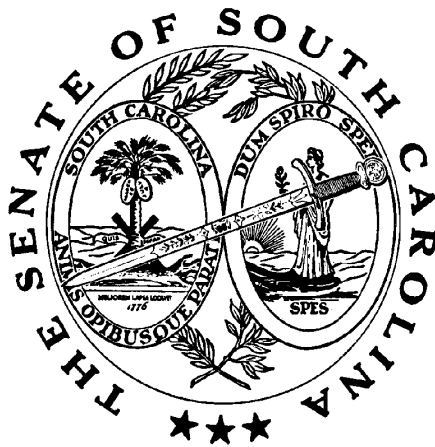


NO. 33

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

TUESDAY, MARCH 5, 2024

Tuesday, March 5, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Psalm 119:165

The Psalmist proclaims: "Great peace have they who love your law, and nothing can make them stumble."

Please join me as we bow in prayer: Holy God, we feel a need to pause and pray today for our sisters and brothers all around the globe. For indeed, our world's trouble spots are so numerous: Ukraine, Gaza and the West Bank, Yemen, Myanmar, Haiti and many other places as well, including here in our own country. All around us are people desperate for hope, for a violence-free future, for a new and better day. So we ask, O Lord, that you touch the heart of each leader here in the Senate of South Carolina. Guide them as they work together to make hope real for all of our citizens, and for others in far off places as well. Truly, may the Psalmist's call for a "great peace" be embraced by all of us. In Your hopeful name we pray, dear Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Devine	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	Peeler	Rankin

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Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence April 30, 2024, and to expire April 30, 2027

Appraisal Management Company:

Mark Chapman, 197 Green Valley Road, Greenville, SC 29617-7014

Referred to the Committee on Labor, Commerce and Industry.

Doctor of the Day

Senator SETZLER introduced Dr. March Seabrook of Lexington, S.C., Doctor of the Day.

Leave of Absence

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

CO-SPONSORS ADDED

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

S. 975	Sen. Grooms
S. 994	Sen. Fanning
S. 1020	Sen. Gustafson
S. 1089	Sen. Turner
S. 1094	Sen. Bennett
S. 1106	Sen. Young
S. 1126	Sens. Shealy, Grooms, Cromer and Turner

RECALLED AND ADOPTED

S. 1102 -- Senator Alexander: A CONCURRENT RESOLUTION TO EXPRESS APPRECIATION TO PROFESSIONALS WHO ADVOCATE ON BEHALF OF THOSE SUFFERING FROM MENTAL ILLNESS, AS WELL AS TO THE VOLUNTEERS WHO

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ASSIST THEM, AND TO DECLARE WEDNESDAY, MARCH 6, 2024, AS “MENTAL HEALTH ADVOCACY DAY” IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

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

There was no objection.

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

On motion of Senator SHEALY, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1128 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 7 AND FRIDAY, NOVEMBER 8 AND MONDAY, NOVEMBER 18, 2024. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

lc-0390dg-bl24.docx

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

S. 1129 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE THE JUNIOR LEAGUE OF COLUMBIA UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND ITS MEMBERS FOR THEIR MANY YEARS OF DEDICATED SERVICE TO THE COLUMBIA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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sr-0622km-hw24.docx

The Senate Resolution was adopted.

S. 1130 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR JAMES C. "JAY" MOUGHON TO THE PALMETTO STATE ON THE OCCASION OF THE ANNUAL SOUTH CAROLINA LIONS DISTRICT 32-S CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

lc-0510sa-rm24.docx

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

S. 1131 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR ANTHONY W. PARADISO TO THE PALMETTO STATE ON THE OCCASION OF THE 99TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

lc-0515cm-rm24.docx

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

S. 1132 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-7-20, RELATING TO DEFINITIONS CONCERNING BARBERS AND BARBERING, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-7-390, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGISTS AND COSMETOLOGY, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-13-360, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; AND BY REPEALING SECTION 40-7-255 RELATING TO THE REGULATION OF HAIR-BRAIDING PRACTITIONERS.

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

S. 1133 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-525 SO AS TO AUTHORIZE CERTAIN COUNTIES AND MUNICIPALITIES TO IMPOSE A SUPPLEMENTAL LOCAL ACCOMMODATIONS TAX, TO CAP THE RATE THAT MAY BE IMPOSED, AND TO PROVIDE FOR THE LIMITED USE OF THE PROCEEDS OF THE TAX.

sr-0614km24.docx

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

S. 1134 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-1-80 SO AS TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION, SALE, OR ANY IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION, OR TAXATION OF A CO-OWNED HOME MUST BE DONE BY THE GENERAL ASSEMBLY.

lc-0540sa24.docx

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

S. 1135 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 14, 2024.

smin-0061mw-mw24.docx

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

S. 1136 -- Senator Harpootlian: A SENATE RESOLUTION TO RECOGNIZE APRIL 11, 2024, AS "STO PROGRAMS DAY" IN SOUTH CAROLINA.

sr-0623km-vc24.docx

The Senate Resolution was adopted.

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S. 1137 -- Senators Shealy, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Stephens, Talley, Tedder, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE THE GIRL SCOUTS OF THE USA AT THE CELEBRATION OF THE ORGANIZATION'S ONE HUNDRED TWELFTH ANNIVERSARY, TO SALUTE THE MORE THAN TEN THOUSAND GIRL SCOUTS IN THE PALMETTO STATE, AND TO DECLARE TUESDAY, MARCH 12, 2024, GIRL SCOUT DAY IN SOUTH CAROLINA.

sr-0624km-hw24.docx

The Senate Resolution was adopted.

S. 1138 -- Senators Jackson, Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Shealy, Stephens, Talley, Tedder, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SENATOR NIKKI G. SETZLER FOR BEING THE LONGEST-SERVING STATE SENATOR IN SOUTH CAROLINA HISTORY AND FOR HIS EXEMPLARY RECORD OF SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA, AND TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT OF SENATOR SETZLER TO BE PLACED IN THE SENATE CHAMBER.

sr-0212km-hw23.docx

The Senate Resolution was adopted.

S. 1139 -- Senator Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-410, RELATING TO GENERAL CONTRACTOR LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REMOVE RESIDENTIAL SWIMMING POOLS FROM THE SWIMMING POOL SUBCLASSIFICATION FOR GENERAL CONTRACTORS WITH A SPECIALTY CLASSIFICATION.

lc-0652wab24.docx

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

H. 3676 -- Reps. G. M. Smith, Pope, Jordan, W. Newton, Elliott, Lowe, J. E. Johnson, Guest, Mitchell, Taylor, Robbins and Brewer: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

lc-0135sa-sa23.docx

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

H. 3963 -- Reps. Nutt and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF INDIVIDUAL ANTLERED DEER TAGS, SO AS TO UTILIZE THE REVENUE FOR THE COYOTE AND HOG MANAGEMENT PROGRAM.

lc-0186ph23.docx

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

H. 4589 -- Reps. G. M. Smith, Robbins, Murphy, Gatch, Brewer and Wheeler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-15-120, RELATING TO VOTE COUNTING IN MUNICIPAL ELECTIONS, SO AS TO DELETE LANGUAGE PROVIDING THAT INCUMBENTS HOLD OVER PENDING FINAL DETERMINATION OF ANY CONTESTS FILED; AND BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS REGARDING MUNICIPAL ELECTION CONTESTS, SO AS TO DELETE LANGUAGE PROVIDING THAT A NOTICE OF APPEAL ACTS AS A STAY OF FURTHER PROCEEDINGS, AND TO PROVIDE THAT APPEALS ARE TO BE GIVEN FIRST PRIORITY OF CONSIDERATION BY THE COURT OF COMMON PLEAS.

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

H. 4709 -- Reps. Rivers, Atkinson, Henegan, McDaniel, Gilliard, Bernstein, Landing, Bustos, Hartnett, King, Herbkersman, Erickson, Bradley, Ballentine, Pedalino, McGinnis, Schuessler and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-29-15, RELATING TO THE REQUIREMENT THAT CURSIVE WRITING BE TAUGHT IN PUBLIC ELEMENTARY SCHOOLS, SO AS TO SPECIFY THAT THE CURSIVE WRITING INSTRUCTION MUST BEGIN IN SECOND GRADE AND CONTINUE IN EACH GRADE THROUGH FIFTH GRADE.

lc-0532wab24.docx

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

H. 4927 -- Reps. Herbkersman, W. Newton, G. M. Smith, Schuessler, B. Newton, Williams, Jefferson and Hewitt: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 12 TO TITLE 44 SO AS TO CREATE THE "EXECUTIVE OFFICE OF HEALTH AND POLICY", TO PROVIDE FOR THE DUTIES OF THE SECRETARY OF THE OFFICE, AND TO PROVIDE FOR THE RESTRUCTURING OF CERTAIN DEPARTMENTS OF STATE GOVERNMENT TO BECOME COMPONENT DEPARTMENTS OF THE OFFICE; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 8-17-370, RELATING TO THE MEDIATION OF GRIEVANCES BY THE STATE HUMAN RESOURCES DIRECTOR, SO AS TO ADD THE SECRETARY OF HEALTH AND POLICY, THE OFFICE'S COMPONENT DEPARTMENT DIRECTORS, AND OTHERS TO THE LIST OF EXEMPTED PUBLIC EMPLOYEES; BY AMENDING SECTION 43-21-70, RELATING TO THE EMPLOYMENT OF THE DIRECTOR OF THE DEPARTMENT ON AGING, SO AS TO MAKE CONFORMING CHANGES, AND FOR OTHER PURPOSES; AND BY REPEALING CHAPTER 9 OF TITLE 44 RELATING TO THE STATE DEPARTMENT OF MENTAL HEALTH.

lc-0370vr24.docx

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

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H. 5201 -- Reps. Blackwell, Clyburn, Hixon, Oremus and Taylor: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SOUTH AIKEN HIGH SCHOOL VARSITY VOLLEYBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2023 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE.

lc-0377ph-kar24.docx

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

REPORTS OF STANDING COMMITTEE

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 994 -- Senators Alexander, Hutto, Verdin, Grooms, Kimbrell, Gambrell, Shealy, Hembree, McElveen, Davis, Young, Loftis, K. Johnson, McLeod, Martin, Senn, Garrett, Fanning, Cromer and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-65 SO AS TO PROVIDE REGULATIONS FOR THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 4624 -- Reps. Hiott, G.M. Smith, McCravy, Davis, Vaughan, Trantham, Pope, Chapman, Taylor, Oremus, Hartnett, Leber, Long, Nutt, Haddon, Burns, Chumley, Murphy, Mitchell, Brewer, Robbins, Gatch, West, Gilliam, Cromer, Kilmartin, O'Neal, Yow, S. Jones, Landing, Ballentine, Sandifer, Crawford, Guest, Willis, Ligon, Forrest, Pace, W. Newton, Bradley, Erickson, Gibson, Blackwell and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 42 TO TITLE 44 SO AS TO DEFINE GENDER, SEX, AND OTHER TERMS, TO PROHIBIT THE PROVISION OF GENDER TRANSITION PROCEDURES TO A PERSON UNDER EIGHTEEN YEARS OF AGE, TO PROVIDE EXCEPTIONS, TO PROHIBIT THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 59-32-36 SO AS TO PROHIBIT PUBLIC SCHOOL STAFF AND OFFICIALS FROM

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WITHHOLDING KNOWLEDGE OF A MINOR'S PERCEPTION OF THEIR GENDER FROM THE MINOR'S PARENTS, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., February 29, 2024

Mr. President and Senators:

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

S. 418 -- Senators Hembree, Turner, Gustafson, Loftis and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 1118 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE MARCH 6, 2024, AS "OSTEOPATHIC MEDICINE DAY" IN SOUTH CAROLINA IN HONOR OF THE IMPORTANT ROLE THAT DOCTORS OF OSTEOPATHIC MEDICINE PLAY IN MEETING THE HEALTHCARE NEEDS OF THE CITIZENS OF SOUTH CAROLINA, THE UNITED STATES MILITARY, AND THE NATION.

Returned with concurrence.

Received as information.

S. 1130 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR JAMES C. "JAY" MOUGHON TO THE PALMETTO STATE ON THE OCCASION OF THE ANNUAL SOUTH CAROLINA LIONS DISTRICT 32-S CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

Returned with concurrence.

Received as information.

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S. 1131 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR ANTHONY W. PARADISO TO THE PALMETTO STATE ON THE OCCASION OF THE 99TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

CARRIED OVER

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE

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FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

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

The Committee on Judiciary proposed the following amendment (SJ-1046.PB0003S):

Amend the bill, as and if amended, SECTION 2, Section 2-19-10, by striking the last undesignated paragraph and inserting:

All appointees, except for the one provided in item (6), must be members of the South Carolina Bar and in good standing. Appointees made pursuant to items (2) and (3) may not be current members of the South Carolina General Assembly.

Amend the bill further, SECTION 3, by striking Section 2-19-10(D) and inserting:

(D) The term of office of a member of the commission ~~who is not a member of the General Assembly~~ shall be for four years, except those first appointed, the members appointed by the Senate President, the Senate Judiciary Chairman, the Speaker of the House, and the House Judiciary Chairman shall serve an initial term of two years. Members may serve two non-consecutive terms provided a period of four years

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separates each term. Those initially appointed for a two-year term may serve one consecutive four-year term and a non-consecutive four-year term provided a period of four years has expired from previous service. subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.

Amend the bill further, SECTION 4, by striking Section 2-19-10(G)(1) and (2) and inserting:

(1) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division court while serving on the commission and for a period of one year two years thereafter; and

(2) If a candidate is a family member of a current Judicial Merit Selection Commission member, the member must resign his position on the commission. Family member is defined for the purpose of this section as a spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

Amend the bill further, SECTION 6, by striking Section 2-19-20(D) and inserting:

(D) Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the Judicial Merit Selection Commission. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate as it considers appropriate and may in the investigation utilize the services of any agency of state government. This agency shall, upon request, cooperate fully with the commission. The investigation must include the South Carolina Bar assessment of the candidate, the Citizens Committee assessment of the candidate, and public testimony from any witness appearing before the commission. The commission may consider other information provided by any agency of state government, but such information shall be provided to the candidate seeking office at least forty-eight hours prior to a public hearing and it must be described during a public hearing. The commission must not utilize anonymous surveys sent to members of the South Carolina Bar.

Amend the bill further, SECTION 12, Section 2-19-80, by striking Section 2-19-80(A) and inserting:

(A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court,

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court of appeals, circuit court, family court, and the administrative law ~~judge division~~court. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of ~~the three~~all candidates whom it considers best-qualified for the judicial office under consideration. ~~If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.~~

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the committee amendment.

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

Senators HUTTO and MASSEY updated the Senate on the work of the Committee of Conference on H. 3594.

Objection

Senator HUTTO asked unanimous consent to take up the Report of the Committee of Conference on H. 3594.

Senator SABB objected.

REPORT RECEIVED

Committee to Investigate Candidates for the South Carolina Department of Employment and Workforce

March 5, 2024

Members of the South Carolina General Assembly
Columbia, South Carolina

Screening Report of Qualifications
The Committee to Investigate Candidates for the
South Carolina Department of
Employment and Workforce Appellate Panel

Workforce Review Committee:

TUESDAY, MARCH 5, 2024

Act. No. 146 of 2010 created the SC Department of Employment and Workforce Review Committee and charged the review committee with, among other duties, the duty to screen candidates for membership on the South Carolina Department of Employment and Workforce Appellate Panel and report the qualified candidates to the General Assembly for election. The transcript of the screening of each candidate will be available on the Workforce Review Committee page of the SC State House website.

The Workforce Review Committee began advertising vacancies for the Appellate Panel on December 5, 2023. The Workforce Review Committee received applications from three (3) persons by the deadline of January 5, 2024 -- one candidate for each available seat. Evelyn Belicia Ayers is an incumbent appellate panelist seeking reelection to the seat she currently holds. The two remaining applicants, Stephen S. Kelly, III and Daniel C. Beach, meet the statutorily prescribed eligibility requirements and possess certain qualifications as specified in South Carolina Code Section 41-29-300(E). The Workforce Review Committee conducted background investigations of each candidate, including credit, driver's license, and law enforcement checks.

On February 13, 2024, the Workforce Review Committee reported that the following candidates are "qualified" to serve on one of the three (3) seats of the South Carolina Department of Employment and Workforce Appellate Panel:

Evelyn Belicia Ayers - Seat #1
Stephen S. Kelly, III - Seat #2
Daniel C. Beach - Seat #3

Beginning on March 7, 2024, at Noon, candidates may solicit votes from members of the General Assembly, and members of the General Assembly may pledge their votes to candidates.

Motion Adopted

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

ADJOURNMENT

At 4:47 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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