**Wednesday, January 22, 2020**

**(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:

 Proverbs 9:10

 “The fear of the Lord is the beginning of wisdom, and knowledge of the Holy One is understanding.”

 Let us pray. Almighty and loving God, as we begin this day and each day, we like King Solomon, would like to be blessed with wisdom. Your Word teaches us that wisdom begins with the fear of the Lord. But the word “fear” can be misunderstood; “reverence” for You, O God, may be a more helpful translation. Therefore we pray Lord that reverence for You will undergird each decision we make as we navigate the work of this day, the people we meet and the problems we seek to solve. May our mantra be to love You with all our heart and our neighbor as ourselves. Maybe then will we truly know the gift of wisdom. In Your holy name we pray, Amen.

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

**Point of Quorum**

 At 12:03 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Campbell

Cash Corbin Cromer

Davis Fanning Goldfinch

Gregory Grooms Harpootlian

Hembree Hutto Kimpson

Loftis Malloy Martin

Massey Nicholson Peeler

Rice Sabb Scott

Senn Setzler Shealy

Talley Turner Williams

Young

 A quorum being present, the Senate resumed.

 **Doctor of the Day**

 Senator MALLOY introduced Dr. James McCoy of Columbia, S.C., Doctor of the Day.

 **Leave of Absence**

 At 12:15 P.M., Senator TURNER requested a leave of absence for Senator VERDIN for the day.

 **Leave of Absence**

 At 4:54 P.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN until 5:30 P.M.

 **Leave of Absence**

 At 4:54 P.M., Senator ALEXANDER requested a leave of absence for Senator CAMPBELL for the balance of the day.

**Expression of Personal Interest**

 Senator CASH rose for an Expression of Personal Interest.

**Remarks by Senator CASH**

 Currently in our State about 5,000 unborn babies are put to death annually. Since we are debating an Education Bill, let's consider that number in an education context. That would be the equivalent of ten high school graduating classes, of 500 students each. Try to imagine that, ten classes, each one made up of 500 high school seniors, wiped out each year, year after year after year. Still however, these numbers tend to be abstract to us because there are no individual narratives attached to the numbers, it is hard to feel any emotional connection. The numbers become devoid of humanity, so I want to say a few words about one person who was not aborted.

 Over the past few years, Ashley Lawton has become my friend. Ashley used to live in the Upstate but now she lives in the Low country. Ashley's story is unusual because Ashley was conceived as a result of rape. Ashley's mother was one of those hard cases, we often speak about, and Ashley is one of those people, we are all too willing to sacrifice in order to pass a Pro-life Bill. If you want to know why I’m willing to fight to protect every unborn baby, you can watch a one minute video of Ashley’s story, on the website www.personhoodsc.com.

 In closing, I want to tell you about another friend of mine, a fictional character named Harry Bosch. Harry is the lead detective in some crime novels I like to read. He is an old school murder detective with the LAPD. Harry is not perfect, but he does track down the bad guys and he is relentless in his pursuit of the victim. For Harry, every murder case he takes on becomes personal because Harry's motto is this, “Either everybody counts or nobody counts.” Harry doesn't care whether the murder victim was black or white, young or old, rich or poor, gay or straight. In Harry’s book every single person counts and the murder of any single person is an affront to justice that must be rectified.

 I believe Roe v. Wade must be overturned, not just to save the millions, but for each and every person that it will save. I hope you will remember the motto, “Either everybody counts or nobody counts” because it applies to the philosophical idea of justice and equality, to every single individual, born and preborn. And that is our duty as law makers. Thank you.

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

**CO-SPONSORS ADDED**

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

S. 754 Sen. Nicholson

S. 882 Sen. Bennett

**RECOMMITTED**

S. 999 -- Senators Rankin, Young and Sabb: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

On motion of Senator YOUNG, the Resolution was recommitted to Committee on Operations and Management.

**HOUSE CONCURRENCES**

 S. 864 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 5, 2020, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, AT LARGE, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, AT LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT TWO MEMBERS TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT LARGE, WHOSE TERMS WILL EXPIRE JUNE 30, 2024; AND TO ELECT, PURSUANT TO SECTION 2‑15‑10, FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2‑15‑20, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT LARGE, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ATTORNEY SEAT, AND ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ACCOUNTANT SEAT, ALL OF WHOSE TERMS WILL EXPIRE JUNE 30, 2025.

 Returned with concurrence.

 Received as information.

 S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

 Returned with concurrence.

 Received as information.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following was introduced:

 S. 1033 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE LARRY B. HYMAN, JR., AT-LARGE JUDGE OF THE CIRCUIT COURT, SEAT 13, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

**Motion Adopted**

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

**EXECUTIVE SESSION**

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENT**

**Confirmation**

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department on Aging, with term coterminous with Governor

Director:

Connie D. Munn, 1025 Foxridge Court, Sumter, SC 29150-1732

On motion of Senator SHEALY, the question was confirmation of Connie D. Munn.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Goldfinch

Gregory Grooms Harpootlian

Hembree Johnson Leatherman

Loftis Malloy Martin

Massey McElveen Nicholson

Peeler Rice Sabb

Scott Senn Setzler

Shealy Sheheen Talley

Turner Williams Young

**Total--36**

**NAYS**

**Total--0**

The appointment of Connie D. Munn was confirmed.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**INTERRUPTED DEBATE**

 S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO ASTO ENACT THE “SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”, TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

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

**Amendment No. 4**

 Senators DAVIS, FANNING and McLEOD proposed the following amendment (419R013.SP.TD), which was withdrawn:

 Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

 /SECTION \_. Chapter 25, Title 59 of the 1976 Code is amended by adding:

 “ARTICLE 9

 Teacher Bill of Rights

 Section 59‑25‑910. All certified public school teachers in South Carolina have a right to:

 (1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom made in accordance with school and district policy be fully respected by school and district officials;

 (2) teach free from fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board for actions taken in the performance of duties of the teacher’s employment;

 (3) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school policy and district policy, to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

 (4) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

 (5) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

 (6) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

 (7) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

 (8) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

 (a) commit to helping them become competent and confident professionals in the classroom; and

 (b) offer support and assistance as needed to meet performance standards and professional expectations; and

 (9) legal recourse should schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator DAVIS spoke on the amendment.

 Senator FANNING spoke on the amendment.

**Motion Adopted**

 Senator FANNING asked unanimous consent to withdraw Amendment No. 4 and proceed to Amendment No. 7.

 There was no objection.

**Amendment No. 7**

 Senator GOLDFINCH proposed the following amendment (419R025.SP.SLG), which was withdrawn:

 Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

 /SECTION \_. Chapter 25, Title 59 of the 1976 Code is amended by adding:

 “ARTICLE 9

 Teacher Bill of Rights

 Section 59‑25‑910. (A) All certified public school teachers in South Carolina have a right to:

 (1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom made in accordance with school and district policy be fully respected by school and district officials;

 (2) teach free from fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board for actions taken in the performance of duties of the teacher’s employment;

 (3) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school policy and district policy, to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

 (4) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

 (5) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

 (6) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

 (7) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

 (8) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

 (a) commit to helping them become competent and confident professionals in the classroom; and

 (b) offer support and assistance as needed to meet performance standards and professional expectations; and

 (9) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

 (B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys’ fees at its discretion.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator FANNING spoke on the amendment.

**Point of Quorum**

 At 3:13 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Campbell

Campsen Cash Climer

Corbin Cromer Davis

Fanning Gambrell Goldfinch

Harpootlian Hembree Hutto

Jackson Johnson Leatherman

Loftis Malloy Martin

Massey *Matthews, John Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Shealy

Sheheen Talley Turner

Williams Young

 A quorum being present, the Senate resumed.

 Senator FANNING resumed speaking on the amendment.

**Motion Adopted**

 Senator FANNING asked unanimous consent to withdraw Amendment No. 7 and proceed to Amendment No. 9.

 There was no objection.

**Amendment No. 9**

 Senator CAMPSEN proposed the following amendment (419R026.SP.GEC):

 Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

 /SECTION \_. Chapter 25, Title 59 of the 1976 Code is amended by adding:

 “ARTICLE 9

 Teacher Bill of Rights

 Section 59‑25‑910. (A) All certified public school teachers in South Carolina have a right to:

 (1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, made in accordance with written school and district policies provided to faculty, be fully respected by school and district officials;

 (2) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

 (3) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

 (4) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

 (5) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

 (6) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

 (7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

 (a) commit to helping them become competent and confident professionals in the classroom; and

 (b) offer support and assistance as needed to meet performance standards and professional expectations; and

 (8) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

 (B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys’ fees at its discretion.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator FANNING spoke on the amendment.

**Point of Quorum**

 At 4:51 P.M., Senator MASSEY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Campsen Cash Climer

Corbin Cromer Davis

Fanning Gambrell Goldfinch

Harpootlian Hembree Hutto

Johnson Loftis Malloy

Martin Massey *Matthews, John*

*Matthews, Margie* McElveen McLeod

Nicholson Peeler Rankin

Rice Sabb Scott

Senn Setzler Shealy

Talley Turner Young

 A quorum being present, the Senate resumed.

 Senator FANNING resumed speaking on Amendment No. 9.

 **ACTING PRESIDENT PRESIDES**

 At 5:09 P.M., Senator TALLEY assumed the Chair.

**PRESIDENT PRESIDES**

 At 5:22 P.M., the PRESIDENT assumed the Chair.

**MOTION ADOPTED**

 On motion of Senator MASSEY, with unanimous consent, the Senate agreed that the Senate would stand in recess until 6:40 P.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate would stand adjourned, with Senator FANNING retaining the floor on S. 419, to meet at 11:00 A.M. tomorrow.

**RECESS**

 At 5:32 P.M., on motion of Senator MASSEY, the Senate receded from business until 6:40 P.M.

 At 6:45 P.M., the Senate resumed.

**Committee to Escort**

 The PRESIDENT appointed Senators LEATHERMAN, NICHOLSON, McELVEEN, SENN and CASH to escort the Honorable Henry D. McMaster, Governor of South Carolina, and members of his party to the House Chamber for the Joint Assembly.

 At 6:45 P.M., the Senate receded for the purpose of attending the Joint Assembly.

**NIGHT SESSION**

 The Senate assembled at 6:45 P.M. and was called to order by the PRESIDENT.

**JOINT ASSEMBLY**

**Address by the Governor**

 At 7:00 o’clock P.M., the Senate appeared in the Hall of the House.

 The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

 H. 4924 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 22, 2020, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

 The Honorable Henry D. McMaster, and members of his party, were escorted to the rostrum by Senators LEATHERMAN, NICHOLSON, McELVEEN, SENN and CASH and Representatives Clary, Alexander, Howard, Felder, Calhoon and Collins.

 The PRESIDENT of the Senate introduced the Honorable Henry D. McMaster, Governor of the State of South Carolina.

 The Governor addressed the Joint Assembly as follows:

**State of the State Address**

 Mr. Speaker, Mr. PRESIDENT, ladies and gentlemen of the General Assembly, constitutional officers, my fellow South Carolinians: I begin tonight by recognizing those South Carolinians in uniform no longer with us -- who gave their lives in the line of duty, and in service to us all. Deputy Michael S. Latu of the Marion County Sheriff’s Office; Fire Engineer Paul Quattlebaum of the Lexington County Fire Service; and Officer Jackson R. Winkeler of the Florence Regional Airport Department of Public Safety.

 To the families and loved ones of these three men, on behalf of all South Carolinians, we share your sadness, honor their service and wish you strength.

 I am delighted to have with us once again tonight our First Lady, my bride Peggy, who is working to bring attention and energy to the areas of human trafficking, domestic violence, veterans’ health and animal care and adoption. Thank you, Peggy. Please stand and be recognized.

 I would also like to thank our Cabinet members for their innovative, dedicated and sustained efforts to improve the lives and futures of our people. We are winning because they are succeeding and there is much more to come. Will our Cabinet members please stand and be recognized? Thank you.

 Our Lieutenant Governor, Pamela Evette, is meeting with businesses across the State to identify workforce and regulatory relief. She has focused on transportation, early childhood education and preparation for the upcoming census and has encouraged us all to “Grab a Bag” and eliminate litter. Thank you, Lieutenant Governor. Please stand and be recognized.

 I would also like to welcome the former governor of Wisconsin, who joins us tonight. Governor Scott Walker, please stand and be recognized.

 Tonight, I’m proud to tell you that the State of the State is strong. South Carolina is winning.

 Since I last spoke to you in this forum, things have changed. Our State has gotten stronger, but so have others. We are today in the fiercest economic competition we have ever seen. It is with the other southeastern states, which are experiencing the greatest growth in the nation. But we have all we need to win. And we shall.

 The nation’s economy is booming and so is ours. We are roaring into the twenties with a vibrant economy and a growing population. In the last three years alone, we have announced nearly $10 billion in new capital investment and almost 35,000 jobs.

 More people are working in South Carolina than ever before, unemployment is at a record low, and personal income growth is the highest ever. We are consistently rated as one of the best places in the country to live, work and raise a family.

 Business growth in South Carolina is the business of South Carolina, and I’d like to recognize some of our companies here tonight: Representing Adornus Cabinetry, Mr. George Mejias, CEO, and his wife, Mrs. Maria Mejias; Representing GE Appliances, a Haier Company, Mr. Frank Scheffel and Mr. Bill Good; Representing Spartan Motors, their counsel, Ms. Stephanie Few; Representing McCall Farms, Mr. Marion Swink and his wife, Mrs. Frances Swink; and, representing Lockheed Martin, Mr. Ben Peat and Mr. Nick Mesenberg. Ladies and gentlemen, please stand and be recognized.

 Among the General Assembly’s steps forward last year were a record number of my recommendations to you, which you accepted. After careful consideration, I offer these to you tonight.

 Last year our budget from state funds totaled $9.33 billion. This year, we are expecting to exceed those revenues by a whopping $1.8 billion. As with the growth in the nation’s economy, most economists were surprised.

 Last year, we returned $67 million to the taxpayers in a one-time rebate check. It was well-received. This year, I propose that we return twenty-five cents of every surplus dollar to the taxpayers through rebates and tax cuts. It’s their money.

 Many people don’t believe it but reducing taxes in fact results in tax receipts increasing, not decreasing. It happened when President Kennedy did it, again when President Reagan did it, and it is happening now, under President Trump. North Carolina and Georgia, two of our strongest competitors, have just done it, bringing their income taxes down lower than ours.

 There’s a misconception that our “effective rate” after deductions is lower than those of our neighbors. This misconception was explained in the 2018 study by the Tax Foundation for the South Carolina Chamber of Commerce and found to be just that: a misconception.

 A direct comparison of effective rates and actual taxes in North Carolina and Georgia shows that our taxes are lower only for low-income filers -- many of whom are on Medicaid or are Medicaid-eligible.

 South Carolina has the highest personal income tax rate in the southeast and the twelfth highest in the nation. Seven states have no income taxes at all. Taxes of all kinds at all levels add up quickly -- little by little -- to smother growth. Money spent by the people who worked to earn it goes farther, more efficiently and produces more dividends for them and us than the same dollars spent by the government.

 Therefore, I ask that we cut our state’s personal income taxes by $160 million this first year, for a total of $2.6 billion over five years. This means a 15% across-the-board tax reduction for all personal income brackets, keeping us competitive with our neighboring states.

 This year, with a $1.8 billion surplus, if we don’t cut taxes and send money back to the people, shame on us. I ask that we send $250 million from the surplus back to South Carolina taxpayers in the form of a rebate check -- an average of $200 per taxpayer.

 And for the third year in a row, I ask that we honor the service and sacrifice of our men and women who served in uniform -- veterans, first responders, law enforcement officers, firefighters and peace officers – by no longer taxing their retirement pay.

 This commitment to our veterans will help us in protecting and expanding missions at our state’s military bases. As for law enforcement, firefighters and first responders, it will help keep them on the job, aid recruitment and show our appreciation for their service.

 Joining us tonight are men and women from the South Carolina National Guard and from our state law enforcement agencies who walk the thin blue line every day. We cannot prosper without them. Please stand and be recognized.

 The path to prosperity goes straight through the classroom. Last year we took bold steps in education reform to empower the next generation’s workforce. We invested in our classroom teachers, in rural schools, in keeping our children safe and secure. This year our continued investment must be the most significant ever. Teachers are leaving the classroom, most before their fifth year. Last year, we raised the salaries of all South Carolina teachers. This year, I ask you to give each teacher an additional $3,000 dollar raise -- which equates to an average 7% raise per teacher.

 The impact of this investment will be dramatic and immediate. South Carolina will vault into the “top 25” national ranking for average teacher pay. We now rank 41st. We will surpass the southeastern average for the first time in many of our lives. And the minimum starting salary for new teachers will have jumped 26% in the last three years, to $38,000. These are critical investments. They will help attract the best and the brightest young people into the profession and keep our highly successful and experienced teachers where they are needed the most -- in the classroom.

 Tonight, we are joined by several of our most successful and experienced teachers. As I say your name, please stand and be recognized. Ms. Ali Hendrick from Dutch Fork High School is a social studies teacher and former Lexington/Richland School District 5 Teacher of the Year; Ms. Tiffany Hobart is the current Teacher of the Year for Pickens Elementary in Pickens, South Carolina, where she teaches 4K; Ms. Chanda Jefferson is the South Carolina Teacher of the Year for 2020. She teaches biology and science at Fairfield Central High School; Mr. Jeff Maxey is a special education teacher in Anderson School District 3 and former state Teacher of the Year for 2019; and, Ms. Laura Privette is a school counselor at North Hartsville Elementary, and former Darlington School District Teacher of the Year. Ladies and gentlemen, thank you for your service to our State.

 By the age of four, the average lower-income child in America has heard about 40 million words in his or her lifetime; the average upper-income child -- 70 million. This “30-million-word gap” dramatically affects a child’s ability to learn.

 Our lower-income five-year-old children are increasingly entering kindergarten unprepared and lacking the necessary literacy and language skills. They are unlikely to ever catch up. By the third grade, they are “at risk,” and less likely to graduate or obtain the skills necessary to enter the workforce and contribute to our economy and their own success.

 The facts are clear: to change the path of a child’s future, to enhance the prosperity of our economy, to maximize the success of our State, we have to make sure that every student is ready to learn when he or she enters the classroom. In 2006, the General Assembly funded full-day, four-year-old kindergarten programs for Medicaid-eligible children in public schools and private child care centers. Currently, 62 school districts are eligible to participate; 17 districts are not. This leaves 13,000 lower-income, “at risk” children in 17 urban and suburban school districts without the option to attend full-day, four-year-old kindergarten.

 I ask that you join me in providing every lower-income, four-year-old child in South Carolina the opportunity to attend full-day kindergarten at the public, private, parochial or religious institution of their parents’ choosing. That’s right -- the parents can choose. We will unleash the free market into early childhood education through parental choice.

 We will eliminate red tape and regulations while increasing the reimbursement rate -- that is, the money that already follows each child -- to the school of the parents’ choice. The time is now to act, to take dramatic and decisive action -- to secure our prosperity for generations to come, and to assure all of South Carolina’s parents that their children will not be left behind.

 Last year, Speaker Lucas, PRESIDENT PEELER and I called on the state Revenue and Fiscal Affairs office to review South Carolina’s outdated education funding formula. In October, they told us what we already knew: the way we fund education is confusing, not working and no longer sustainable.

 Although there is no easy solution, we know that education reform means accountability, efficiency and transparency for local school boards and administrators. It also means removing outdated, inefficient and confusing testing and paperwork. And it means the consolidation of districts to reduce overhead, create efficiencies and put more dollars into classrooms.

 We must have a new path forward. The House has passed a comprehensive education reform bill, and the Senate is currently debating their version. I ask that these two versions be reconciled and sent to my desk as soon as possible -- so I can sign it into law, and we can get to work.

 We must also continue efforts to make our public universities and colleges -- technical and comprehensive -- more accessible and affordable for all South Carolinians. Last year we took a dramatic step by freezing college tuition for in-state students. I urge you to do it again this year by providing a 5% funding increase for each institution that does not raise tuition.

 With this surplus, we can also make a historic, one-time investment toward repairing our aging campus buildings and infrastructure. We should pay down the state’s deferred maintenance costs while we can -- now -- rather than borrowing more money in the future to do it.

 Many of our young people cannot afford college without scholarships, grants and financial assistance. I ask you to provide an additional $164 million for need-based scholarships and grants to open the door of opportunity for those students. I also ask that the State pay 100% of college tuition for active duty members of the South Carolina Army or Air National Guard.

 With us tonight are several college presidents: Dr. Roslyn Clark Artis of Benedict College, Dr. Jim Clements of Clemson University and Dr. David Cole of the Medical University of South Carolina. Please stand and be recognized.

 Recently, I had the honor of welcoming the new President of the University of South Carolina to our State. President Bob Caslen, a three-star general, retired in 2018 after serving 43 years in uniform, leading more than 200,000 soldiers under nine commanders-in-chief and deploying six times. He served for years as the superintendent of West Point, establishing records and success across the board.

 I’d like to tell you a quick story about Bob Caslen that he won’t tell. On 9/11, General Caslen was working at the Pentagon. After Flight 77 hit the building, everyone was evacuated. You may remember the scene. Ignoring warnings, he ran back into the burning building to search for wounded and re-establish communications with the White House. President Caslen and Mrs. Shelly Caslen, please stand and be recognized.

 President Caslen gave me an idea. He suggested that we allow our colleges and universities to spend more of their privately-raised dollars for need-based scholarships. It’s a great idea and I ask that the General Assembly embrace it.

 According to *U.S. News and World Report*, South Carolina is ranked in the top 5% nationally for high potential job growth -- especially in the manufacturing, technology, health care and engineering fields. However, competition for workers is fierce because there are not enough of them. Some businesses are struggling -- not for a lack of customers -- but because they cannot find enough staff. Right now -- in South
Carolina -- we have around 70,000 jobs looking for people.

 The demand for workers in the skilled trades -- plumbing, masonry, carpentry, and others -- high paying jobs -- is so great that our businesses have to go out of state to recruit them.  We know that economic prosperity does not require a four-year degree. It can be achieved through two-year associate degrees and a multitude of certificates from our state's technical colleges.

 Recently, Superintendent of Education Molly Spearman and I visited a very special place called The Continuum. Located in Lake City, The Continuum is a regional center for workforce education and training for high school students and adults. It was created through collaboration between The Darla Moore Foundation, Florence-Darlington Technical College, Francis Marion University and local businesses. This state-of-the-art career center provides students with training, certifications, dual credit courses, along with business incubator space. Superintendent Spearman proposed that we replicate this model in rural school districts -- by providing a state match for collaborations between technical colleges, school districts and businesses. I ask you to approve my budget request of $50 million for this effort.

 In this economy, when we have jobs looking for people, there is no reason for anyone who *can* work not to be working, including able-bodied people on public assistance. We must leave no stone unturned to help our state’s businesses fill those jobs with skilled, educated and trained workers.

 Last year, I issued an executive order requiring able-bodied Medicaid recipients to pursue 80 hours a month of community engagement, education, job training or employment. In December, the Centers for Medicare and Medicaid Services approved these requirements. “Welfare-to-Work” is one of the great successes in American public policy over the last 25 years. There is no reason “Medicaid-to-Work” cannot be just as effective. In South Carolina, it will be. By directing more resources toward enhancing workforce training, development and education than ever before, all the assets and opportunities are in place to help South Carolinians achieve and sustain financial independence and prosperity, now and in the future.

 We must also continue to invest in our infrastructure. Our ports, roads and rail remain the central drivers of our economic prosperity. The South Carolina Ports Authority is a powerful economic engine. Its container volumes have doubled over the past decade, making it the nation’s ninth busiest container port. And it is growing. We are now deepening the harbor. Once this is completed, Charleston will have the deepest harbor on the eastern seaboard, allowing the huge post-Panamax ships to move even more cargo and containers into and out of our State. The economic growth accompanying this will set even more records. Through the two Inland Ports in Greer and Dillon, twenty five percent of the Port’s total volume now moves by rail to and from the marine terminals, doubling intermodal volume since 2012. Completing the Leatherman Terminal in North Charleston will take more traffic off Lowcountry bridges and highways and onto barges and trains. I want to thank everyone at the Ports Authority for their hard work. In particular, I’d like to recognize Chairman Bill Stern, CEO Jim Newsome and COO Barbara Melvin. Please stand and be recognized.

 South Carolina’s bright economic future requires an abundant supply of clean, affordable energy. Without it, we are at a competitive disadvantage.  I believe that every member is aware of the situation facing the solvency and future of Santee Cooper. In the coming days, the General Assembly will receive proposals and will decide Santee Cooper’s fate. The ratepayers of South Carolina deserve that we do so thoughtfully, but without delay. I would like to thank and recognize Ms. Marcia Adams, Director of the Department of Administration, and her entire team for their herculean efforts and their dogged persistence in keeping this process on track. Ms. Adams, please stand and be recognized.

 One of the main responsibilities of government is to provide for the safety of the people. We are all aware of the struggles facing the men and women working at our Department of Corrections: contraband, violence, gangs, staffing shortages, health care deficiencies. This must change. I ask that we invest at least $100 million toward making our prisons safer and more secure, both inside and outside the fence, by replacing and repairing existing infrastructure, facilities and control systems. We are losing valuable and experienced personnel because our agencies are unable to remain competitive with pay and benefits. Our highways are dangerous without troopers on patrol. Every school must have a resource officer on duty all day. Fires must be battled and contained. Justice requires investigations to be properly conducted. Correctional facilities need guards. And our waterways and lakes must remain safe and navigable. I ask that we dedicate at least $60 million in new dollars to law enforcement, public safety and first response agencies for recruitment and retention. This includes pay raises for troopers, SLED agents, wildlife officers, probation officers, firefighters, corrections officers, forestry and emergency services personnel. This will also compete the placement of a school resource officer in every school in the State. It is often said that the men and women of the Highway Patrol are the face of law enforcement in South Carolina. I ask that we direct $5 million for the sole purpose of hiring 100 new troopers by the end of the year -- and paying them more than local law enforcement agencies can match.

 Recently, I appointed North Charleston Police Chief Reggie Burgess to serve as the next director of the Department of Public Safety. Chief Burgess is one of the finest leaders our State has ever produced. His career achievements are remarkable. I am confident that he will do an excellent job recruiting and retaining additional highly qualified troopers, addressing challenges and taking morale and public confidence to new heights. Chief Burgess is here tonight with his wife Tracy and their children, Reggie and Kristen. Please join me in welcoming them.

 South Carolina is proudly a military state. During times of national or state emergency, we call on the South Carolina National Guard to do many things. They deploy and defend this nation. They evacuate and secure our coast. These brave men and women are known around the world for their service and sacrifice. However, the conditions of many of their armories are unsafe, unusable or inadequate for training and drill. I have proposed a significant reinvestment to improve the condition of National Guard armories in our State. I ask that you join me in this commitment. Today, we have more than 50,000 active duty and reserve military personnel. We have eight major military installations. And we have more than 400,000 veterans.

 We must ensure that our veterans -- and their dependents -- receive the benefits and services that they have earned over a lifetime of protecting our country and that they have the opportunity to utilize their talents in the civilian workforce. I was proud to work with the General Assembly to support legislation creating the South Carolina Department of Veterans’ Affairs to be led by a secretary to act as their advocate on the state and federal level. That man is here tonight: a top graduate of The Citadel with four combat tours in Iraq and service in the South Carolina House of Representatives. Lt. Col. Bobby Cox is joined by his wife Joscelyn and their children Reagan and Seth. Please stand and be recognized.

 Today is the anniversary of the United States Supreme Court’s decision in *Roe v. Wade*. Ladies and gentlemen, the right to life is the most precious of rights -- and the most fragile. We must never let it be taken for granted. For the third year in a row, my budget includes a proviso preventing the funneling of taxpayer dollars to abortion providers like Planned Parenthood. And you are now considering two important pieces of legislation. Both will protect the sanctity of life -- through heartbeat or personhood. It’s time to take a vote. Send them to me and I will immediately sign them into law.

 Ladies and gentlemen, we face recruitment and retention challenges not only with teachers, troopers, soldiers and guards -- but also with valuable talent at our state agencies. Our booming economy and record-low unemployment sometimes put agencies at a disadvantage against the private sector. Government should take some lessons from successful businesses. I am convinced that across-the-board pay raises for state employees are less effective than those based on performance, merit, success or longevity. I ask that you provide $33 million -- almost the equivalent of a 2% across-the-board pay raise -- and direct that those funds go to agency directors to be used for merit-based raises.

 Excessive government regulation is “the number one cause of death” for businesses both large and small, and also the bane of investment. Two years ago, I issued an executive order instructing state agencies to evaluate -- before issuing regulations -- any unintended consequences or undue burdens they may place on South Carolina’s businesses. This year, Senator TOM DAVIS has agreed to sponsor legislation that would require the Governor’s Office to submit to the General Assembly on an annual basis, recommendations for the elimination, withdrawal or modernization of any statutes, regulations, policies, protocols, boards, commissions, offices, positions or practices. I have asked Lt. Governor Evette to implement this law upon enactment -- and to seek input and suggestions from businesses on what to eliminate, change or modify. I ask you to work with us -- to unleash innovation, investment and emerging technologies by passing this Bill promptly.

 That brings us to our state pension system. We have all been hearing the alarm bell for years. We mustmaintain our commitment to the 11.5% of South Carolinians who rely on the state retirement systems and we must also protect the taxpayers from bearing any additional financial burden caused by inaction or indecision or anything else. The best answer is a date-certain transition away from “defined benefit” pension plans to “defined contribution” plans for new state employees. I am asking that we -- at the end of this year -- close enrollment in the current “defined-benefit” plan. Putting money into an open system is like trying to fill a bathtub with the drain open. We must close enrollment first.

 As you are aware, last year -- as in years past -- I vetoed over $20 million in “pass-throughs” inserted into the state budget under vague, broad descriptions like “Parks Revitalization” and “Sports Marketing.” It has become a bad habit -- a routine exercise of votes and vetoes between the governors and the General Assembly. Clearly, these appropriations should be publicly disclosed, debated and allowed to stand on their own merits, like all other measures. Failing that, I offer a “Plan B.” “Plan B” suggests that equivalent funds be provided to the same agencies as last year -- but with the requirement that they be awarded through a public, competitive grants process, with full reporting of all actions. Under this plan, funds would be made available to applicants with demonstrated community support and with missions that advance the agencies’ objectives. All applications and awards will be placed on agency web sites within fifteen days, allowing for public scrutiny and total transparency.

 Maintaining the public’s trust in government, at all levels, requires transparency and accountability on how and why every single taxpayer dollar is spent. That also means stronger and expanded authority for the State Ethics Commission. We must change the law to require anyone who is paid to influence decisions made by county, municipal, or school board officials to publicly register with the Ethics Commission as a lobbyist.

 And public officials in all branches of government -- at all levels -- must be subject to the Freedom of Information Act. Good government means protecting the health and well-being of our people. That includes our young people and vulnerable adults. In March, I nominated Mr. Michael Leach to serve as Director of the South Carolina Department of Social Services (DSS). Mr. Leach is a trained mental health clinician. And, in less than one year, he has brought transformative leadership to DSS -- reigniting the passions of his employees and reforming those processes which required re-evaluation. Director Michael Leach, please stand and be recognized.

 This year, we escaped the wrath of a major hurricane. But we’ve had four major flooding disasters between 2015 and 2018 and we will have more. These events caused 37 deaths and harm to nearly 150,000 homes.

Damages exceeded $800 million, with an estimated total loss of $320 million in tourism dollars. In the one year since the creation of the South Carolina Floodwater Commission, we have seen multi-faceted communication, collaboration and cooperation among its members -- across all levels of government, academia, the military, the private sector and non-governmental organizations. Their goal -- to protect and enhance our prosperity and happiness by finding ways and means to make these waters our friend.

 Thousands of volunteer hours have gone into producing the commission’s historic, unique report, which addresses our challenges with unprecedented scope and thoroughness. It is time now to act. We must take action to address our state’s drainage systems. We must protect, replenish and expand our marshes. We must develop centralized, streamlined resiliency and response plans. We must ensure that local governments have the means to access much-needed recovery funds. We must plant more native vegetation -- to deter erosion and aid in groundwater infiltration. And we must collaborate with and support innovative efforts like those envisioned in Charleston through the Dutch Dialogues. Our commission will continue its vigorous discussions regarding the flood-related challenges that we all face. I am confident that we can be a model for other states.

 Ladies and gentlemen, South Carolina is winning. We are in the midst of a stunning economic resurgence -- with the opportunity to seize prosperity for generations to come. We recognize our tremendous assets. We acknowledge our challenges. We believe in faith. We believe in family. We believe in the flag and we believe in free markets. We believe in liberty -- in that shining city on the hill of which President Reagan spoke. And we know that liberty is worth fighting for.

 I’m here to tell you that our resolve will not wane and will not falter. As your Governor, my determination is stronger than ever -- to fight for you, to fight for the ideals we all share, to fight for South Carolina. There is no place I would rather be, and there is nothing I would rather do.

 This year, let us roar into the twenties with renewed purpose. Let us be bold. Let us act on behalf of the sons and daughters of South Carolina, so that they may receive a State as bright with promise as that which we were blessed to inherit. And remember, always teach the children to be proud of South Carolina! May God bless you. May God bless South Carolina.

 The purpose of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**Motion Adopted**

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

**ADJOURNMENT**

 At 7:47 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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