630 if an abortion is performed or induced on a pregnant woman who has a multifetal pregnancy, and in reasonable medical judgement, reducing the total number of fetuses by one or more is necessary to reduce the risk of maternal or perinatal morbidity or mortality.

Renumber sections to conform.

Amend title to conform.

Senator GUSTAFSON spoke in favor of the amendment.

Senator GROOMS spoke against the amendment.

Remarks by Senator GROOMS

Men and women of the South Carolina Senate, very few issues divide like this one. There are many men and women in this Chamber I have great respect for, that see things differently on this issue than I do. There are men and women in my district that I know, love and respect that see this issue differently than I do.

In our nation's birth certificate, Jefferson speaks about certain rights: "We hold these truths to be self-evident, that all men are created equal." We "are endowed by our creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." Here comes the important part: "To secure these rights, governments are instituted among men." The whole purpose of government, the reason we exist, the reason why we are in this Chamber, is stamped there on our nation's birth certificate: governments are instituted for a particular purpose and that is

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to secure the rights that God has blessed each of us with. Among these are life, liberty and the pursuit of happiness. Notice the order in which they are listed: Life, liberty and the pursuit of happiness. If this debate was only about the rights, the liberty of women, there's no question that we wouldn't be having this debate. But it is more than the liberty and rights of women. It is about the right to life. The right for little unborn girls to be born. The right for little unborn boys to be born -- to have a life, to be able to have rights. We have heard that it is about a choice. Human beings shouldn't be choices for someone to decide whether they live or die. We've heard about how we don't take care of those that are born, so the answer is death. If our social system is not what we would hope it would be, if family court is not what we hope it to be, if foster care is not what we hope it to be, the answer certainly isn't death.

We have a culture of life. We should be insisting on a culture that values life. This debate is about life -- if you order the rights as listed in our declaration statement: life, then liberty, then pursuit of happiness. If we don't preserve life, if we don't protect life, then the rest doesn't matter if someone can decide you are an inconvenience and you could just go away. Your life could then be aborted so it doesn't inconvenience us, it doesn't hurt us or harm us and it doesn't take away my opportunity for whatever in life. If you could be exterminated for convenience and the purpose of others, then what are we about? What are we doing? Life is important, life is the most important thing, because without life, nothing else matters.

On motion of Senator CROMER, with unanimous consent, the remarks of Senator GROOMS were ordered printed in the Journal.

The question then was the adoption of the amendment.

The amendment is not adopted.

Amendment No. 19

Senators HUTTO and SHEALY proposed the following amendment (SR-474.JG1204S), which was not adopted:

Amend the bill, by striking all after the enacting words and inserting:
SECTION 1. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a)(1) "Abortion" means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the

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probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

~~(b)~~(2) “Physician” means a person licensed to practice medicine in this State.

~~(c)~~(3) “Department” means the South Carolina Department of Health and Environmental Control.

~~(d)~~(4) “Hospital” means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

~~(e)~~(5) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

~~(f)~~(6) “Pregnancy” means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

~~(g)~~(7) “Conception” means the fecundation of the ovum by the spermatozoa.

~~(h)~~(8) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

~~(i)~~(9) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

~~(j)~~ “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

~~(k)~~ “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

~~(l)~~(10) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother’s womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.

~~(m)~~(11) “Minor” means a female under the age of seventeen.

~~(n)~~(12) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~(13) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

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(14) "Medical Emergency" means a condition that, in reasonable medical judgment, a condition exists that has complicated the pregnant woman's medical condition and necessitates an abortion to prevent death or a serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(15) "Fatal fetal anomaly" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

(16) "Gestational Age" means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman.

(17) "Spontaneous miscarriage" means the natural or accidental termination of pregnancy and the expulsion of the human fetus, typically caused by genetic defects in the human fetus or physical abnormalities in the pregnant woman.

SECTION 2. Section 44-41-20 of the S.C. Code is amended to read:

Section 44-41-20. ~~(A) Abortion shall be a criminal act except when performed under the following circumstances:~~ It is unlawful to perform or induce an abortion if the probable gestational age of the child is more than twelve weeks.

~~—(a) During the first trimester of pregnancy the abortion is performed with the pregnant woman's consent by her attending physician pursuant to his professional medical judgment.~~

~~—(b) During the second trimester of pregnancy the abortion is performed with the pregnant woman's consent by her attending physician in a hospital or clinic certified by the Department.~~ (B) The prohibition on abortions performed or induced on a pregnant woman after the probable gestational age of the child is more than twelve weeks contained in subsection (A) do not apply if:

(1) the pregnancy is the result of an act of criminal sexual conduct, regardless of the degree of criminal sexual conduct, and the probable gestational age of the child is not more than twenty weeks;

(2) the pregnancy is the result of incest, and the probable gestational age of the child is not more than twenty weeks;

(3) there exists a fatal fetal anomaly; or

(4) there exists a medical emergency.

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~~—(c) During the third trimester of pregnancy, the abortion is performed with the pregnant woman's consent, and if married and living with her husband the consent of her husband, in a certified hospital, and only if the attending physician and one additional consulting physician, who shall not be related to or engaged in private practice with the attending physician, certify in writing to the hospital in which the abortion is to be performed that the abortion is necessary based upon their best medical judgment to preserve the life or health of the woman. In the event that the preservation of the woman's mental health is certified as the reason for the abortion, an additional certification shall be required from a consulting psychiatrist who shall not be related to or engaged in private practice with the attending physician. All facts and reasons supporting such certification shall be set forth by the attending physician in writing and attached to such certificate.~~

SECTION 3. Section 44-41-30(D) of the S.C. Code is amended to read:

(D) In cases of incest or criminal sexual conduct that result in pregnancy, the physician performing the abortion shall report the alleged incest or criminal sexual conduct to the local county department of social services or to a law enforcement agency in the county where the child resides or is found pursuant to Section 63-7-410. ~~Failure to report is a violation punishable under the child abuse laws of this State.~~

SECTION 4. Section 44-41-80 of the S.C. Code is amended to read:

Section 44-41-80. ~~(a)~~ Any person, except as permitted by this chapter, who provides, supplies, prescribes or administers any drug, medicine, prescription or substance to any woman or uses or employs any device, instrument or other means upon any woman, with the intent to ~~produce~~ perform or induce an abortion shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than two nor more than five years or fined not more than five thousand dollars, or both. Provided, that the provisions of this item shall not apply to any woman upon whom an abortion has been attempted or performed.

~~—(b) Except as otherwise permitted by this chapter, any woman who solicits of any person or otherwise procures any drug, medicine, prescription or substance and administers it to herself or who submits to any operation or procedure or who uses or employs any device or instrument or other means with intent to produce an abortion, unless it is necessary to preserve her life, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a term of~~

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~~not more than two years or fined not more than one thousand dollars, or both.~~

~~—(c) Any woman upon whom an abortion has been performed or attempted in violation of the provisions of this chapter may be compelled to testify in any criminal prosecution initiated pursuant to subsection (a) of this section; provided, however, that such testimony shall not be admissible in any civil or criminal action against such woman and she shall be forever immune from any prosecution for having solicited or otherwise procured the performance of the abortion or the attempted performance of the abortion upon her.~~

SECTION 5. Article (5), Chapter 41, Title 44 of the S.C. Code is repealed.

SECTION 6. Article (6), Chapter 41, Title 44 of the S.C. Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke in favor of the amendment.

Remarks by Senator HUTTO

I would like to thank the women of South Carolina who have come out over and over to tell us they do not want this abortion ban to pass, even though the majority in the Legislature will not listen to them. Thank you for what you have done for yourselves, your sisters and your daughters. You have let us know where you stand and, by and large, you have been ignored.

I want you to remember, there were five sister Senators who stood for you repeatedly. There was a solid Democratic Caucus who stood for the women of South Carolina and for the doctors of South Carolina. As time goes forward and you look back on this day -- when you reflect on those who took away your rights and who do not trust you to make decisions -- it was the Republicans who said that to you. They do not trust you. Democrats trust you to make decisions, and we will continue this fight as we go forward.

I heard the Republicans state that they are for life, but every single one voted for abortion to be legal up to six weeks. How is that? How can you possibly vote for that, then tell us you are for life? I surmise, it is okay if you do it fast enough.

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When you wake up, when your daughters wake up, when your sisters wake up and they want to know who took away their rights, it was the Republicans. The five sister Senators did not. The Democrats did not.

On motion of Senator MALLOY, with unanimous consent, the remarks of Senator HUTTO were ordered printed in the Journal.

Senator SENN spoke in favor of the amendment.

Senator MALLOY spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 7A

Senator MATTHEWS proposed the following amendment (SR-474.JG1208S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-41-610(14) and inserting:

(14) "Unborn child" means an individual organism of the species homo sapiens from fertilization until live birth.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS spoke in favor of the amendment.

Remarks by Senator MATTHEWS

A lot of you do not know it, but I like country music. I like all sorts of music that I can understand the lyrics and words to. "Sometimes you got to know when to hold 'em and know when to fold 'em, got to know when to walk away, and know when to run." I have heard from the floor of this Senate so many great speeches. People pouring out their souls. But I sit back, and I look at the people that they are pouring it out to -- standing over in the corners, talking, ignoring them, walking away, doing what they have to do, not paying any attention. You know there are a lot of things we all could be doing, but I do know one thing, 100,000 people per Senator voted on us and you won't give them the respect to listen to your co-Senators -- you won't give them the respect to hear or to consider. I understand it; it is what it is.

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I hear so many things from this lectern. One of those things is, "Oh, you know, government involvement, church and state, all sorts of things." You know, Jefferson's words, my God, I just came from my daughter's graduation at the University of Virginia and that is all they talked about... Jefferson's words. They talked about those words, but you know it is all in your point of reference of what life, liberty and pursuit of happiness is. You weren't worried about that life, liberty and pursuit of happiness when my ancestors were being used. Life, liberty and pursuit of happiness -- you aren't so worried about it when you talk about what a woman's life, liberty and pursuit of happiness might be. What is your point of reference? Everybody has a different point of reference of what equality is. What living out their pursuit of happiness is. When you, the man, impregnate a woman, it is her liberty that is affected and it depends upon where she is in her life on whether or not that child will be born and how she will deal with that pregnancy. Do you know what? I also agree, as has been said, that there is a balancing act. That balancing act is one of when is that child going to be viable? When is that mother in the state of mind that she could nurture a healthy child? If you truly care about that child, you need that mother to be able to nurture a child. We do not even care. Everybody walks away every time we talk about it -- in the State of South Carolina that we are number four in infant mortality. We have sixteen counties with no OB/GYNs, but do you care? No.

Life, liberty, pursuit of happiness -- we have asked you if you really want to do your jobs and if you are so right -- as you sit and ignore me -- if you are so right and you care about the 51% of women in South Carolina, what do you have to lose? Put it as a referendum -- put this issue as a referendum. Let the women decide. Otherwise, you've done what you've always done, ignored women. How many of you have women in your family -- mothers? I hope you do -- daughters, granddaughters, sisters? I know they are telling you something. When you start talking about this Constitution, I want the people of South Carolina to know the same people who are advocating as pro-life -- they are really just pro-birth. They are the same people that are supported by NRA and they're playing politics with your children, with your daughters, with your sisters -- they are playing politics. These are the same people that talk about the involvement of government. These are the same people that talk about their second amendment right, the right to bear arms. These are the same people who use that Constitution only when they want to. These are the same people who ignore the fact that the First Amendment says, "Congress shall make no law respecting an establishment or religion or

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prohibiting the free exercise thereof.” In other words, the people have religious liberty, and the government cannot establish an official religion that favors one over another or even favors nonreligion over another.

On motion of Senator FANNING, with unanimous consent, the remarks of Senators MATTHEWS were ordered printed in the Journal.

Senator SHEALY spoke against the amendment.

The question then was the adoption of the amendment.

The amendment was not adopted.

The question then being concurrence in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 19

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Kimpson	Malloy
Matthews	McElveen	McLeod
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Williams		

Total--19

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The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Statement by Senators SETZLER and WILLIAMS

I voted for Amendment No. 2A by Senator SHEALY, which was an amendment that did not allow for abortion after twelve weeks, except when necessary to save the life of the mother or if a fatal fetal anomaly is detected. I voted not to concur on the House amendment because it is basically the same law that the South Carolina Supreme Court recently ruled was unconstitutional.

Statement by Senator McELVEEN

I did not vote in support of S. 474 for the same reasons stated previously in my note in the January 27, 2021, Senate Journal as it related at that time to S. 1, a Bill that passed and became a law that was subsequently ruled unconstitutional by the South Carolina Supreme Court.

I represent many rural areas, some with few to no resident physicians and with limited access to health care. As such, I remain concerned about the criminal prosecution of physicians which is included in S. 474. This will not only conflict, frustrate, and clash with a doctor's ability to treat his or her patients, but will also adversely affect our state's ability to recruit and retain doctors -- especially in underserved areas.

The South Carolina Supreme Court struck down S. 1 on grounds that the law violated a state constitutional right to privacy, yet S. 474 completely ignores that January 5, 2023, opinion from our state's highest court by requiring that a woman's private health information must be reported to law enforcement in certain instances -- even when it is against the woman's wishes.

I previously supported H. 3114, the S.C. Pain-Capable Unborn Protection Act, or the "20-week abortion ban" in 2015 and 2016, which was ultimately passed and signed into law.

On today's date, I voted in favor of Senator SHEALY's amendment to S. 474 which sought to move the effective date of the Bill from six weeks of pregnancy to after the first trimester of pregnancy (or twelve weeks), and which also included the exceptions of rape, incest, fetal anomaly, and medical emergency, without further caveats or qualifiers.

Had Senator SHEALY's amendment to the Legislation been adopted, I would have voted in favor of S. 474.

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LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Willard D. Branch, P.O. Box 57, Fairfax, SC 29827-0057

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laura Dukes Beck, 176 Croghan Spur Road, Suite 400, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407-5112

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Frances L. Coain-Lofton, 10009 North Highway 17, McClellanville, SC 29458-9482

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Ellison Fox, 2127 Pentland Dr., Charleston, SC 29412-2781
VICE Nicholas J. Clekis

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Stephen Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455

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Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amanda Stilley Haselden, 3831 Leeds Avenue, Suite 200, North Charleston, SC 29405-7469

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ittriss Jermain Jenkins, 16 Dewey Street, Charleston, SC 29403-4121

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amy Jowers Mikell, 247 Ashley Avenue, Charleston, SC 29403-5493

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheryl Mitchell Perry, 7836 Highway 162, Hollywood, SC 29449

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Richardine L. Singleton-Brown, 2172 Edward D. Singleton Drive, Charleston, SC 29412

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Joy D. Stoney, P. O. Box 1262, Johns Island, SC 29457-1262

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

JoAnna E. Summey, 6185 Rivers Avenue, Suite E, North Charleston, SC 29406-4999

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laura Campbell Waring, 15 Moore Drive, Charleston, SC 29407-7229

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Initial Appointment, Cherokee County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Edward P. Suppiger, 147 Petty Drive, Gaffney, SC 29341-4224 *VICE*
David Clary

Initial Appointment, Chester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

W. Cyrus Corbett, 1263 Silverbrook Rd., Chester, SC 29706-8531
VICE Dana Greenleaf

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell A. Demott, 1001 Mount Whitney Drive, Summerville, SC 29483-3323

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tara L. Frost, 141 Gadsden Street, Summerville, SC 29483-4320

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Amanda M. Leviner, 207 West Richardson Ave., Summerville, SC 29483-6023

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483-3734

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Julie B. Stewart, 106 Tabby Lane, Summerville, SC 29485-8426

Recorded Vote

Senator SENN desired to be recorded as abstaining in the confirmation of Julie B. Stewart.

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Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jerry F. Rivers, 1808 Benjamin Blvd., Florence, SC 29501-6309

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

John A. Love, 3827 El Duce Place, Myrtle Beach, SC 29588-4629

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James McKenzie, 7 Gillette Place, Murrells Inlet, SC 29576-5238

Reappointment, Georgetown County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Steven C. Pop, 47 Deer Moss Court, Pawley's Island, SC 29585-8170

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Benjamin C. Allen, 4041 J and S Countryside Road, Conway, SC 29527-6658

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christopher J. Arakas, 804 Calhoun Rd., Myrtle Beach, SC 29577-2254

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Manuela Clayton, 1618 Bay Tree Lane, Myrtle Beach, SC 29575-5253

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Monte L. Harrelson, P. O. Box 153, Green Sea, SC 29545-0153

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mark Ashley Harris, 3817 Walnut St., Loris, SC 29569-2333

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William N. Hutson, 383 William Nobles Rd., Aynor, SC 29511-2816

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Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Margie Livingston, 1201 3rd Ave., Conway, SC 29526-5105

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley D. Mayers, 511 Beaty Street, Conway, SC 29526

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gerald Whitley, 107 Highway 57 N., Little River, SC 29566-7050

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Rebecca Adams, 111 Lincreek Dr., Columbia, SC 29212-8102

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brian N. Buck, 104 Oaks Court, Lexington, SC 29072-7496

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170-2713

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054-8594

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Arther L. Myers, 1297 Savannah Hwy., Swansea, SC 29160-9240

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Scott D. Whittle, 4601 Fish Hatchery Road, Gaston, SC 29053-9045

Initial Appointment, Newberry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Laverne Brock, 138 Glenn Street, Whitmire, SC 29178-1313 *VICE*
Gordon Johnson Sr.

TUESDAY, MAY 23, 2023

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Wanda Govan, 143 Sweet Maple Drive, Orangeburg, SC 29118 *VICE*
Robert Lake Hill

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Donald Rhett West, 6426 Charleston Hwy., Bowman, SC 29018-8761

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Stephanie Bess, 520 Wild Hickory Lane, Columbia, SC 29216-8038

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Michelle Branch-Howard, 2364 Lang Road, Columbia, SC 29204-1289

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Harold A. Cuff, 516 Motley Road, Hopkins, SC 29061

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tomothy C. Edmond, 6101 Easter Dr., Columbia, SC 29203

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patience Orbriel Van Ellis, 192 Traditions Circle, Columbia, SC 29229-8050

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Diedra Hightower, 613 Dulaney Blvd., Columbia, SC 29229-7416

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Deirde Simmons, P. O. Box 2910062, Columbia, SC 29229-0018

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Valerie R. Stroman, Post Office Box 9381, Columbia, SC 29290-0381

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kela E. Thomas, 22 Sunturf Circle, Columbia, SC 29223-6717

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Christina Thompson, 700 Woodrow Street, #606, Columbia, SC 29205

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Margaret Strom Williams, 1420 Hagood Ave., Columbia, SC 29205-1327

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Barbara J. Wofford-Kanwat, 108 King Charles Rd., Columbia, SC 29209

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Paulette Edwards, 471 Guard Tower Lane, Columbia, SC 29209-3174

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cecil Jackson, 115 North Harvin Street, Sumter, SC 29150-4956

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

W. Mattison Gamble, 6 Clematis Court, Sumter, SC 29150-2336

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Henry Allen McFaddin of Sumter, S.C. Henry was the sole proprietor and retired from Henry A. McFaddin CPA, LLC. He was a member of First Presbyterian Church where he served in many capacities. He also served as moderator of New Harmony Presbyterian Church. Henry was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:39 P.M., on motion of Senator MASSEY, the Senate adjourned to pursuant to the call of the PRESIDENT.

* * *

Wednesday, June 14, 2023
(Extraordinary Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Extraordinary Session of the General Assembly of the State of South Carolina, begun and holden at Columbia on the second Wednesday in June, being the 14th day of the month.

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Matthew 25:40

We read in Matthew's Gospel: "The King will answer them, 'Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.' "

Please bow with me as we pray: Most gracious and loving God, You have given huge responsibility to each of these leaders who yet again gather in this Chamber to labor on behalf of the residents of our State. Truly, every woman, man and child in South Carolina is counting on these Senators and their aides to achieve results that are absolutely fair and worthy of praise. Therefore, we fervently pray that You, O God, will bless and direct each one of these servants to do just that: to work diligently toward securing a bold and meaningful future for every single one of our citizens. And in addition, as always, we pray that You will bless our women and men in uniform wherever they happen to serve as they strive to bring peace to this battle-weary world. All of this, dear Lord, we humbly pray in Your loving name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Campsen	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson

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Hembree	Jackson	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	McElveen	Peeler
Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brian B. West, 223 North Live Oak Drive, Moncks Corner, SC 29461-3705

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Martelle T. Morrison, 3215 Boach Road, Hollywood, SC 29449-6132

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tiffany R. Spann-Wilder, 6977 Dorchester Road, North Charleston, SC 29418-3422

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Janice Y. Simmons, 262 Mallard Road, Summerville, SC 29483-7937

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Aaron Butler, 1830 Spivey Avenue, Conway, SC 29527-5559

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Michael Scott, 3521 Greenway Dr., Columbia, SC 29206-3415

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Donald J. Simons, Post Office Box 9246, Columbia, SC 29290-0246

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 24, 2023, at 12:00 Noon and the following Act and Joint Resolution were ratified:

(R88, S. 474) -- Senators Grooms, Massey, Kimbrell and Adams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 6 OF CHAPTER 41, TITLE 44, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED, WITH EXCEPTIONS FOR MEDICAL EMERGENCIES, RAPE, INCEST, OR FATAL FETAL ANOMALIES; TO CHANGE CERTAIN DEFINITIONAL TERMS; TO CREATE CRIMINAL PENALTIES; TO ESTABLISH CERTAIN RECORDKEEPING AND RECORD RETENTION REQUIREMENTS FOR PHYSICIANS AND OWNERS OF MEDICAL RECORDS; TO REQUIRE PHYSICIANS TO REPORT CERTAIN ALLEGATIONS OF RAPE OR INCEST TO LAW ENFORCEMENT; TO PROHIBIT CRIMINAL PROSECUTION OF ANY WOMAN WHO SEEKS OR OBTAINS AN ABORTION; TO CREATE A CIVIL RIGHT OF ACTION BY CERTAIN INDIVIDUALS FOR VIOLATIONS OF THE ARTICLE; TO REQUIRE PROFESSIONAL DISCIPLINE AGAINST PHYSICIANS IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES; BY ADDING SECTIONS 44-41-90, 63-17-325, AND 38-71-146 SO AS TO PROHIBIT THE USE OF STATE FUNDING FOR ABORTION-RELATED EXPENSES, TO REQUIRE CHILD SUPPORT FROM THE DATE OF CONCEPTION, AND TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR CONTRACEPTIVES, RESPECTIVELY; BY AMENDING SECTIONS 44-41-10, 44-41-60, 44-41-70, 44-41-80, AND 44-41-330, ALL RELATING TO ABORTION, SO AS TO MAKE CONFORMING CHANGES; BY REQUIRING THE PUBLIC EMPLOYEE BENEFIT AUTHORITY AND THE STATE HEALTH PLAN TO PROVIDE COVERAGE FOR CONTRACEPTIVES; BY AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO

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INTERVENE ON BEHALF OF THEIR RESPECTIVE BODY IN CERTAIN COURT ACTIONS; BY REPEALING SECTION 2 OF ACT 1 OF 2021, SECTION 44-41-20, AND ARTICLE 5, CHAPTER 41, TITLE 44 ALL RELATING TO ABORTION; AND FOR OTHER PURPOSES.

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(R89, H. 4299) -- Reps. Bannister, G.M. Smith, Pope, Hiott and Rutherford: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2023-2024 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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Leave of Absence

On motion of Senator RICE, at 12:19 P.M., Senator CASH was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator STEPHENS, at 12:19 P.M., Senators HUTTO, K. JOHNSON and KIMPSON were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HEMBREE, at 12:19 P.M., Senator BENNETT was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator RICE, at 12:19 P.M., Senator SENN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator CLIMER, at 12:19 P.M., Senator MARTIN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 12:19 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator McLEOD, at 12:19 P.M., Senator MATTHEWS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator FANNING, at 2:55 P.M., Senator SABB was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator YOUNG, at 3:00 P.M., Senators TURNER and TALLEY were granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Remarks by Senator McELVEEN

Mr. PRESIDENT, thank you. I have a great group of young men and women who have been patiently waiting introduction but before we get to that, Mr. PRESIDENT, I thought it would be appropriate to take a quick minute -- I heard Senator MALLOY talking about one of our own -- our great, late friend Senator Pinckney, and I think it's important we take time to recognize those among us who are doing great things.

I want to take a minute today to talk about a Senator who is currently serving but today he is not here. This person is a graduate, accomplished businessman, outstanding attorney, a dedicated father and husband as well as a friend to many. If you don't know who I'm talking about -- I'm talking about Senator GOLDFINCH. Senator GOLDFINCH came into the South Carolina House of Representatives when I came into the Senate. He joined us in 2016 after the retirement of our great friend Senator Cleary. In those eleven years, my family has become great friends with Senator GOLDFINCH's family in Georgetown. Senator CAMPSER, I won't call him the greatest outdoorsman in the South Carolina Senate, but I put him in the top five -- I think you probably would agree. For those of us who have known him and have served with him I think everyone would probably agree that he is someone who is definitely not afraid to stand by his convictions. He's someone who does the right thing even when it's unpopular sometimes. What he's doing right now is nothing short of extraordinary -- because he doesn't have to do it.

I know that all of you know that quite some time ago he joined the JAG Corps of the Army National Guard and he's been gone a bit during

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this session because he's been in officer training. Many of you know tomorrow is the day he deploys. He is undoubtedly going to an area of the world for quite a long period of time that has a lot of instability, a lot of turmoil. I just stand today to recognize him. The Senator is obviously taking leave today, and he's exactly where he needs to be right now -- with his family as he gets ready to leave tomorrow. Mr. PRESIDENT, I would just ask the members of the Body to please remember the Goldfinch family in your prayers every day. I know my family will. Mr. PRESIDENT, if it's appropriate I would ask unanimous consent when the Senate adjourns today that it does so in honor of Senator GOLDFINCH. I also ask that we give him a big round of applause to send him off.

On motion of Senator CAMPSSEN, with unanimous consent, the remarks of Senator McELVEEN were ordered printed in the Journal.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT. Members of the Senate, I stand to talk about hate crimes once again. I will take, hopefully, the five minutes but would like to end with a very special presentation. There are two handouts that I've put on your desk. One is a wonderful quote by Elie Wiesel who is the 1986 Nobel Peace Prize winner, Chairman of the President's Commission on Holocaust Survivors. Someone that I'm sure we all have heard. His quote I think is very relevant to where we are on hate crimes. As I said earlier, this issue is not going away. Next year I hope to be back here again trying in the same manner to at least get a vote on hate crimes. But let me read to you Mr. Wiesel's quote. It says "The opposite of love is not hate, it's indifference." The opposite -- it says the opposite of -- "The opposite of art is not ugliness, it is indifference. The opposite of faith is not heresy, it's indifference. The opposite of life is not death, it is indifference." I think that that's important on this day which may or may not be our last day of the session to understand that indifference is action, and it is action toward doing absolutely nothing.

Again, I want to remind you South Carolina is one of only two states without hate crimes. The other is the state of Wyoming. The last handout is a picture of all the nine victims who lost their lives tragically with the Emmanuel Nine. I did not realize my great friend pastor Clementa

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Pinckney's daughter would be here today. But perhaps it is appropriate because this Saturday will mark another anniversary of the Emmanuel Nine, June 17, 2015, and so I often say that when we pass Legislation, we do it without faces. I just wanted you to see the faces of those that we're trying to represent when we talk about hate crimes.

Mr. PRESIDENT, finally, I would like to conclude by showing a presentation from our former colleague, Senator and Pastor Reverend Clementa Pinckney who was a dear, dear friend. In fact, I've said this before. Senator Pinckney and I, on that day, were in Senate Finance sitting next to each other. Senator PEELER, he told me he was going back to Charleston for a special meeting. I leaned over and said to him, "Clem, why do you have to drive back there?" He says, "There are some young people whose lives I'm trying to change", and he looked at me and the very last words he said to me were, "I will see you in the morning." I will see you in the morning -- very last words I heard from Senator Pinckney as he grabbed his bag, and he left out of the door. I want to leave you with his words on converting those who are doubters. He talks about doubting Thomas and how Thomas was converted and I hope that if there are any of us that are doubting whether we need to have hate crimes -- I hope after hearing and seeing these iconic words from our colleagues that you, too, like Thomas would be converted. Reverend Thomas said, "I am converted because I have felt it and now, I have seen it for myself." Thank you, members. I hope you have a great summer and I do hope at least -- at least we get to debate and vote on hate crimes, and my prayer is next year this time there will only perhaps be one state without hate crimes and maybe that state would be Wyoming, but it certainly will not be South Carolina. Thank you. I'd like for the presentation to conclude my Point of Personal Interest.

On motion of Senator McELVEEN, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

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Remarks by Senator SHEALY

Thank you, Mr. PRESIDENT. You all just received a few minutes ago the Committee on Children's report for 2023 which is filled with a lot of important information, so I hope that you will review this. But, I'm going to give you a quick overview about the committee's work, the positive highlights and some things we need to work on.

The Joint Citizens and Legislative Committee on Children was enacted to research and report on children's issues, make recommendations to the Governor and to the General Assembly. This children's data reference book contains four years of state data, as well as the county and national data, including key indicators on safety, child welfare, health, juvenile justice and education. Positive things are happening in child welfare. Investments in child welfare really are working. I hope you all are listening -- it looks like we've had a recess here -- there is a steady increase in the number of children being placed in kinship care instead of foster care -- if you all remember, we passed Legislation for people who take their children into kinship placements, so that they can be paid and can afford to take the children into kinship care -- from two hundred eighty-two children in January 2019 to eight hundred eighty-six children in December 2022, so fewer children are going into foster care and are being able to stay with family members. Congregate care placements are trending down. From eight hundred eighty-three in January 2019, to four hundred sixty in December 2022. Childcare centers continue to rebound from the COVID-19 pandemic with a substantial drop in facility closures and an increase in the number of facility openings. Investment in children's mental health seems to be paying off. Suicide rates are trending down from a high of thirty-nine suicides in 2019, twenty-eight each in 2020 and 2021, down to twenty in 2022 -- that's still too many. Investments in juvenile justice are showing some progress. While referrals to DJJ were up in 2022, the number of youths committed was down fifteen percent from 2021.

Now here are some of the negative things: In 2022, six hundred forty-seven children died in our State. DHEC's updated 2022 data reflects an alarming increase in infant mortality rates. While provisional infant mortality rates for 2022 are slightly below the 2021 rates, far too many South Carolina children die before their first birthday. Homicides increased over the last two years to their highest rates since 2009. Homicide is the top cause of deaths for ages fifteen to seventeen for the second straight year. Homicide is the second most common cause of death for children ages ten to fourteen. Gun injuries were the number one cause of death for South Carolina children ages one to seventeen for

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2020, 2021 and 2022. Guns were involved in fifty-two child homicides and fourteen suicides in 2022. Non-fatal gun injuries to children have steadily increased from two hundred ten in 2019, to three hundred fifty-six in 2022 for children ages birth to seventeen years. The waiting list -- and this to me -- you need to listen to this because we're trying to change it. We have a stopping point on the other side of the hall. The waiting list for DDSN waivers is too large and the wait for services is too long. Individuals are waiting years, years and many of them are children. For the intellectually -- for intellectual disabilities and related disabilities waivers, there are seventeen thousand one hundred twenty-one total on the wait list as of April 30, 2023. An estimated eleven thousand two hundred three of these individuals are children under the age of twenty-one. For the community support waiver, thirteen thousand one hundred nine total are on the wait list as of April 30, 2023. An estimated nine thousand one hundred twenty-six of these individuals are children under the age of twenty-one.

What are the next steps we take? These numbers highlight what we need to do to improve children's well-being in our State. We encourage you to put the information in this book to good use and to partner with the children's committee to make our State safer and healthier, so that our children in our State can flourish. There are a lot of things that we can do to make South Carolina a better State for our children. We can make the laws in our State better. We can help our children. We can make our agencies better. We can change what happens at DDSN. We can change what happens at the Department of Juvenile Justice, and nobody can do that but us. So, when you look in the mirror, look at what we're doing to make those differences. Thank you.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

Motion to Ratify Adopted

At 12:31 P.M., Senator PEELER asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 821 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE DANIEL HIGH SCHOOL BOYS SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A STATE CHAMPIONSHIP.

sr-0416km-hw23.docx : 4b8471d7-fa21-4dda-9a77-7e0f8fa3909d

The Senate Resolution was adopted.

S. 822 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE DUKE ENERGY'S OCONEE NUCLEAR STATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE STATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO OCONEE COUNTY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0393km-vc23.docx : cf1151fe-e67a-48dc-b7d7-ee2fec477b95

The Senate Resolution was adopted.

S. 823 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE SENECA HIGH SCHOOL GIRLS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A STATE CHAMPIONSHIP.

sr-0418km-hw23.docx : b81acaa2-8abe-4577-b152-899da2fb76ed

The Senate Resolution was adopted.

S. 824 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KENNY CRAVEN FOR BECOMING THE IMPERIAL POTENTATE AND CHAIRMAN OF THE BOARD OF DIRECTORS OF SHRINERS CHILDREN'S HOSPITAL.

sr-0420km-km23.docx : b63ad921-0b0a-463c-b932-fdfa21cff6fc

The Senate Resolution was adopted.

S. 825 -- Senator Jackson: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE DAVID A. ADAMS FOR HIS YEARS OF OUTSTANDING AND DEDICATED SERVICE TO RICHLAND COUNTY AS COUNTY TREASURER, AND TO WISH

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HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0373wab-gm23.docx : 7d2bebeb-8835-4a22-a8ef-7d9c3f30dcb1

The Concurrent Resolution was adopted, ordered sent to the House.

S. 826 -- Senator Jackson: A SENATE RESOLUTION TO COMMEND THE HONORABLE DAVID A. ADAMS FOR HIS YEARS OF OUTSTANDING AND DEDICATED SERVICE TO RICHLAND COUNTY AS COUNTY TREASURER, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0374wab-gm23.docx : 7bf12310-9461-418b-b97d-f4bb22db6656

The Senate Resolution was adopted.

S. 827 -- Senator Reichenbach: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE HANNAH-PAMPLICO HIGH SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2023 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

lc-0149ha-gm23.docx : 76a020c6-f835-44cb-b9bd-bbd93feca9dc

The Senate Resolution was adopted.

S. 828 -- Senator Davis: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE COMMUNITY AND PEOPLE OF THE TOWN OF HILTON HEAD ISLAND AND TO CONGRATULATE THEM AS THEY CELEBRATE THE THREE HUNDRED SIXTIETH ANNIVERSARY OF THE DISCOVERY OF THE ISLAND BY SIR WILLIAM HILTON AND THE FORTIETH ANNIVERSARY OF THE INCORPORATION OF HILTON HEAD ISLAND AS A TOWN.

lc-0343cm-gm23.docx : 4616e4d7-4c2a-4bb9-bfdf-b9e74c880d47

The Senate Resolution was adopted.

S. 829 -- Senator Fanning: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF AGNES LOUISE AYCOCK LOVE OF YORK COUNTY AND TO EXTEND

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THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

lc-0297ph-gm23.docx : ed6ef186-bc81-4b1c-b198-6cbb49e7799e

The Senate Resolution was adopted.

S. 830 -- Senator Fanning: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF AGNES LOUISE AYCOCK LOVE OF YORK COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

lc-0298ph-gm23.docx : 9fcfdccd-0663-463b-ae85-48858b2d7a83

The Concurrent Resolution was adopted, ordered sent to the House.

S. 831 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE JUNE 2023 AS "B.R.A.V.E. FOR JIA MONTH" IN SOUTH CAROLINA.

sr-0412km-hw23.docx : 922b7819-a415-4a61-8de9-87a4222098ae

The Senate Resolution was adopted.

S. 832 -- Senator McLeod: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF CYRUS MONROE CARMACK-BELTON OF RICHLAND COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHIES TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

lc-0377wab-wab23.docx : delc86af-3a33-48a5-811c-97021afad6f4

The Senate Resolution was adopted.

S. 833 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-440 SO AS TO PROHIBIT CERTAIN CONCEPTS IN A COURSE OF INSTRUCTION, CURRICULUM, ASSIGNMENT, INSTRUCTIONAL PROGRAM, INSTRUCTIONAL MATERIAL, SURVEYS OR QUESTIONNAIRES, PRESENTATIONS, PERFORMANCES, SCHOOL POLICIES AND PROTOCOLS OR PROFESSIONAL EDUCATOR DEVELOPMENT OR TRAINING IN HIGHER EDUCATION; AND TO REQUIRE THE BOARD OF TRUSTEES FOR EACH COLLEGE AND UNIVERSITY TO IMPLEMENT POLICIES TO ENSURE COMPLIANCE; BY ADDING SECTION 59-101-450 SO AS TO ESTABLISH WHAT

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CONSTITUTES DISCRIMINATION IN CERTAIN SETTINGS; BY ADDING SECTION 59-101-460 SO AS TO ESTABLISH CERTAIN DEFINITIONS AND TO FURTHER PROHIBIT ADMISSION AND EMPLOYMENT DECISIONS BY A PUBLIC INSTITUTION OF HIGHER LEARNING CONDITIONED UPON SUPPORT OR DISAGREEMENT WITH ANY POLITICAL IDEOLOGY OR MOVEMENT; AND BY ADDING SECTION 59-101-470 SO AS TO PROVIDE THAT THIS ARTICLE DOES NOT UNDULY BURDEN A PERSON'S STATE AND FEDERAL CONSTITUTIONAL RIGHTS.
sedu-0055db23.docx : e837fa4e-d34e-4f50-ae20-a8b7eec7ee26

Read the first time and referred to the Committee on Education.

S. 834 -- Senators Corbin, Rice, Kimbrell and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 36-1-201, RELATING TO GENERAL COMMERCIAL CODE DEFINITIONS, SO AS TO AMEND THE DEFINITION OF MONEY TO PROVIDE THAT CENTRAL BANK DIGITAL CURRENCY IS NOT CONSIDERED MONEY FOR THE PURPOSES OF THE UNIFORM COMMERCIAL CODE; AND BY AMENDING SECTION 36-1-201, RELATING TO GENERAL COMMERCIAL CODE DEFINITIONS, SO AS TO DEFINE CENTRAL BANK DIGITAL CURRENCY.

sr-0419km23.docx : b8d2d082-38bb-412c-8681-56ce9a7ed96d

Read the first time and referred to the Committee on Banking and Insurance.

S. 835 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "COMPREHENSIVE TAX REFORM ACT"; BY AMENDING SECTIONS 12-36-60, 12-36-70, 12-36-90, 12-36-110, AND 12-36-130, ALL RELATING TO DEFINITIONS FOR PURPOSES OF THE SALES TAX, SO AS TO INCLUDE THE SALES OF SERVICES; BY ADDING SECTION 12-36-160 SO AS TO DEFINE "SERVICES"; BY AMENDING SECTION 12-36-140, RELATING TO THE DEFINITION OF "STORAGE", SO AS TO REMOVE COOPERATIVE DIRECT MAIL PROMOTIONAL ADVERTISING MATERIALS; BY AMENDING SECTION 12-36-910, RELATING TO THE FIVE PERCENT STATE SALES TAX RATE, SO AS TO REDUCE THE SALES TAX RATE; BY ADDING SECTION 12-36-915 SO AS TO SPECIFY THE MANNER IN WHICH TO CALCULATE THE REDUCTION IN THE SALES AND USE TAX

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RATE; BY AMENDING SECTION 12-36-920, RELATING TO THE STATE ACCOMMODATIONS TAX, SO AS TO REDUCE THE RATE; BY AMENDING SECTION 12-36-940, RELATING TO AMOUNTS THAT MAY BE ADDED TO SALES PRICES TO ACCOUNT FOR TAX, SO AS TO AUTHORIZE THE DEPARTMENT TO MAKE ADJUSTMENTS; BY REPEALING ARTICLE 11 OF CHAPTER 36, TITLE 12 RELATING TO THE ADDITIONAL ONE PERCENT SALES AND USE TAX; BY AMENDING SECTIONS 12-36-1310 AND 12-36-1320, BOTH RELATING TO THE USE TAX, SO AS TO MAKE A CONFORMING CHANGE BY REDUCING THE RATE; BY AMENDING SECTION 12-36-1710, RELATING TO THE CASUAL EXCISE TAX, SO AS TO MAKE A CONFORMING CHANGE BY REDUCING THE RATE; BY AMENDING SECTION 12-36-2110, RELATING TO ITEMS SUBJECT TO A MAXIMUM SALES TAX, SO AS TO REMOVE CERTAIN ITEMS; BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO REMOVE THE EXEMPTION ON CERTAIN ITEMS; BY AMENDING SECTION 12-36-2530, RELATING TO TAXES ON ITEMS DELIVERED OUT OF STATE, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 12-36-2620, 12-36-2630, AND 12-36-2640, ALL RELATING TO THE CREDITING OF CERTAIN TAXES, SO AS TO CREDIT SUCH TAXES IN THE SAME PROPORTION AS THEY WERE CREDITED BEFORE THE RATE REDUCTION; BY REPEALING SECTION 12-36-2646 RELATING TO THE TAX EXCLUSION FOR INDIVIDUALS AT LEAST EIGHTY-FIVE YEARS OF AGE; BY ADDING SECTION 11-11-270 SO AS TO CREATE THE "TAX REFORM RESERVE FUND" AND TO SPECIFY ITS PURPOSE; BY ADDING ARTICLE 11 TO CHAPTER 10, TITLE 4 SO AS TO PROPORTIONALLY REDUCE LOCAL SALES AND USE TAXES IN THE SAME MANNER AS THE STATE SALES AND USE TAX; BY ADDING SECTION 58-9-60 SO AS TO PROVIDE A MAXIMUM TAX THAT MAY BE IMPOSED ON TELECOMMUNICATIONS SERVICES; BY AMENDING SECTION 6-1-320, RELATING TO THE LIMITATION ON MILLAGE INCREASES, SO AS TO ALLOW THE LIMITATION TO BE EXCEEDED UPON A POSITIVE MAJORITY VOTE OF THE GOVERNING BODY OF THE JURISDICTION; BY AMENDING SECTION 12-37-251, RELATING TO MILLAGES, SO AS TO REQUIRE A REIMBURSEMENT TO THE TRUST FUND FOR TAX RELIEF FOR THE FIRST ONE HUNDRED THOUSAND DOLLARS

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OF VALUE ON AN OWNER-OCCUPIED RESIDENCE; BY AMENDING SECTION 11-11-150, RELATING TO BUDGETARY REIMBURSEMENTS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO REMOVE THE SCHOOL OPERATING EXEMPTION ON OWNER-OCCUPIED HOMES; AND BY AMENDING SECTION 12-6-510, RELATING TO THE PERSONAL INCOME TAX, SO AS TO REDUCE THE TOP MARGINAL RATE BASED ON CERTAIN REVENUE COLLECTIONS.

lc-0220dg23.docx : 256970a4-2abb-4a6b-99bc-557c8ebb9730

Senator FANNING spoke on the Resolution.

Read the first time and referred to the Committee on Finance.

Remarks by Senator FANNING

Thank you, Mr. PRESIDENT. Ladies and gentlemen of the Senate, this comprehensive tax reform proposal is a Bill aimed at tackling our state's high tax rates. South Carolina's tax rate is the 11th highest in the Nation, as percentage of income, 17th highest in our sales tax. Our income taxes are coming down, but not as much as the Finance Chairman originally wanted them to. And the reason is special interests. We got there because we used to have a three-legged stool that was the foundation of our tax system: property taxes, income taxes and sales taxes.

In 2006, we chopped a leg off of that stool and, as a result, our businesses and industries pay among the highest property taxes in the Nation. In fact, today, businesses pay 48% of the property taxes in the State. Other state's businesses only pay 33% of their state's property taxes. Our tax on second homes is also among the highest in the Nation. Second homes in other states typically tax 50% more than on primary residences -- in South Carolina, 100% to 150% more than on your primary residence. The second leg of the stool is income taxes that I talked about earlier. The third leg of the stool is sales tax. Our 6% sales tax, 17th highest in the country, brings in over \$3 billion in revenue but we exempt almost \$4 billion in revenue -- meaning our sales tax rate is twice what it needs to be to raise the same amount of revenue.

Who benefits? Not the taxpayers who are paying the highest rate -- not our businesses paying insane rates (highest in the country) -- only the special interests -- over two hundred special interests. We don't have time to go over all of them. You know about the car sales tax caps? If

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you buy a used Hyundai, you are paying the same in sales tax as someone buying a \$50,000 truck. But we may not know that this also applies to Winnebagos, leer jets and yachts. Additionally, we tax supplies for laundry mats, but not dry cleaners. We tax the sale of an FM radio station but not an AM radio station. When I fix my carburetor in Ole Yella, I'll pay \$12 in taxes for that carburetor; but leer jet parts are tax free. We tax 30% of the rental of a portable toilet but not the other 70% of the portable toilet. And no one knows why. The big reason why is that we have an archaic tax system which was written in the 1940's when we taxed things -- tangible goods -- then 68% of the goods were tangible. Today, we are in a service economy where two out of every three things bought and sold are services. We have never refined our tax code and as a result we only tax thirty-five out of one hundred sixty-eight services. Other states have reformed their tax code. Nebraska taxes 74 services; we tax 35 -- Florida -- 64 -- Tennessee -- 67 -- West Virginia -- 110. What is the commonality with all those states? They have lower tax rates than we do. We tax cell phones, but we don't tax dating services and private massages. We tax diaper services but not pet grooming. We tax your funeral -- tax you into the grave, but we don't tax you when you go to jail and get out on bond, tax free. We tax photo copying and printing but not telemarketing and taxidermy. And we give huge tax incentives to bring big industries to South Carolina -- which we have to do because our rates are so high; but, our rates are so high because we give out all of these special interest exemptions.

And so, what this Bill does -- it is a comprehensive tax reform Bill that does four things:

1. significantly reduces rates for all;
2. restores the stability of the three-legged stool;
3. makes South Carolina tax rates, every one of them, among the lowest in the country; and
4. is fair and transparent -- treating our small businesses the same way we treat our large industries.

This Bill, if passed, will immediately reduce the sales tax rate from \$0.06 to \$0.04 and eventually moving it to \$0.03. We keep the exemptions that benefit everyone -- drugs, food and electricity. We keep the exemptions for inputs -- business inputs -- only taxing outputs and uses that \$2.7 billion, not as one-tax rebates, but to permanently lower tax rates for all citizens. Secondly, we take the Chairman's original proposal for income tax rates and accelerate the plan that is now at 6.4% down to 5.5% on income tax rates. Finally, for property taxes, we allow

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our locals to balance property taxes between businesses and homeowners.

Mr. PRESIDENT, I thank you for the opportunity to introduce this Bill. I hope you all will read this Bill in the off season -- as it is only four hundred pages -- and that you will join with me in January in tackling the real issue of tax reform that we have not tackled one time since the TRAC Commission Report was issued back in 2010. Thank you.

Remarks to be Printed

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator FANNING were ordered printed in the Journal.

S. 836 -- Senators Malloy, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE JULY 30, 2023, AS "SENATOR CLEMENTA PINCKNEY DAY OF SERVICE" IN SOUTH CAROLINA.

sr-0422km-vc23.docx : f293ccbf-c951-4caa-8b15-517b3d7cc629

The Senate Resolution was adopted.

S. 837 -- Senators Sabb, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE MARLON E. KIMPSON FOR HIS YEARS OF COMMITTED SERVICE AS A MEMBER OF THE SOUTH CAROLINA SENATE AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

smin-0089aa-aa23.docx : 2cd1d5b8-4bc8-4d1e-b740-449f6b074fa6

The Senate Resolution was adopted.

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S. 838 -- Senators Setzler, Massey and Young: A SENATE RESOLUTION TO CONGRATULATE COUNCILMAN WILLAR H. HIGHTOWER, JR. UPON THE OCCASION OF HIS RETIREMENT FROM AIKEN COUNTY COUNCIL, TO COMMEND HIM FOR HIS OVER FORTY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0438km-hw23.docx : 21e7c7e7-5f79-4549-a892-f8d0a8ccc17c

The Senate Resolution was adopted.

H. 4486 -- Reps. Burns, Long, Ott, Pope and Hiott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-55-655 SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CREATE A PILOT PROGRAM THAT ALLOWS CERTAIN SEPTIC TANK INSTALLERS TO CONDUCT SEPTIC TANK FIELD EVALUATION TESTS FOR THE DEPARTMENT.

lc-0264vr23.docx : 62f1ca63-3599-46c2-9416-f7ba0afb57b

Read the first time and referred to the Committee on Medical Affairs.

H. 4524 -- Reps. Jefferson, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE VICTORIA ESTELLE "DOLLY" GRANT OF BERKELEY COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY

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AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

lc-0375wab-gm23.docx : 59257f58-09e5-45f7-8429-fa6f0bf62a57

The Concurrent Resolution was adopted, ordered returned to the House.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope:

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A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.62, H. 4413 by a vote of 41 to 50:

(R62, H4413) -- Rep. Bamberg: AN ACT TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024, AND TO PROVIDE A SUNSET PROVISION.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.63, S. 31 by a vote of 72 to 33:

(R63, S31) -- Senators Hutto and K. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; BY AMENDING SECTION 14-1-208,

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RELATING TO FINES AND ASSESSMENTS, SO AS TO INCLUDE REFERENCES TO FILING A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 4-9-150, RELATING TO AUDITS OF COUNTY RECORDS, SO AS TO ALLOW FOR A FILING EXTENSION IN CERTAIN CIRCUMSTANCES.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL

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SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 17, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Very respectfully,

Speaker of the House

Received as information.

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H. 3728--SENATE INSISTS ON THEIR AMENDMENTS

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

On motion of Senator HEMBREE, the Senate insisted upon its amendments to H. 3728 and asked for a Committee of Conference.

H. 3728--CONFERENCE COMMITTEE APPOINTED

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND

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PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Whereupon, Senators JACKSON, MASSEY and HEMBREE were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Erickson, Adam Morgan and Alexander to the Committee of Conference on the part of the House on:

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE

WEDNESDAY, JUNE 14, 2023

PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Rep. Rutherford to replace Rep. Weeks to the Committee of Conference on the part of the House on:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Rep. Rutherford to replace Rep. Weeks to the Committee of Conference on the part of the House on:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED

WEDNESDAY, JUNE 14, 2023

FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED
FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 812 -- Senators Young, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE CLAY KILLIAN UPON THE OCCASION OF HIS RETIREMENT AS AIKEN COUNTY ADMINISTRATOR, TO COMMEND HIM FOR HIS FORTY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

Returned with concurrence.

Received as information.

HOUSE CONCURRENCE

S. 825 -- Senator Jackson: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE DAVID A. ADAMS FOR HIS YEARS OF OUTSTANDING AND DEDICATED SERVICE TO RICHLAND COUNTY AS COUNTY TREASURER, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

HOUSE CONCURRENCE

S. 830 -- Senator Fanning: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF AGNES LOUISE AYCOCK LOVE OF YORK COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

Returned with concurrence.

Received as information.

WEDNESDAY, JUNE 14, 2023

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

H. 4217 -- Reps. W. Newton, Herbkersman, Erickson, Bradley and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

Message from the House

Columbia, S.C., June 7, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.85, H. 3890 by a vote of 94 to 4:

(R85, H3890) -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO

WEDNESDAY, JUNE 14, 2023

ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A
DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING
SCHOOLS OFFENSE.

Very respectfully,

Speaker of the House

Received as information.

Motion Adopted

On motion of Senator SABB, the Senate agreed to waive the
provisions of Rule 32A requiring the veto to be printed on the Calendar.

The veto of the Governor was taken up for immediate consideration.

VETO OVERRIDDEN

(R85, H3890) -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins,
Schuessler, Guest, King and B. Newton: AN ACT TO AMEND THE
SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION
22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY
FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO
ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A
DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING
SCHOOLS OFFENSE.

Senator SABB moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the
Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 2

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	McElveen	McLeod
Rankin	Reichenbach	Rice
Sabb	Scott	Setzler

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Shealy
Turner
Young

Stephens
Verdin

Talley
Williams

Total--34

NAYS

Massey

Peeler

Total--2

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

ACTING PRESIDENT PRESIDES

Senator SHEALY assumed the Chair.

**H. 4300--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

On motion of Senator PEELER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator PEELER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

WEDNESDAY, JUNE 14, 2023

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

H. 4300--Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

(H 4300) -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/09/23.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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Amend title to conform.

/s/Sen. Harvey Peeler Jr.

/s/Sen. Thomas Alexander

/s/Sen. Nikki Setzler

On Part of the Senate.

/s/Rep. Bruce Bannister

/s/Rep. William Herbkersman

Rep. James Rutherford

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

**H. 4300--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

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**H. 4301--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator PEELER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator PEELER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

WEDNESDAY, JUNE 14, 2023

The Committee of Conference Report was adopted as follows:

H. 4301--Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4301 – Ways and Means Committee. TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the S. C. Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2022-2023 the following amounts:

(1) H090 The Citadel	
Engineering Building	\$11,499,994
(2) H120 Clemson University	
Maintenance, Renovation, and Replacement	\$10,000,000
(3) H150 University of Charleston	
Maintenance, Renovation, Replacement, and Expansion	\$9,000,000
(4) H170 Coastal Carolina	
(a) Maintenance, Renovation, and Replacement	\$3,500,000
(b) Edwards Humanities Building Renovation	\$4,000,000
(5) H180 Francis Marion University	
(a) Maintenance, Renovation, and Replacement	\$1
(b) Founders Hall Renovation	\$9,000,000
(6) H210 Lander University	
(a) Maintenance, Renovation, and Replacement	\$1
(b) Nursing Building	\$4,000,000
(c) Information Technology Security	\$3,500,000
(7) H240 South Carolina State University	
(a) Maintenance, Renovation, and Replacement	\$1
(b) Turner Hall Replacement	\$10,000,000

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(8)	H270 USC Columbia	
(a)	Science and Technology Center	\$15,000,000
(b)	Rural Brain Health Network and Brain Health Institute	\$1
(9)	H290 USC Aiken	
(a)	Maintenance, Renovation, and Replacement	\$2,000,000
(b)	Etherredge Center HVAC Upgrades	\$2,000,000
(10)	H340 USC Upstate	
(a)	Maintenance, Renovation, and Replacement	\$5,000,000
(b)	Health Education Complex Mechanical Repairs	\$5,000,000
(11)	H360 USC Beaufort Convocation Center	\$10,000,000
(12)	H370 USC Lancaster Maintenance, Renovation, and Replacement	\$5,000,000
(13)	H380 USC Salkehatchie Maintenance, Renovation, and Replacement	\$5,000,000
(14)	H390 USC Sumter Maintenance, Renovation, and Replacement	\$8,000,000
(15)	H400 USC Union Maintenance, Renovation, and Replacement	\$5,000,000
(16)	H470 Winthrop University Maintenance, Renovation, and Replacement	\$2,500,000
(17)	H510 Medical University of South Carolina Maintenance, Renovation, and Replacement	\$5,000,000
(18)	H590 Board for Technical and Comprehensive Education Maintenance, Renovation, and Replacement	
(a)	Aiken Technical College	\$3,000,000
(b)	Central Carolina Technical College	\$1
(c)	Denmark Technical College	\$1
(d)	Florence-Darlington Technical College	\$2,000,000
(e)	Greenville Technical College	\$7,000,000
(f)	Midlands Technical College	\$10,000,000
(g)	Horry-Georgetown Technical College	\$1,000,000
(h)	Northeastern Technical College	\$1,000,000
(i)	Orangeburg-Calhoun Technical College	\$2,000,000
(j)	Piedmont Technical College	\$6,500,000
(k)	Spartanburg Community College	\$6,000,000
(l)	Technical College of the Lowcountry	\$1,500,000
(m)	Tri-County Technical College	\$7,000,000

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(n) Trident Technical College	\$2,500,000
(o) Williamsburg Technical College	\$1,000,000
(p) York Technical College	\$4,000,000
(q) Central Carolina Technical College	
Sumter County	\$8,694,430
(19) H590 Board for Technical and Comprehensive Education	
(a) Horry Georgetown Technical College	
Marine Technology Center	\$2,000,000
(b) Trident Technical College	
Electric Vehicle Institute	\$5,000,000
(c) Trident Technical College	
Workforce Training	\$5,000,000
(d) readySC	\$1

SECTION 2. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the S.C. Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 3. This joint resolution takes effect thirty days after the completion of the 2022-2023 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the S.C. Code.

Amend title to conform.

/s/Sen. Peeler	/s/Rep. Bannister
/s/Sen. Alexander	/s/Rep. Herbkersman
/s/Sen. Setzler	Rep. Rutherford
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED

WEDNESDAY, JUNE 14, 2023

FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED
FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

**H. 4301--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION
TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE
FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW
UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED
FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED
FOR THE SAME PURPOSES.

The Report of the Committee of Conference having been adopted by
both Houses, ordered that the title be changed to that of an Act, and the
Act enrolled for Ratification.

A message was sent to the House accordingly.

PRESIDENT PRESIDES

The PRESIDENT assumed the Chair.

**H. 3532--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West,
Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M.
Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee,
Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing,
Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND
THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION
17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS
FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES
WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING
SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE
ON BOND FOR PERSONS CHARGED WITH COMMITTING
CERTAIN ADDITIONAL CRIMES AND TO PROVIDE
APPROPRIATE PROCEDURES FOR DETERMINING IF
ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING

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SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

On motion of Senator MALLOY, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator MALLOY spoke on the report.

**H. 3532--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator MALLOY asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators HEMBREE, MALLOY and ADAMS were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy

WEDNESDAY, JUNE 14, 2023

Stephens
Verdin

Talley
Williams

Turner
Young

Total--36

NAYS

Total--0

The Report of Free Conference was adopted.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Jeff Johnson, Robbins and Wetmore to the Committee of Free Conference on the part of the House on:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, JUNE 14, 2023

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Very respectfully,

Speaker of the House

Received as information.

On motion of Senator MALLOY, the Report of the Committee of Free Conference to H. 3532 was adopted as follows:

H. 3532--Free Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: TO AMEND THE

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SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-270. (A) It is unlawful for a person to commit a violent crime while under a bond order or other pretrial release order for a previous violent crime. If the person is convicted of the subsequent violent crime, and is thereafter convicted of a violation of this section, the person is guilty of a felony and must be imprisoned not more than five years. The sentence may be imposed concurrently or consecutively to the punishment for the principal offense.

(B) For purposes of this section:

(1) a violent crime is defined as those contained in Section 16-1-60;

(2) a subsequent violent crime is one that occurs at a later date and time than the offense that resulted in the imposition of the bond order or other pretrial release order.

SECTION 2. Section 17-15-15 of the S.C. Code is amended to read:

Section 17-15-15. (A) Except as provided in subsection (D), in lieu of requiring actual posting of bond as provided in ~~subsection (A) of~~ Section 17-15-10(A), the court setting bond may permit the defendant to deposit in cash with the clerk of court an amount not to exceed ten percent of the amount of bond set, which amount, when the defendant fulfills the condition of the bond, ~~shall~~ must be returned to the defendant by the clerk except as provided in subsection (C).

(B) The cash deposit provided for in subsection (A) ~~shall~~ must be

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assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant and delivered to the clerk. After assignment and after the defendant fulfills the condition of his bond, the clerk shall return the cash deposit to the assignee ~~thereof~~.

(C) In the event the cash deposit is not assigned but the defendant is required by the court to make restitution to the victim of his crime, ~~such~~ the deposit may be used for the purpose of ~~such~~ restitution.

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 , Title 17, and any other provision of law.

SECTION 3. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court ~~shall~~ must consider:

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- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status;~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency ~~shall~~ must provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

SECTION 4. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-35. (A) As used in this section:

(1) "Approved active electronic monitoring device" and "monitoring device" means a body worn or non-body worn device or mobile phone application approved by the South Carolina Law Enforcement Division which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's location and activities, that must verify live

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biometric, photographic, or videographic identification information, and that timely records and reports the person's location.

(2) "Approved electronic monitoring agency" means a law enforcement agency, licensed bondsman or bonding company, or electronic monitoring company that is certified by the South Carolina Law Enforcement Division to supply, maintain, and monitor electronic monitoring devices to participants ordered by the court to wear electronic monitoring devices under the provisions of this section.

(3) "SLED" means the South Carolina Law Enforcement Division.

(4) "Monitoring agency" or "agency" means an approved electronic monitoring agency.

(5) "Participant" means a person, ordered by the court or as a condition of bond to wear or possess an approved electronic monitoring device.

(B)(1) The court, in its discretion, may, for a person charged with a violation of criminal offense under the jurisdiction of the court of general sessions or any offense where the court finds sufficient evidence of a concern for the victim's safety or the safety of any member of the public, order that the person be placed on surveillance via an approved active electronic monitoring device which must be worn or possessed at all times for the duration specified by the court, either in lieu of setting or requiring the posting of bond or as an additional condition of the release on bond.

(2) For pretrial bond consideration, the judge is not limited to nonviolent offenses, but must take into consideration all concerns relating to the setting of an appropriate bond under Section 22-5-510, Sections 17-15-10, et seq., and Section 16-25-120. The device must be capable of recording the person's location at all times. If the court orders a device, before the participant is allowed to leave custody, the detention facility where the defendant is located, in coordination with the approved monitoring agency, must ensure the participant is fitted with an approved active electronic monitoring device, and that all appropriate bond paperwork, including the agreement with the bonding and electronic monitoring companies acknowledging the terms and restrictions of the bond, is completed.

(3) The participant who is ordered on supervision must:

(a) wear an approved device at all times to verify his compliance with the conditions of his detention or if the device is not body worn, must maintain possession of his approved device on or near his person at all times for the duration of the detention and must verify his identity and location at any time required by the order of the court and must

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maintain the monitoring device on or near his person at all times for the duration of the detention, subject to the order of the court and reasonable orders of an agent or employee of the monitoring agency in order to effectuate the conditions of the monitoring order. For purposes of this subsection, “near” means within hearing distance of the device’s notification or call alerts but not farther than thirty feet. In areas of the State where cellular coverage requires the use of an alternate device, the approved electronic monitoring company may use an alternate approved device with approval of the court;

(b) charge and maintain the monitoring device in working order and must report any damage, destruction, or noticeable malfunction of the active monitoring device, whether the incident was accidental or intentional, and including the device having a dead battery, to at least one of the following parties within two hours of the incident: the monitoring agency, the appropriate law enforcement agency with jurisdiction over the underlying offense, or any other party specified in the order;

(c) abide by other terms and conditions set forth by the approved electronic monitoring agency with regard to the monitoring device and electronic monitoring program;

(d) turn himself in to custody of the appropriate detention facility upon the order of the monitoring agency, or the appropriate law enforcement agency with jurisdiction over the offense; and

(e) pay for the cost of the approved active electronic monitoring device and the operation of the monitoring device for the duration of the time the person is required to be electronically monitored, subject to an order of indigency by the court. The summary court or circuit court has jurisdiction upon motion of the defendant to consider exempting a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if it is determined that exceptional circumstances exist such that these payments cause a severe hardship to the person who is deemed indigent. If the indigency hearing is held at a time and date separate from the initial bond hearing, the defense must notify the prosecutor, the bondsman, and the monitoring agency of the date, time, and location of the hearing subject to the notice requirements of the court.

The payment of the cost must be a condition of supervision of the person and a delinquency of two weeks or more in making payments may operate as a violation of a term or condition of the electronic monitoring and bond. No person shall be denied the privilege of electronic monitoring under this statute based on inability to pay upon a finding by

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the court that the defendant meets the qualifications for indigency. The State shall allocate funds to be housed in an indigency fund under the control of the Department of Public Safety to be distributed to the monitoring companies as appropriate to cover the cost of indigent participants.

(C) A participant ordered by the court to be monitored under the provisions of this section, who fails to comply with any of the provisions of this section or who fails to comply with any additional condition of the court order including location restrictions, may have his bond revoked or may be punished for contempt at the discretion of the court.

(D) It is unlawful for any person, knowingly and without authority, to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent an active electronic monitoring device, or to aid or assist a person ordered by the court to be electronically monitored under the provisions of this section to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent a monitoring device and, upon conviction, the person must be punished under the provisions of Section 24-13-425. This subsection does not apply to a person or agent of the electronic monitoring agency or bonding company, or a member of law enforcement acting under the authority of and with compliance to the court order.

(E)(1) Upon violation of any of these requirements and a showing by affidavit and supporting records by the electronic monitoring company on a domestic violence bond or general sessions bond or where emergency circumstances exist on any other bond, the approved electronic monitoring company may approach a summary court judge for a bench warrant if one is not already provided for in the bond paperwork or other court order. Law enforcement shall immediately attempt to locate and incarcerate the defendant upon notice of the bench warrant. After incarceration, the prosecutor must be notified and the defendant must be brought before a summary court judge within three calendar days or before a circuit court judge within three business days, whichever has jurisdiction of the underlying charge, to determine whether the bond is to be reconsidered or bond conditions amended. The prosecution must provide the defense with any relevant evidence regarding the alleged violation within a reasonable time before the hearing and the hearing may be continued for cause.

(2) Nothing in this section shall reduce any duty of the bondsman to pick up the offending bailee and immediately incarcerate him for violation of bond conditions. Failure to do so may lead to bond estreatment for failure to enforce bond conditions by the bondsman and

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possible other administrative or criminal action.

(3) Nothing in this section may be used to hold the electronic monitoring agency civilly liable for any criminal acts of the defendant committed while being monitored.

SECTION 5. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-37. (A) The South Carolina Law Enforcement Division may promulgate regulations to effectuate the intent of Section 17-15-35 and this section, develop standards for the use and approval of active electronic monitoring devices, and shall certify electronic monitoring agencies, including law enforcement agencies, electronic monitoring companies, and bondsmen and bonding companies. SLED must keep a public list of those companies that are certified.

(B) The approved electronic monitoring agency must:

(1) provide active electronic monitoring devices or mobile phone applications approved by SLED that must provide verifiable identity and location information at regular and random intervals throughout the day, and that timely record and report the person's presence near or within a prohibited area or the person's departure from a specified geographic location;

(2) allow any law enforcement agency, including the prosecutor's office, to have access to real-time monitoring, if possible, and any reports requested by law enforcement or the prosecution must be provided within twenty-four hours of the request;

(3) notify the solicitor having jurisdiction over the participant and the bondsman within forty-eight hours when he becomes aware or should have become aware that the participant has violated any provision of the court's order for electronic monitoring, or the participant has been surrendered to the custody of law enforcement; and

(4) immediately notify local law enforcement and make reasonable attempts to immediately notify the victim if the participant violates any exclusion zones related to the victim.

(C) Failure of the electronic monitoring agency to maintain compliance with regulations established by SLED, the order of the court, or any applicable statute shall be reported to SLED by the solicitor for administrative action. SLED may impose a fine, or suspend or revoke the certification for any approved agency who demonstrates a failure to maintain the standards and reporting requirements set forth under the regulations and appropriate statutes.

SECTION 6. Section 17-15-55 of the S.C. Code is amended to read:

Section 17-15-55. (A)(1) The circuit courts, at their discretion, may

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review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts may consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. A defendant shall be advised of his right to a speedy trial. Information regarding the defendant's guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor's consent. Notwithstanding another provision of law, nothing prevents a solicitor or the defendant from filing a motion for a speedy trial or requesting the court to set a date certain for trial based on the facts and circumstances in the case. If either party fails to comply with the terms of an order granting a speedy trial, the court may reconsider the terms of the defendant's bond, may consider sanctions and may grant other just and proper relief as the court determines.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any. The court must have a hearing and rule on the state's motion within thirty days of the filing.

(2) After a circuit court judge has heard and ruled upon the state's motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a

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material change in circumstances.

(3) If the state's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state's motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof that reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant's motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.

(C) If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or any felony offense involving a firearm and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~violent crime~~ offense, then:

(1) the bond hearing for the subsequent violent crime original offense must be revoked by operation of law and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm;

(3) If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly.

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Notwithstanding the provisions of Sections 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety;

(4) If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and

~~(D)-(5)~~ If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or felony offense involving a firearm, and the subsequent violent ~~crime~~ offense did not arise out of the same series of events as the previous violent ~~crime~~ offense, then the arresting law enforcement agency must transmit notice of the second arrest, implicating ~~this subsection (C)~~, to the solicitor of the circuit in which the ~~crime~~ offense was committed and the administrative chief judge of the circuit in which the ~~crime~~ offense was committed. The prosecuting agency must notify any victims of the initial or subsequent ~~crimes~~ offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) Notwithstanding subsection (C)(2), if the original bond was set in another judicial circuit, that prosecution agency shall be notified of the revocation and any finding the court makes pursuant to this subsection. The prosecution agency having jurisdiction over the subsequent charge must make the notification required in this subsection within forty-eight hours of the conclusion of the preceding. The presiding judge has jurisdiction to make a finding on record to deny a new bond on the original charge or may order a new bond hearing to be scheduled on the original charge in the judicial circuit where the charges are pending. This

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hearing must be scheduled within thirty days by the prosecution agency having jurisdiction over the original charges.

—(F) For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the circuit court for ~~ten~~ thirty days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

SECTION 7. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event, including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(D) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is

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requested;

(3) all incident reports generated as a result of an offense charged;

(4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and

(6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency ~~shall~~ must provide the court with the following information:

(1) the person's criminal record;

(2) any charges pending against the person at the time release is requested;

(3) all incident reports generated as a result of the offense charged; and

(4) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION 8. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served

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by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; ~~or~~ (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

SECTION 9. Section 24-13-425 of the S.C. Code is amended to read:

Section 24-13-425. (A) For the purposes of this section:

—~~(1)~~ “electronic monitoring device” includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

—~~(2) “Person” includes any public or private agency or entity providing electronic monitoring services.~~

(B) It is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is:

(1) complying with the Home Detention Act as set forth in Article 15, Title 24;

(2) wearing an electronic monitoring device as a condition of bond or pretrial release;

(3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or

(4) wearing an electronic monitoring device as required by any other provision of law.

(C) It shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purposes described in subsection (B).

(D) This section does not apply to an employee or agent of the electronic monitoring company, bonding company, or law enforcement entity who removes or replaces an active electronic monitoring device in order to perform maintenance and repair on the device, who removes and replaces a non-working device, who removes the device once the person is placed into secure custody or if the underlying charges have been dismissed, or who otherwise is acting under the authority of the court

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order.

(E) Any person who violates the provisions of this section shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to three thousand dollars, or both.

SECTION 10. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the Chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the court of general sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

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(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

SECTION 11. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as ~~an~~ a property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

SECTION 12. Section 38-53-10 of the S.C. Code is amended by adding:

(15) "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

SECTION 13. Section 38-53-50(B) of the S.C. Code is amended to read:

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A

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surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

SECTION 14. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant ~~fails to appear at a court proceeding to which he has been summoned~~ violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court ~~shall must make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy provide written or electronic notice of the issuance of the bench warrant within seven~~ thirty days of its issuance ~~at the clerk of court's office to every party bound in the recognizance~~. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION 15. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service shall, in and of itself, constitute good cause for the

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bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

SECTION 16. Section 38-53-170(e) and (f) of the S.C. Code is amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of ~~twenty-five~~ one hundred dollars ~~or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman's premium, and are not affected by this code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.~~

-However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept collateral security or other indemnity from the principal which must be returned ~~upon~~ within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman

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must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last known address of the depositor. After the conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money within three days after settlement;

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

SECTION 17. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month showing:

(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has cause to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

- (a)(1) each individual bonded;
- (b)(2) the date the bond was given;
- (c)(3) the principal sum of the bond;
- (d)(4) the state or local official with whom the bond was filed;
- (e)(5) the fee charged for the bonding service in each instance; ~~and~~
- (f)(6) all pending bonds; and
- (7) any current data on monies to be collected and retained as an express condition of the bond, whether for electronic monitoring or otherwise.

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(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system, which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

SECTION 18. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-55. When a person engaged in electronic monitoring of a defendant charged with a violent offense as defined by Section 16-1-60 becomes aware that the defendant has had contact with the alleged victim of the violent offense or with the immediate family of the alleged victim of the violent offense, he must immediately or within twenty-four hours, notify law enforcement, the solicitor, and the court having jurisdiction over the defendant of the contact.

SECTION 19. This act takes effect upon approval by the Governor; however, the provisions of Sections 17-15-35 and 17-15-37 take effect six months after approval by the Governor, and the provisions of Section 38-53-10(12) take effect July 1, 2024.

Amend title to conform.

/s/Sen. Malloy

/s/Sen. Hembree

/s/Sen. Adams

On part of the Senate.

/s/Rep. J.E. Johnson

/s/Rep. Robbins

/s/Rep. Wetmore

On part of the House.

, and a message was sent to the House accordingly.

H. 3532--REPORT OF COMMITTEE OF CONFERENCE

ENROLLED FOR RATIFICATION

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE

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ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**S. 108--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

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On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

**S. 108--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator DAVIS asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators DAVIS, K. JOHNSON and TURNER were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Hyde, Gagnon and Howard to the Committee of Free Conference on the part of the House on:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE

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FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS
KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE
AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL
RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE
THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has
adopted the Report of the Committee of Free Conference on:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young,
Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice,
Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A
BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING SECTION 9-1-1770, RELATING TO
PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE
SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE
FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS
KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE
AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL
RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE
THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY
AMENDING SECTION 9-11-120, RELATING TO A
PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE
POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE
FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS
KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE
AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL
RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE
THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very respectfully,

Speaker of the House

Received as information.

The question then was adoption of the Report of the Committee of
Free Conference.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

On motion of Senator DAVIS, the Report of the Committee of Free Conference to S. 108 was adopted as follows:

S. 108--Free Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL

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RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 9-1-1770(D) of the S.C. Code is amended to read:

(D)(1) ~~RESERVED~~ For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member's death is either:

(a) the result of an unlawful and intentional act of another person;
or

(b) the result of an accident that occurs:

(i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member's response to what is reasonably

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believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member's lifetime. If no designation is made, then the payment must be paid to the member's surviving spouse. If there is no surviving spouse, the payment must be paid to the member's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program's actual experience and the recommendation of the system's actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

SECTION 2. Section 9-11-120(E) of the S.C. Code is amended to read:

(E)(1) ~~[Reserved]~~ For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the

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member's designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member's death is either:

(a) the result of an unlawful and intentional act of another person;

or

(b) the result of an accident that occurs:

(i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member's response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member's lifetime. If no designation is made, then the payment must be paid to the member's surviving spouse. If there is no surviving spouse, the payment must be paid to the member's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program's actual experience and the recommendation of the system's actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

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SECTION 3. Section 42-7-90 of the S.C. Code is amended by adding:

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term "first responder" means:

(i) an emergency medical technician as defined in Section 44-61-20(12);

(ii) a law enforcement officer as defined in Section 23-23-10(E)(1);

(iii) a corrections officer as described in Section 23-1-145 or Section 24-1-280;

(iv) reserves as defined in Section 23-28-10(A);

(v) constables appointed pursuant to Section 23-1-60;

(vi) a fire department worker who serves on a paid or voluntary basis for a firefighting agency, fire department, or a volunteer fire department and who performs duties related to rescue, fire suppression, and public safety; or

(vii) a coroner as defined in Section 17-5-5(3) or a deputy coroner as defined in Section 17-5-5(5) who directly engages in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder's death is either:

(i) the result of an unlawful and intentional act of another person; or

(ii) the result of an accident that occurs:

(A) as a result of the first responder's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder's response to what is

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reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner prescribed by the agency during the first responder's lifetime. If no designation is made, then the payment must be paid to the first responder's surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, but excluding first responder death benefit payments made to a member of a retirement system, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

SECTION 4. Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42-7-220. There is established, within the office of the State Accident Fund, the South Carolina First Responder Line of Duty Death Benefit Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year. This fund is created to ensure payment of line of duty death benefits to first responders as defined in Section 42-7-90 and only may be used for that purpose. The fund must be administered by the Director of the State Accident Fund who shall establish procedures to implement this section.

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Upon request from the Director of the State Accident Fund, the State Treasurer shall transfer from general funds of the State into the separate fund such sufficient amounts to pay claims that are owing and due pursuant to this section. The State Accident Fund, in coordination with the Office of State Treasurer, shall provide a report on an annual basis on the claims from the fund to the Senate Finance Committee and the House Ways and Means Committee.

SECTION 5. This act takes effect on May 11, 2023.

Amend title to conform.

/s/Sen. Davis	/s/Rep. Gagnon
/s/Sen. Turner	/s/Rep. Hyde
/s/Sen. K. Johnson	/s/Rep. Howard
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

**S. 108--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

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The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**H. 4023--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND

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REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

On motion of Senator HEMBREE, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HEMBREE spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--36

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

H. 4023--Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4023 -- Reps. Erickson, S Jones, Tedder, Scott, Hembree and Turner: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING POLICES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD-SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS

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TO REVISE MEMBERSHIP OF THE ADVISORY COUNCIL, TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; AND BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1.A. Section 59-152-60 of the S.C. Code is amended to read:

Section 59-152-60. (A) Each county must be represented ~~by~~ on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the local legislative delegation, and be on file with the Office of First Steps.

(B) The South Carolina First Steps to School Readiness Board of Trustees must establish bylaws for use by each local partnership board. These bylaws must, in addition to other requirements provided in this section, require that a meeting or election of a local partnership board comply with all Freedom of Information Act and IRS disclosure requirements.

(C) In accordance with the bylaws established by the board of trustees, appointed members shall comprise a voting majority of the board.

(1) No more than four may be elected to sit on a First Steps Partnership Board.

(2) Each county legislative delegation ~~may shall~~ appoint ~~up to four~~ six members to a local partnership board. In multicounty partnerships, the legislative delegations shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness

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Board of Trustees pursuant to Section 59-152-70(E).

(3) Each of the following entities located within a particular First Steps Partnership coverage area shall ~~designate~~ recommend one member to the legislative delegation for appointment by the delegation to serve as a member of the local First Steps Partnership Board:

(a) ~~county~~ Department of Social Services;

(b) ~~county~~ Department of Health and Environmental Control; and

(c) Head Start or early Head Start;

~~_____ (d) county library; and~~

~~_____ (e) each of the school districts in the county.~~

(4) The county public library system staff located within a particular First Steps Partnership coverage area shall recommend one employee of the system for appointment by its county council to serve as a member of the partnership, and the council either shall make the appointment or reject the appointment and ask the library staff to make another recommendation.

(5) Each public school district board located within a particular First Steps Partnership coverage area shall appoint one of its employees to serve as a member of the local First Steps Partnership.

(6) The legislative delegation may by resolution delegate some or all of its appointments to county council.

(D) In conjunction with the independent external program evaluation established in Section 59-152-160, the South Carolina First Steps to School Readiness Board of Trustees shall conduct a formal review of the membership categories for First Steps Partnership Board composition. Upon completion of the review, the South Carolina First Steps to School Readiness Board of Trustees shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the composition categories for First Steps Partnership Boards in place at that time, or recommending any appropriate and necessary changes.

(E)(1) Members who miss more than three consecutive meetings without excuse or members who resign must be replaced from the same categories as their predecessor are considered terminated from membership and a vacancy is created.

(2) When any membership vacancy occurs, the vacancy timely must be filled with a person from the same category and in the same manner of election or appointment as the vacated member.

(3) The terms of the members of a local First Steps Partnership Board are for four years; however, excluding all appointed members, membership on the board may not exceed eight consecutive years.

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Elected members may not serve in a holdover capacity after their term ends.

(F) The chairman of a local partnership board must be elected by majority vote of the board. The chairman shall serve a one-year term; however, the chairman may be elected to subsequent terms not to exceed a total of four consecutive years.

(G) A local First Steps Partnership board must have policies and procedures for conducting meetings and disclosing records comparable to those provided for in the Freedom of Information Act. Prior to every vote taken by the board, members must abstain from voting if the issue being considered would result in a conflict of interest. The abstention must be noted in the minutes of the meeting.

B. The terms of all local First Steps Partnership members designated pursuant to Section 59-152-60(C)(3) terminate on July 1, 2023. The South Carolina First Steps to School Readiness Board of Trustees shall design and implement a transition plan setting forth the tasks to be accomplished by local First Steps Partnerships in compliance with the requirements of this act. This plan shall be fully implemented by July 1, 2024.

SECTION 2. Section 59-152-70 of the S.C. Code is amended to read:

Section 59-152-70. (A) A First Steps Partnership Board shall, among its other powers and duties:

(1) adopt bylaws as established by the First Steps to School Readiness Board to effectuate the provisions of this chapter which must include the creation of a periodic meeting schedule;

(2) coordinate a collaborative effort at the county or multicounty level which will bring the community together to identify the area needs related to the goals of First Steps to School Readiness; develop a strategic long-term plan for meeting those needs; develop specific initiatives to implement the elements of the plan; and integrate service delivery where possible;

(3) coordinate and oversee the implementation of the comprehensive strategic plan including, but not limited to, direct service provision, contracting for service provision, and organization and management of volunteer programs;

(4) effective July 1, 2016, each partnership's comprehensive plan shall include the following core functions:

(a) service as a local portal connecting families of preschool children to community-based services they may need or desire to ensure the school readiness of their children;

(b) service as a community convener around the needs of

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preschool children and their families; and

(c) support of state-level school readiness priorities as determined by the State Board;

(5) update a needs assessment every three years;

(6) implement fiscal policies and procedures as required by the First Steps office and as needed to ensure fiscal accountability of all funds appropriated to the partnership;

(7) keep accurate records of the partnership's board meetings, board member's attendance, programs, and activities for annual submission to the First Steps to School Readiness Board of Trustees;

(8) collect information and submit an annual report by October first to the First Steps to School Readiness Board of Trustees, and otherwise participate in the annual review and the three-year evaluation of operations and programs. Before December 1, 2017, and annually before December first thereafter, the Office of South Carolina First Steps shall publish each local partnership's comprehensive plan and annual report on the office's website. Reports must include, but not be limited to:

(a) determination of the current level and data pertaining to the delivery and effectiveness of services for young children and their families, including the numbers of preschool children and their families served;

(b) strategic goals for increased availability, accessibility, quality, and efficiency of activities and services for young children and their families which will enable children to reach school ready to succeed;

(c) monitoring of progress toward strategic goals;

(d) report on implementation activities;

(e) recommendations for changes to the strategic plan which may include new areas of implementation;

(f) evaluation and report of program effectiveness and client satisfaction before, during, and after the implementation of the strategic plan, where available; and

(g) estimation of cost savings attributable to increased efficiency and effectiveness of delivery of services to young children and their families, where available; and

(9) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees requests to hire a local First Steps partnership executive director. Such a request should provide the rationale for the request and include such information as qualifications of applicants, current and requested salaries of applicants, resumes of candidates, and any information to justify the salary requested;

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(10) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees justification of and recommendations for the salary and any salary increases for the local First Steps partnership executive director;

(11) implement and document an annual performance evaluation for the local First Steps partnership executive director. The completed document shall be submitted annually to the South Carolina First Steps to School Readiness Board of Trustees.

(B) Each local partnership may, in the performance of its duties, employ or acquire staff pursuant to the local partnership bylaws established by the South Carolina First Steps to School Readiness Board of Trustees. Overhead costs of a First Step partnership's operations may not exceed ~~eight~~ thirteen percent of the total state funds appropriated for partnership grants. The South Carolina First Steps to School Readiness Board of Trustees shall contract with an independent cost accountant to provide recommendations as to an adequate, and not excessive, overhead cost rate for individual partnerships no later than July 1, 2017. Once these recommendations are received, the First Steps to School Readiness Board of Trustees may adjust the overhead percentage for the local partnership. Once the overhead rates are established, the rates may not be amended or revised for at least five years, and the board may not grant a waiver from this provision to the local partnership. Local partnerships that are not part of a multicounty partnership and exceed the overhead cost rate are ineligible to receive state funds.

(C) Each First Steps partnership may apply for, receive, and expend federal, state, and local funds, grants, and other funding in order to improve programs as provided in Section 59-152-25(A).

(D) To be designated a First Steps partnership, the local partnership must be a ~~private~~ nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code.

(E)(1) Multiple First Steps local partnerships may collaborate in a manner they determine will maximize the efficient and effective provision of First Steps services and programs to children and their families and best enable the partnerships to execute their duties and powers established in this chapter. In such a collaboration, partnerships may merge or work in concert with one or more of their ~~program~~ programs, administrative, or development functions or establish multicounty partnerships. ~~The decision to collaborate in the manner permitted in this subsection rests entirely with the local partnership boards of directors involved.~~

(2) To establish a multicounty partnership, the partnerships shall

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submit a joint proposal to the South Carolina First Steps to School Readiness Board of Trustees including, but not limited to, a plan to ensure each county in the partnership coverage area is equally represented on the local partnership board. In furtherance of this process, the South Carolina First Steps to School Readiness Board of Trustees shall have the authority to set aside the local First Steps Partnership board requirements listed within Section 59-152-60(C)(1)-(6), as is necessary to establish a multicounty partnership. No multicounty partnership shall be established nor separated without prior approval by the South Carolina First Steps to School Readiness Board of Trustees.

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps, including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local legislative delegation.

SECTION 3. Section 59-152-150(A) of the S.C. Code is amended to read:

(A) The Office of South Carolina First Steps to School Readiness shall develop and require local partnerships to adopt and implement a standard fiscal accountability system including, but not limited to, a uniform, standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts, and contract management and monitoring. ~~accountability system shall require competitive bids for the purchase or procurement of goods and services of ten thousand dollars or more. A bid other than the lowest bid may be accepted by a majority vote of the partnership board if other considerations outweigh the cost factor; however, written justification must be filed with the Office of First Steps.~~ The Office of First Steps, in consultation with the Office of State Procurement, must adopt and develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase of goods and services. The Office of First Steps may contract with outside firms to develop and ensure implementation of this standard fiscal accountability system, and the Office of First Steps may inspect fiscal and program records of partnerships and developing partnerships to ensure their compliance with the required system. The Office of First Steps may contract with a state entity with existing means for developing contracts and disbursing funds in order to make use of the existing infrastructure, if it is efficient and not administratively burdensome to partnerships.

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SECTION 4. Article 17, Chapter 11, Title 63 of the S.C. Code is amended by adding:

Section 63-11-1726. All publicly funded early childhood-serving agencies and entities shall participate in data-sharing initiatives supported by the advisory council in furtherance of the requirements listed in Section 63-11-1725.

SECTION 5. Section 63-11-1720(C) of the S.C. Code is amended to read:

(C) The board shall include members appointed in the following manner:

(1) the Governor shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators;
- (d) medical providers;
- (e) child care and development providers; and
- (f) the General Assembly, one member from the Senate and one member from the House of Representatives;

(2) the President of the Senate shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators; and
- (d) medical or child care and development providers;

(3) the Speaker of the House of Representatives shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators; and
- (d) medical or child care and development;

(4) the Chairman of the Senate Education Committee or his designee;

(5) the Chairman of the House Education and Public Works Committee or his designee; and

(6) the chief executive officer of each of the following shall serve as an ex officio voting member:

- (a) Department of Social Services;
- (b) Department of Health and Environmental Control;
- (c) Department of Health and Human Services;
- (d) Department of Disabilities and Special Needs;

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- (e) State Head Start Collaboration Officer; ~~and~~
- (f) Children's Trust of South Carolina; and
- (g) Department of Mental Health.

SECTION 6. Section 63-11-1725(B) of the S.C. Code is amended to read:

(B) The membership of the advisory council is composed of the membership of the Board of Trustees of the South Carolina First Steps to School Readiness Initiative. Each voting and nonvoting member shall serve as a voting member of the South Carolina Advisory Council, concurrent with his service on the board. In addition, two executive directors from local First Steps Partnerships must serve as voting members on the advisory council with one appointed by the House Education and Public Works Committee and one appointed by the Senate Education Committee.

SECTION 7. Section 63-11-1725(D) of the S.C. Code is amended to read:

(D) The State Director of First Steps shall coordinate the activities of the advisory council. Pursuant to 42 U.S.C. Section 9837b(b)(1)(D)(i), the advisory council shall:

(1) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to the age of school entry, including an assessment of the availability of high-quality prekindergarten services for low income children in the State;

(2) identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering these programs;

(3) develop recommendations for increasing the overall participation of children in existing federal, state, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(4) develop, recommendations regarding the establishment of maintain, and serve as the governing body for a unified and integrated data collection system for public early childhood education and development programs and services throughout the State, implement sound data governance policies that protect privacy, and maintain a comprehensive infrastructure for integrated, and when applicable, longitudinal data for public early childhood education and development programs, and services, and state, local, and federal funding sources

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throughout the State;

(5) develop and maintain parent knowledge-building activities, including web-based portals to inform parents of all publicly funded early childhood programs and services which include, but are not limited to, an eligibility screener and common application;

(6) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

~~(6)~~(7) assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in the State for supporting the development of early childhood educators, including the extent to which these institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;

(8) prepare an overall strategic plan at least once every five years that establishes clearly defined goals, objectives, strategies, and key measures of progress for optimizing the state's early childhood system. Following creation of such plan, the council shall periodically review the implementation of the plan and review any changes in the state's needs;

~~(7)~~(9) make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate;

~~(8)~~(10) develop and publish, using available demographic data, an indicators-based measure of school readiness at the state and community level;

~~(9)~~(11) incorporate, within the periodic statewide needs assessments required in 42 U.S.C. Section 9837b, any data related to the capacity and efforts of private sector providers, Head Start providers, and local school districts to serve children from birth to age five, including fiscal, enrollment, and capacity data; and

~~(10)~~(12) perform all other functions, as permitted under federal and state law, to improve coordination and delivery of early childhood education and development to children in this State.

SECTION 8. Section 63-11-1730 of the S.C. Code is amended to read:

Section 63-11-1730. To oversee and be accountable for the South Carolina First Steps to School Readiness Initiative, in accordance with the APA, the board shall:

(1) develop and promulgate a comprehensive long-range initiative for improving early childhood development and increasing school readiness and literacy, which shall include the specific requirements of Chapter

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152, Title 59;

(2) in accordance with the APA, promulgate regulations and establish guidelines, policies, and procedures for the continued implementation of the South Carolina First Steps to School Readiness initiative;

(3) provide oversight on the continued implementation and evaluation of the South Carolina First Steps to School Readiness initiative at the state and local levels;

(4) establish and promulgate grant qualification requirements and a formula by which allocations for qualifying partnership grants shall be calculated;

(5) ensure the provision of technical assistance, consultation services and support to First Steps Partnerships including: the creation and annual revision of county needs assessments; the prioritization, implementation, and evaluation of each First Steps Partnership's strategic plans based on needs assessments; and the identification of assets from other funding sources;

(6) assess and develop recommendations: for ensuring coordination and collaboration among service providers at both the state and county level, for increasing the efficiency and effectiveness of state programs and funding and other programs and funding sources, as allowable, as necessary to carry out the First Steps to School Readiness initiative, including additional fiscal strategies, redeployment of state resources, and development of new programs;

(7) establish and promulgate results-oriented measures and objectives and assess whether services provided by First Steps Partnerships to children and families are meeting the goals and achieving the results established for the First Steps initiative pursuant to Chapter 152, Title 59;

(8) receive gifts, bequests, and devises for deposit for awarding grants to First Steps Partnerships;

(9) report annually to the General Assembly by January first on activities and progress to include recommendations for changes and legislative initiatives and results of program evaluations;

(10) establish and promulgate internal policies and procedures to allow the board to operate optimally, which shall include, but not be limited to, an established and consistent process for decision making;

(11) develop, implement, and document an annual performance process for the Director of the Office of South Carolina First Steps;

(12) establish and promulgate bylaws for adoption by local First Steps Partnerships;

(13) establish core personnel policies and procedures for adoption by

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local First Steps Partnerships;

(14) develop a standard process by July 1, 2024, for reviewing submissions made by local partnerships as it relates to the hiring, salaries, and annual performance evaluations of local partnership executive directors pursuant to Chapter 152, Title 59;

(15) establish and promulgate internal evaluation policies and procedures for local partnerships for annual review pursuant to Chapter 152, Title 59; and

(14)(16) arrange for the conduction of an independent external program evaluation pursuant to Chapter 152, Title 59.

SECTION 9. Section 59-152-10 of the S.C. Code is amended to read:

Section 59-152-10. (A) There is established the South Carolina First Steps to School Readiness, a comprehensive, results-oriented initiative for improving early childhood development by providing, through local partnerships, public and private funds, and support for high-quality early childhood development and education services for children by providing support for their families' efforts toward enabling their children to reach school ready to succeed.

(B) The provisions of the South Carolina First Steps to School Readiness Act, as enacted by Act 99 of 1999, and as subsequently amended, and this chapter are permanently enacted, and future reauthorization is not necessary.

SECTION 10. This act takes effect upon approval by the Governor.

Amend title to conform.

Sen. Scott	/s/Rep. Erickson
/s/Sen. Hembree	/s/Rep. S. Jones
/s/Sen. Turner	Rep. Tedder
On part of the Senate.	On part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A.

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Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING

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TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY

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FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 16, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY

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SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Very respectfully,

Speaker of the House

Received as information.

S. 330--SENATE INSISTS ON THEIR AMENDMENTS

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

On motion of Senator RANKIN, the Senate insisted upon its amendments to S. 330 and asked for a Committee of Conference.

S. 330--CONFERENCE COMMITTEE APPOINTED

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Whereupon, Senators RANKIN, SABB and TALLEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Weston, Newton, Bailey and Bernstein to the Committee of Conference on the part of the House on:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY

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SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Very respectfully,

Speaker of the House

Received as information.

**S. 330--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

On motion of Senator RANKIN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator RANKIN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy

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Stephens
Verdin

Talley
Williams

Turner
Young

Total--36

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

S. 330--Conference Report

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 16-11-740 of the S.C. Code is amended to read:

Section 16-11-740. (A) For purposes of this section only, "electric utility system" means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

(B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

—(1) (a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

—(2) (b) obstruct, impede, or impair their services or transmissions; or

—(3) (c) aid, agree with, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this section subsection.

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— (2) A person who violates the provisions of this ~~section~~ subsection is guilty of a ~~felony-misdemeanor~~ and, upon conviction:

(a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years, or both;

(b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

(3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

(C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

(a) destroy, damage, or in any way injure:

(i) an electric utility system; or

(ii) a gasoline, natural gas, or propane utility system, including poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

(iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

(2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

(D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such

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injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover damages fixed by the verdict, together with costs, including attorneys' fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, "damages" includes actual and consequential damages.

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

Amend title to conform.

/s/Sen. Rankin

/s/Sen. Sabb

/s/Sen. Talley

On part of the Senate.

/s/Rep. Bailey

/s/Rep. Bernstein

/s/Rep. W. Newton

On part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

WEDNESDAY, JUNE 14, 2023

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Very respectfully,

Speaker of the House

Received as information.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

NONCONCURRENCE

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEALY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 36

AYES

Total--0

NAYS

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

On motion of Senator SHEALY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 14, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has receded from its amendments to:

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

ENROLLED FOR RATIFICATION

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification.

A message was sent to the House accordingly.

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CONCURRENCE

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEALY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

On motion of Senator SHEALY, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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Motion Adopted

On motion of Senator Massey, the Senate agreed to stand adjourned pursuant to the call of the PRESIDENT; however, if and when the PRESIDENT, in consultation with the Majority Leader and the Minority Leader, determines that the Senate's business is concluded for the year, then the Extraordinary Session will stand adjourned *sine die*.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Education Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Independent College:

Gene C. Fant, 7801 North Tigerville Road, Tigerville, SC 29688-9700
VICE Mark A. Smith

On motion of Senator HEMBREE, the question was confirmation of Gene C. Fant.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
Johnson, Michael	Kimbrell	Loftis

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Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Verdin	Williams	Young

Total--33

NAYS

Total--0

The appointment of Gene C. Fant was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointments were confirmed in open session:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

1st Congressional District:

Charles Samuel Bennett II, 31 Governors Road, Hilton Head, SC 29928-3028 *VICE* William A. Finn

On motion of Senator RANKIN, the question was confirmation of Charles Samuel Bennett II.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott

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Setzler
Verdin

Shealy
Williams

Stephens
Young

Total--33

NAYS

Total--0

The appointment of Charles Samuel Bennett II was confirmed.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

Berkeley County:

John Samuel West, 202 McCants Drive, Moncks Corner, SC 29461-1869 *VICE* Peggy H. Pinnell

On motion of Senator RANKIN, the question was confirmation of John Samuel West.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams

Alexander

Allen

Campsen

Climer

Corbin

Cromer

Davis

Fanning

Gambrell

Garrett

Grooms

Gustafson

Hembree

Jackson

Johnson, Michael

Kimbrell

Loftis

Malloy

Massey

McElveen

McLeod

Peeler

Rankin

Reichenbach

Rice

Scott

Setzler

Shealy

Stephens

Verdin

Williams

Young

Total--33

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NAYS

Total--0

The appointment of John Samuel West was confirmed.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

4th Congressional District:

Charles E. Dalton, 11 Harvest Court, Greenville, SC 29601-4409
VICE Barry D. Wynn

On motion of Senator RANKIN, the question was confirmation of Charles E. Dalton.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Verdin	Williams	Young

Total--33

NAYS

Total--0

The appointment of Charles E. Dalton was confirmed.

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Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

2nd Congressional District:

Stacy K. Taylor, 124 Harding St., Chapin, SC 29036-9458 *VICE* Jack Wolf

On motion of Senator RANKIN, the question was confirmation of Stacy K. Taylor.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Verdin	Williams	Young

Total--33

NAYS

Total--0

The appointment of Stacy K. Taylor was confirmed.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2024, and to expire January 1, 2028

6th Congressional District:

Alyssa Richardson, 1049 Buist Avenue, North Charleston, SC 29405-4909 *VICE* John Calhoun Land IV

WEDNESDAY, JUNE 14, 2023

On motion of Senator RANKIN, the question was confirmation of Alyssa Richardson.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Adams	Alexander	Allen
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Setzler	Shealy	Stephens
Verdin	Williams	Young

Total--33

NAYS

Total--0

The appointment of Alyssa Richardson was confirmed.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2022, and to expire July 1, 2024

Four-Year Institutions:

Oran P. Smith, 466 East Columbia Ave., Leesville, SC 2900-7317
VICE Linda L. Dolny

Senator STEPHENS moved to carry over the appointment confirmation of Oran P. Smith.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 7; Nays 22

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AYES

Allen	Fanning	Jackson
McLeod	Scott	Stephens
Williams		

Total--7

NAYS

Adams	Alexander	Campsen
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Reichenbach
Rice	Shealy	Verdin
Young		

Total--22

The Senate refused to carry over the candidate.

On motion of Senator MASSEY, with unanimous consent, the debate time limit required prior to making a motion under Rule 15A was waived.

Senator MASSEY moved under Rule 15A to bring the debate on the matter to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 22; Nays 10

AYES

Adams	Alexander	Campsen
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Massey	Peeler	Reichenbach
Rice	Shealy	Verdin
Young		

Total--22

NAYS

Allen	Fanning	Jackson
Malloy	McElveen	McLeod
Scott	Setzler	Stephens
Williams		

Total--10

The motion failed to receive the necessary votes.

Motion Adopted

Senator MASSEY asked unanimous consent, with Senator STEPHENS retaining the floor, that the Senate stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Brian B. West, 223 North Live Oak Drive, Moncks Corner, SC 29461-3705

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tiffany R. Spann-Wilder, 6977 Dorchester Road, North Charleston, SC 29418-3422

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Martelle T. Morrison, 3215 Boach Road, Hollywood, SC 29449-6132

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Donald J. Simons, Post Office Box 9246, Columbia, SC 29290-0246

Reappointment, Horry County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Aaron Butler, 1830 Spivey Avenue, Conway, SC 29527-5559

Reappointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Michael Scott, 3521 Greenway Dr., Columbia, SC 29206-3415

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Janice Y. Simmons, 262 Mallard Road, Summerville, SC 29483-7937

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 14, 2023, at 3:10 P.M. and the following Acts and Joint Resolution were ratified:

(R90, S. 96) -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE "PERSONAL WATERCRAFT" AND "SPECIALTY PROPCRAFT"; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; BY ADDING SECTION 50-21-95 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT POSSESSING A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; AND BY AMENDING SECTION 50-21-870, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REMOVE THE DEFINITION OF "PERSONAL WATERCRAFT" AND TO REMOVE A BOATING PROHIBITION.

L:\COUNCIL\ACTS\96PH125.DOCX

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(R91, S. 108) -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 42-7-90, RELATING TO EXPENDITURES FROM THE STATE ACCIDENT FUND, SO AS TO ADD "FIRST RESPONDER LINE OF DUTY DEATH BENEFIT"; AND BY ADDING SECTION 42-7-220 SO AS TO ESTABLISH THE SOUTH CAROLINA FIRST RESPONDER LINE OF DUTY DEATH BENEFIT FUND.

L:\COUNCIL\ACTS\108SA125.DOCX

(R92, S. 330) -- Senators Rankin, Alexander, Verdin and Garrett: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEMS, SO AS TO DEFINE THE TERM "ELECTRIC UTILITY SYSTEM", TO PROVIDE CERTAIN WILFUL AND MALICIOUS ACTS CONSTITUTE VIOLATIONS OF THIS SECTION, TO PROVIDE A TIERED SYSTEM OF PENALTIES FOR CERTAIN VIOLATIONS, TO PROVIDE IT IS UNLAWFUL TO USE FIREARMS OR DESTRUCTIVE DEVICES TO DESTROY OR DAMAGE UTILITY SYSTEMS AND PROVIDE PENALTIES, AND

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TO PROVIDE REMEDIES TO PERSONS INJURED BY VIOLATIONS OF THIS SECTION.

L:\COUNCIL\ACTS\330CM125.DOCX

(R93, S. 335) -- Senator Davis: AN ACT TO AMEND ACT 596 OF 1969, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

L:\COUNCIL\ACTS\335HA125.DOCX

(R94, S. 397) -- Senators Shealy, Setzler and Kimbrell: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11 TO CHAPTER 47, TITLE 40 SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

L:\COUNCIL\ACTS\397WAB125.DOCX

(R95, S. 407) -- Senators Shealy and Senn: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361, RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR OPIOID ANTIDOTES TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

L:\COUNCIL\ACTS\407VR125.DOCX

(R96, H. 3360) -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

L:\COUNCIL\ACTS\3360CM125.DOCX

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(R97, H. 3503) -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; BY AMENDING SECTION 44-53-370, RELATING TO NARCOTICS AND CONTROLLED SUBSTANCES PROHIBITED ACTS AND PENALTIES, SO AS TO ADD TRAFFICKING IN FENTANYL; BY ADDING SECTION 44-53-393 SO AS TO PROVIDE THAT THE TERM "DRUG PARAPHERNALIA" DOES NOT INCLUDE CERTAIN TESTING EQUIPMENT; AND BY ADDING SECTION 44-53-379 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN INDIVIDUALS WHO HAVE BEEN CONVICTED OF CERTAIN DRUG-RELATED CRIMES TO POSSESS A FIREARM OR AMMUNITION WITHIN THIS STATE.
L:\COUNCIL\ACTS\3503SA125.DOCX

(R98, H. 3532) -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO CREATE AN ADDITIONAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IF A PERSON COMMITS A SUBSEQUENT VIOLENT CRIME WHILE SUBJECT TO A BOND ORDER OR PRETRIAL RELEASE ORDER FOR A PREVIOUS VIOLENT CRIME; BY AMENDING SECTION 17-15-15, RELATING TO CASH DEPOSITS IN LIEU OF BOND, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT A DEFENDANT MAY BE RELEASED ON BOND WHO HAS BEEN CHARGED WITH A VIOLENT OFFENSE OR ANY FELONY OFFENSE INVOLVING A FIREARM WHILE OUT ON BOND OR OTHER PRETRIAL RELEASE, THE BOND MUST BE SET AT THE FULL

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UNITED STATES CASH CURRENCY BOND RATHER THAN TEN PERCENT; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY ADDING SECTION 17-15-35 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE PROCEDURES FOR COURT-ORDERED ELECTRONIC MONITORING IN LIEU OF SETTING BOND OR AS AN ADDITIONAL CONDITION OF BOND; BY ADDING SECTION 17-15-37 SO AS TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROMULGATE REGULATIONS REGARDING ELECTRONIC MONITORING AND TO PROVIDE PARAMETERS FOR WHICH AN ELECTRONIC MONITORING AGENCY MUST OPERATE WITHIN; BY AMENDING SECTION 17-15-55, RELATING TO RECONSIDERATION OF BOND BY THE CIRCUIT COURT SET BY A SUMMARY COURT, SO AS TO PROVIDE A DEFENDANT MUST BE ADVISED OF HIS RIGHT TO A SPEEDY TRIAL AND TO PROVIDE PROCEDURES RELATED TO SPEEDY TRIALS, TO PROVIDE FOR THE REVOCATION OF PREVIOUS BOND IF A PERSON COMMITS A VIOLENT OFFENSE OR A FELONY OFFENSE INVOLVING A FIREARM WHICH WAS COMMITTED WHILE THE PERSON WAS ALREADY OUT ON BOND FOR A PREVIOUS VIOLENT OFFENSE OR FELONY OFFENSE INVOLVING A FIREARM, TO REQUIRE A FULL BOND UNDER CERTAIN REPEAT OFFENDER CIRCUMSTANCES, AND TO PROVIDE CONFORMING PROCEDURES; BY AMENDING SECTION 22-5-510, RELATING TO BAIL AND BOND HEARINGS AND CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY AMENDING SECTION 24-13-40, RELATING TO THE COMPUTATION OF TIME SERVED BY PRISONERS, SO AS TO PROHIBIT CREDIT FOR TIME SERVED PRIOR TO TRIAL AND SENTENCING WHEN THE PRISONER COMMITTED A SUBSEQUENT CRIME WHILE OUT ON BOND OR HAD BOND REVOKED ON ANY CHARGE PRIOR TO TRIAL OR PLEA; BY AMENDING SECTION 24-13-425, RELATING TO THE OFFENSE OF TAMPERING WITH AN ELECTRONIC MONITORING DEVICE, SO AS TO DELETE AN UNNECESSARY DEFINITION AND EXEMPT CERTAIN AUTHORIZED EMPLOYEES OR AGENTS FROM THE PURVIEW OF THE

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STATUTE; BY ADDING SECTION 17-15-500 SO AS TO ESTABLISH THE SOUTH CAROLINA PRETRIAL REFORM COMMISSION, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, AND TERMINATE THE COMMISSION ON A DATE CERTAIN; BY AMENDING SECTION 38-53-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER ON BAIL BONDSMEN AND RUNNERS, SO AS TO REVISE THE DEFINITION OF “SURETY BONDSMAN” AND DEFINE THE TERM “ELECTRONIC MONITORING”; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, SO AS TO MAKE A TECHNICAL CHANGE REGARDING NONPAYMENT OF PREMIUM FEES ALONE NOT BEING SUFFICIENT TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO THE ISSUANCE OF BENCH WARRANTS FOR FAILURE TO APPEAR, SO AS TO REVISE THE STATUTE TO APPLY MORE BROADLY WHEN A DEFENDANT VIOLATES THE CONDITIONS OF BOND AND REVISE TIME FRAMES PROVIDED FOR THE NOTICE OF THE BENCH WARRANT; BY ADDING SECTION 38-53-84 SO AS TO REQUIRE NOTIFICATION TO THE APPROPRIATE SOLICITOR IF A DEFENDANT VIOLATES AN ORDER FOR ELECTRONIC MONITORING, TO PROVIDE FOR RELIEF FROM THE BOND IF THE DEFENDANT FAILS TO PAY FOR THE MONITORING, AND TO PROVIDE FOR POSSIBLE REVOCATION OF A BONDSMAN’S LICENSE FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY BONDSMEN AND RUNNERS, SO AS TO PROVIDE ADDITIONAL PAYMENT PROCEDURES AND EXPENSE REIMBURSEMENT PROCEDURES; BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN BAIL BOND REPORTS THAT MUST BE FILED EACH MONTH WITH THE CLERK OF COURT, SO AS TO INCLUDE CURRENT DATA RETAINED AS AN EXPRESS CONDITION OF BOND, AND TO ALLOW FOR THE USE OF A DATA MANAGEMENT SOFTWARE SYSTEM IN LIEU OF THE WRITTEN REPORT; AND BY ADDING SECTION 38-53-55 SO AS TO REQUIRE A PERSON ENGAGED IN ELECTRONIC MONITORING OF A DEFENDANT CHARGED WITH A VIOLENT

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OFFENSE TO REPORT TO THE COURT AND LAW ENFORCEMENT OFFICIALS IF THE DEFENDANT HAS CONTACT WITH THE ALLEGED VICTIM.

L:\COUNCIL\ACTS\3532AHB125.DOCX

(R99, H. 3553) -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, 63-9-710, AND 63-7-1660, ALL RELATING TO CHILD PERMANENCY PROCEEDINGS, SO AS TO MAKE CERTAIN CHANGES TO EXPEDITE PERMANENCY FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF "SPECIAL NEEDS CHILD"; AND BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; AND FOR OTHER PURPOSES.

L:\COUNCIL\ACTS\3553VR125.DOCX

(R100, H. 4023) -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF

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MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING POLICES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD-SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE MEMBERSHIP OF THE ADVISORY COUNCIL, TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; AND BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED.

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(R101, H. 4217) -- Reps. W. Newton, Herbkersman, Erickson, Bradley and Hager: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, REMOVE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.
L:\COUNCIL\ACTS\4217HDB125.DOCX

(R102, H. 4300) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.
L:\COUNCIL\ACTS\4300DG23.DOCX

(R103, H. 4301) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.
L:\COUNCIL\ACTS\4301DG125.DOCX

MOTION ADOPTED

On motion of Senator CLIMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Patricia Ann O’Cain Whetsell of Greenville, S.C. Patty was an accomplished athlete in high school and earned a business degree from Palmer Business College. She served in various administrative roles throughout her career for a number of different businesses and churches. Patty had a great love for the Lord that was shared with friends and family. Patty was a loving mother and devoted grandmother who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned in honor of Senator Stephen L. Goldfinch's deployment with the South Carolina National Guard as a JAG officer. The Senate appreciates his service.

***SINE DIE* ADJOURNMENT**

On June 19, 2023, in accordance with the motion adopted on June 14, 2023, the Senate adjourned the Extraordinary Session *sine die*.

* * *

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ADJOURNMENT, *SINE DIE*

At 4:35 P.M., on Thursday, May 11, [2023](#), the Senate adjourned *Sine Die* under the provisions of S. 806, the *Sine Die* Resolution..... [3260](#)

On motion of Senator MASSEY, the Senate agreed to stand adjourned pursuant to the call of the PRESIDENT; however, if and when the PRESIDENT, in consultation with the Majority Leader and the Minority Leader, determines that the Senate's business is concluded for the year, then the Extraordinary Session will stand adjourned *sine die*. [3475](#)

On June 19, [2023](#), in accordance with the motion adopted on June 14, [2023](#), the Senate adjourned the Extraordinary Session *sine die* [3260](#)

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At 4:35 P.M., on Thursday, May 11, [2023](#), the Senate adjourned *Sine Die* under the provisions of S. 806, the *Sine Die* Resolution..... [3260](#)

On motion of Senator MASSEY, the Senate agreed to stand adjourned pursuant to the call of the PRESIDENT; however, if and when the PRESIDENT, in consultation with the Majority Leader and the Minority Leader, determines that the Senate's business is concluded

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for the year, then the Extraordinary Session will stand adjourned *sine die*. [3475](#)

On June 19, [2023](#), in accordance with the motion adopted on June 14, [2023](#), the Senate adjourned the Extraordinary Session *sine die* [3260](#)

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(A90, R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

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(R63, S31) -- Senators Hutto and K. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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BENNETT, SEAN - Senator from District No. 38, Dorchester, Charleston and Berkeley Counties:

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CAMPSEN, GEORGE E. “CHIP”, III - Senator from District No. 43, Charleston, Beaufort and Colleton Counties:

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CASH, RICHARD J. - Senator from District No. 3, Anderson County:

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MCELVEEN, J. THOMAS, III - Senator from District No. 35, Sumter, Lee, Kershaw and Richland Counties:

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MCLEOD, MIA S. - Senator from District No. 22, Richland and Kershaw Counties:

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PEELER, HARVEY S., JR. - Senator from District No. 14, Cherokee, York, Union and Spartanburg Counties:

S. 1, 108, 148, 164, 303, 318, 328, 329, 381, 399, 400, 401, 415, 416, 417, 427, 428, 430, 444, 450, 464, 482, 483, 490, 510, 511, 527, 531, 533, 557, 563, 569, 576, 599, 602, 604, 618, 627, 634, 645, 658, 659, 673, 690, 704, 717, 733, 739, 764, 769, 777, 790, 791, 798, 809, 810, 812, 836, 837

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RICE, REX F. - Senator from District No. 2, Pickens County:

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SABB, RONNIE A. - Senator from District No. 32, Williamsburg, Horry, Georgetown, Florence and Berkeley Counties:

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SCOTT, JOHN L., JR. - Senator from District No. 19, Richland County:

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SENN, SANDY - Senator from District No. 41, Charleston and Dorchester Counties:

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SETZLER, NIKKI - Senator from District No. 26, Lexington, Aiken, Saluda and Calhoun Counties:

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SHEALY, KATRINA FRYE - Senator from District No. 23, Lexington County:

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STEPHENS, VERNON - Senator from District No. 39, Orangeburg, Dorchester, Colleton, Calhoun and Berkeley Counties:

S. 108, 138, 145, 260, 305, 318, 328, 329, 345, 393, 400, 401, 415, 416, 417, 427, 428, 430, 436, 454, 510, 511, 520, 531, 533, 589, 599, 618, 621, 645, 658, 659, 674, 679, 691, 704, 717, 733, 734, 759, 769, 777, 790, 791, 796, 797, 809, 810, 812, 836, 837

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TALLEY, SCOTT - Senator from District No. 12, Spartanburg and Greenville Counties:

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TURNER, ROSS - Senator from District No. 8, Greenville County:

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VERDIN, DANIEL - Senator from District No. 9, Laurens and Greenville Counties:

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