**Wednesday, January 29, 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 31:8-9

“Speak for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.”

Let us pray. Loving God, You know every secret that dwells within our hearts -- all that we fear, all that we regret, all that we wish we could change but did not. Give us a clean spirit and thankful hearts for Your forgiveness and Your assurance that you will redeem us, empower us and never forsake us.

With all eternity ahead of us, teach us to use our time wisely with compassion for those who are sick, those who are destitute, those who are homeless, those who are physically and mentally challenged, those who struggle with addictions and those who feel that they must face life alone. Open the portals of our hearts and minds so that we will respond effectively with heartfelt prayer and compassion for those You love. Through the power of Your Holy Spirit we pray. Amen.

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

**Point of Quorum**

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Campbell Cash Cromer

Davis Fanning Gambrell

Gregory Harpootlian Hembree

Johnson Malloy Martin

Massey Nicholson Peeler

Rice Sabb Senn

Setzler Shealy Talley

Turner Williams Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators GROOMS and CORBIN recorded their presence subsequent to the Call of the Senate.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4878

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et seq., and 38-73-70

SUBJECT: Named Storm or Wind/Hail Deductible

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted January 29, 2020

**Leave of Absence**

At 1:07 P.M., Senator LEATHERMAN requested a leave of absence for the balance of the day.

**Leave of Absence**

At 3:37 P.M., Senator CROMER requested a leave of absence for Senator CAMPBELL for the balance of the day.

**Leave of Absence**

At 3:37 P.M., Senator SABB requested a leave of absence for Senator McELVEEN for the balance of the day.

**Expression of Personal Interest**

Senator JOHNSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator NICHOLSON rose for an Expression of Personal Interest.

**Remarks from Senator NICHOLSON**

Thank you Mr. PRESIDENT, ladies and gentlemen of the Senate. I rise before you today regarding two unfortunate and devastating accidents which recently occurred. On Sunday, we were all shocked to hear about the helicopter crash that killed Kobe Bryant, his daughter and seven other people who were traveling on the helicopter. It was a tragedy.

We had another tragedy in our community in Saluda the other night. We were celebrating a few weeks ago Saluda High School winning the high school State Championship. There was an accident, and two high school students, Drayton Wade Black and Jaden Coleman died at the scene of the wreck. Jaden’s brother, Kadius Coleman received life-threatening injuries. Both brothers played on the high school football team. Drayton Black was a senior at Saluda High School where he played on the baseball team.

I think it is appropriate that we take time and offer a moment of silence in remembrance of those students from Saluda High School, the staff, students, parents and the entire community for the loss of these two students.

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

**CO-SPONSORS ADDED**

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

S. 511 Sen. Reese

S. 879 Sens. Talley, Rice, Allen, Shealy and Turner

S. 998 Sen. J. Matthews

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1055 -- Senator Rice: A BILL TO AMEND SECTION 12-37-2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CREDITING PROPERTY TAXES ON AIRLINES, SO AS TO CREDIT THE PROCEEDS OF TAXES TO THE STATE AVIATION FUND; AND TO AMEND SECTION 55-5-280, RELATING TO THE  
  
STATE AVIATION FUND, SO AS TO PHASE-IN THE CREDITING OF THE PROCEEDS.

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

S. 1056 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE MARLENE FLETCHER SIMPSON OF LANCASTER COUNTY ON THE OCCASION OF HER EIGHTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1057 -- Senators Setzler and Hutto: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DR. WALTER B. CURRY JR. FOR HIS SIGNIFICANT WORK IN SERVICE TO AFRICAN-AMERICAN HISTORY AND HERITAGE IN THIS STATE AND TO CONGRATULATE HIM ON RECEIVING THE 2019 INTERNATIONAL AFRICAN-AMERICAN HISTORICAL AND GENEALOGY SOCIETY BOOK AWARD.

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The Senate Resolution was adopted.

H. 5052 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXTEND GRATEFUL THANKS TO ROBERT LEWIS SHAW OF KERSHAW COUNTY FOR HIS THIRTY-SIX YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA AS A VOLUNTEER CONSTABLE AND TO WISH HIM ALL THE BEST ON THE OCCASION OF HIS RETIREMENT.

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

H. 5054 -- Reps. G. M. Smith, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GORDON OWENS SHUFORD, UPON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS THIRTY YEARS OF OUTSTANDING SERVICE TO HIS NATIVE STATE, AND TO OFFER WISHES FOR A RETIREMENT AS SATISFYING AND REWARDING TO HIM AS HIS SERVICE HAS BEEN TO THE PEOPLE OF SOUTH CAROLINA.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 290 -- Senators Talley, Climer, Turner, Campbell, Senn, Bennett, Fanning and Kimpson: A BILL TO AMEND SECTION 61-2-170 OF THE 1976 CODE, RELATING TO DRIVE‑THROUGH OR CURB SERVICE OF ALCOHOLIC BEVERAGES, TO PROVIDE THAT THE DEPARTMENT MAY NOT GENERATE LICENSE FEES TO BE DEPOSITED IN THE GENERAL FUND OF THE STATE THROUGH THE ISSUANCE OF LICENSES OR PERMITS FOR ON- OR OFF-PREMISES CONSUMPTION WHICH AUTHORIZE ALCOHOLIC LIQUORS TO BE SOLD ON A DRIVE-THROUGH OR CURB SERVICE BASIS; AND TO AMEND ARTICLE 1, CHAPTER 4, TITLE 61 OF THE 1976 CODE, RELATING TO BEER, ALE, PORTER, AND WINE, BY ADDING SECTION 61-4-45, TO PROVIDE THAT A RETAILER MAY DELIVER BEER AND WINE FOR OFF-PREMISES CONSUMPTION TO A CUSTOMER WHO HAS PURCHASED THE WINE OR BEER ONLINE IN ADVANCE OF THE DELIVERY FOR CURBSIDE PICKUP TO THE CUSTOMER’S VEHICLE IF THE VEHICLE IS LOCATED WITHIN A CLEARLY DESIGNATED PICKUP AREA LOCATED ADJACENT TO THE RETAILER’S PLACE OF BUSINESS, TO ESTABLISH REQUIREMENTS RELATED TO THIS PROVISION, AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5‑15‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5‑15‑145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

Ordered for consideration tomorrow.

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

S. 867 -- Senator Campsen: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN‑ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7‑15‑420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN‑ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7‑15‑470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER‑BASED VOTING MACHINE OR VOTING SYSTEM FOR IN‑PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; AND TO PROVIDE THAT SECTIONS 1, 2, AND 3 OF THIS ACT ARE REPEALED ON JANUARY 1, 2021.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Rules submitted a favorable report on:

S. 890 -- Senators Massey, Climer, Harpootlian, Campsen, Senn, Young, Shealy and Turner: A SENATE RESOLUTION TO AMEND THE RULES OF PROCEDURE FOR THE SENATE, BY ADDING RULE 55, TO REQUIRE CERTAIN DISCLOSURES FOR APPROPRIATIONS REQUESTS BY MEMBERS.

Ordered for consideration tomorrow.

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

S. 1007 -- Senators Talley and Campbell: A BILL TO AMEND SUBARTICLE 15, ARTICLE 3, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO THE REGULATION OF RETAIL DEALERS BY THE ALCOHOLIC BEVERAGE CONTROL ACT, AND SUBARTICLE 1, ARTICLE 5, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO BIENNIAL LICENSES AND LICENSEES FOR THE SALE OF ALCOHOLIC LIQUORS, BY ADDING SECTION 61‑6‑1545 AND SECTION 61‑6‑1615, TO PROVIDE THAT RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK LOCATED IN PASSENGER TERMINAL FACILITIES AT COMMERCIAL SERVICE AIRPORTS ARE EXEMPT FROM RESTRICTIONS ON HOURS OF OPERATION AND THE SALE OF NONALCOHOLIC MERCHANDISE; AND TO AMEND CHAPTER 9, TITLE 55 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA AIRPORTS ACT, BY ADDING SECTION 55‑9‑370, TO PROVIDE THAT COMMERCIAL SERVICE AIRPORTS ARE REQUIRED TO ESTABLISH HOURS OF OPERATION FOR RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE’S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

Ordered for consideration tomorrow.

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

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7‑17‑560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7‑17‑530, 7‑17‑540, AND 7‑17‑550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 1050 -- Senator McElveen: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 12, 2020, AS “WORLD CHOLANGIOCARCINOMA DAY” IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 1053 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO COMMEND DR. KRISHNAN FOR HIS FORTY-FIVE YEARS OF DEDICATED SERVICE TO THE CITY OF MULLINS, MARION COUNTY, AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 29, 2020, at 2:30 P.M. and the following Acts were ratified:

(R114, S. 11) -- Senators Peeler, Bennett, McElveen and Young: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑30 SO AS TO PROVIDE THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INTENDS FOR DAYLIGHT SAVING TIME TO BE THE YEAR‑ROUND STANDARD TIME OF THE ENTIRE STATE SHOULD THE UNITED STATES CONGRESS AMEND CERTAIN RELATED FEDERAL LAW TO ALLOW STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR ROUND.

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(R115, S. 975) -- Senator Johnson: AN ACT TO CONSOLIDATE CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND EAST CLARENDON COUNTY SCHOOL DISTRICT NO. 3 (CLARENDON COUNTY SCHOOL DISTRICT NO. 3) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS CLARENDON COUNTY SCHOOL DISTRICT NO. 4; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3 ON JULY 1, 2021; TO PROVIDE THAT CLARENDON COUNTY SCHOOL DISTRICT NO. 4 MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, SIX MEMBERS MUST BE ELECTED FROM A DEFINED SINGLE‑MEMBER ELECTION DISTRICT AND ONE MEMBER MUST BE ELECTED FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT NO. 4 BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2021 AND 2022, AND TO PROVIDE THAT BEGINNING IN 2023, CLARENDON COUNTY SCHOOL DISTRICT NO. 4 SHALL HAVE TOTAL FISCAL AUTONOMY.

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(R116, H. 3174) -- Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: AN ACT TO AMEND SECTION 56‑1‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS “ELECTRIC‑ASSIST BICYCLES” AND “BICYCLES WITH HELPER MOTORS”; AND BY ADDING SECTION 56‑5‑3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING BICYCLES WITH HELPER MOTORS ARE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

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(R117, H. 4244) -- Rep. Sandifer: AN ACT TO AMEND SECTION 38‑78‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF “SERVICE CONTRACT” AND “WARRANTY” AND TO DEFINE THE TERMS “ROAD HAZARD”, “THEFT PROTECTION PROGRAM”, AND “THEFT PROTECTION PROGRAM WARRANTY”; TO AMEND SECTION 38‑78‑30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38‑78‑50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

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

**AMENDED, 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. 5**

Senators SETZLER, HEMBREE, MALLOY, LOFTIS, CROMER, NICHOLSON, SENN, CASH, RICE, RANKIN, GROOMS, CAMPBELL, WILLIAMS, VERDIN, SCOTT, ALEXANDER, J. MATTHEWS, M.B. MATTHEWS, McLEOD, SABB, JOHNSON, ALLEN, JACKSON, CAMPSEN and TURNER proposed the following amendment (419R020.SP.NGS), which was adopted:

Amend the bill, as and if amended, PART IV, page 43, by adding appropriately numbered new SECTIONS to read:

/SECTION \_\_. Section 59-149-15(A) and (B) of the 1976 Code is amended to read:

“Section 59-149-15. (A) A resident student who is at least a sophomore attending a four‑year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if enrolled in a four‑year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five‑year degree program or a 3 plus 2 program. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION \_\_. Section 59-104-25(A) and (B) of the 1976 Code is amended to read:

“Section 59-104-25. (A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

**Amendment No. 11**

Senator RICE proposed the following amendment (419R011.SP.RFR), which was carried over:

Amend the bill, as and if amended, page 71, by striking lines 27-42, and page 72, by striking lines 1-23 and inserting:

/SECTION 52. A. Section 59-1-495 of the 1976 Code is amended to read:

“Section 59-1-495. (A) The General Assembly directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter.

(B) With the assistance of the Revenue and Fiscal Affairs Office, the State Department of Education will annually report the federal funding streams for programs and grants for elementary and secondary education in this State to the General Assembly. The report must include:

(1) the amount of federal funding provided to the State Department of Education that flows through to each school district;

(2) the applicable maintenance of state support, maintenance of local effort, and matching required by any applicable grant, and uses of these funds by state and local school districts;

(3) compliance activities conducted by the State; and

(4) the available outcome data and information applicable to each grant.”

B. Section 59-1-495(B) of the 1976 Code takes effect on August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

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

**ACTING PRESIDENT PRESIDES**

Senator TALLEY assumed the Chair.

**PRESIDENT PRESIDES**

At 1:50 P.M., the PRESIDENT assumed the Chair.

**Amendment No. 14**

Senator KIMPSON proposed the following amendment (WAB\  
419C139.SM.WAB20), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 45.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

Senator MARTIN spoke on the amendment.

Senator BENNETT spoke on the amendment.

Senator FANNING spoke on the amendment.

Senator BENNETT moved to lay the amendment on the table.

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

**Ayes 24; Nays 15**

**AYES**

Alexander Bennett Campsen

Cash Climer Corbin

Cromer Davis Gambrell

Goldfinch Gregory Grooms

Hembree Hutto Loftis

Martin Massey Peeler

Rice Shealy Talley

Turner Verdin Young

**Total--24**

**NAYS**

Allen Fanning Harpootlian

Johnson Kimpson Malloy

*Matthews, John Matthews, Margie* McLeod

Nicholson Reese Sabb

Setzler Sheheen Williams

**Total--15**

The amendment was laid on the table.

**Amendment No. 15**

Senator KIMPSON proposed the following amendment (WAB\  
419C140.SM.WAB20), which was carried over:

Amend the bill, as and if amended, by Section 59-19-350(A), as contained in SECTION 45, by deleting subsection (A) and inserting:

/ “(A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ five or fewer schools of ~~choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

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

**Amendment No. 16**

Senator KIMPSON proposed the following amendment (WAB\  
419C141.SM.WAB20), which was carried over:

Amend the bill, as and if amended, by Section 59-19-350(A), as contained in SECTION 45, by deleting subsection (A) and inserting:

/ “(A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ schools of ~~choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two‑thirds affirmative vote of the board for each exemption and the proposed exemption is  
  
approved by a two-thirds affirmative vote of the State Board of Education.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

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

**Amendment No. 18A**

Senator DAVIS proposed the following amendment (419R038.SP.TD), which was adopted:

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

Educator Fundamentals for Professional Excellence

Section 59‑25‑910. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all educators are vital components for achieving professional excellence. It is the policy of the State that educators:

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

(2) may 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) may 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) may have an unencumbered daily planning time of not less than thirty minutes each working day, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

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

(6) are provided 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; and

(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.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Senator HEMBREE spoke on the amendment.

The question then was the adoption of the amendment.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Campsen Cash Climer

Corbin Cromer Davis

Fanning Gambrell Goldfinch

Gregory Grooms Harpootlian

Hembree Hutto Johnson

Kimpson Loftis Malloy

Martin Massey *Matthews, John*

*Matthews, Margie* McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The amendment was adopted.

**Statement by Senator Jackson**

I was absent when the Senate voted on amendment 18A to S. 419 due to a scheduling conflict. If present, I would have voted for the amendment.

**Amendment No. 19**

Senator RICE proposed the following amendment (419R035.SP.RFR), which was adopted:

Amend the bill, as and if amended, PART II, page 18, line 25, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Article 1, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-130. Student data and information collected pursuant to this chapter shall be considered personal and confidential and shall be maintained in accordance with state and federal privacy laws.” /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

The amendment was adopted.

**Amendment No. 20A**

Senators DAVIS and GOLDFINCH proposed the following amendment (419R039.SP.GH), which was not adopted:

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, which are 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 of not less than thirty minutes each working day, 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, district evaluation procedures, and other administrative inquiries that prevent the fulfillment of teachers’ 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) seek enforcement of the rights established herein pursuant to subsection (B).

(B)(1) A certified public school teacher who alleges that his rights established in subsection (A) have been violated may file a complaint with the local school district board specifically describing the occurrence and asserting which rights were violated. The local school district board must hear the complaint at its next regularly scheduled meeting or a special meeting called for that purpose. If the next regularly scheduled meeting occurs within ten days of the notice of the appeal, then the complaint may not be heard until the first meeting subsequent to the next regularly scheduled meeting.

(2) If a teacher decides to appeal the local school district board’s decision, then the parties to the appeal must submit to mediation to facilitate a resolution to the dispute.

(3) If mediation does not lead to a resolution, then the parties must engage in binding arbitration as provided by the Uniform Arbitration Act in Chapter 48, Title 15.

(4) If a teacher prevails under the provisions of this subsection, then he shall be entitled to reasonable attorneys’ fees.

(C)(1) After the final disposition of the administrative process, a teacher may terminate his contract without penalty.

(2) A school or district may not terminate a teacher from employment for pursuing a remedy under subsection (B), regardless of the outcome.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

**Point of Personal Privilege**

Senator GROOMS, with unanimous consent and Senator DAVIS retaining the floor, rose for a Point of Personal Privilege.

**Remarks by Senator GROOMS**

Members of this Body, we agree on a lot of issues. We usually debate honestly and with understanding regarding the needs in each other's districts. Today a group has claimed that Senators cancelled meetings with teachers on their lobby day. I'll say it. I was mentioned in an article -- it is simply not true. That is why I am standing here. When presented with the truth, the accusers backed down. They backed down and changed their statement, but the damage was already done.

Senators, like all of you, I met with teachers today. I met with teachers around the State. I met with teachers in my district. I met with school board members. I met with support staff. We have had productive conversations about respect for the profession, increasing pay, reducing standardized testing, and having the freedom to actually teach. Today was a positive day. I enjoyed the conversations that I had with teachers who met with me in my office, who stopped me in the hallway, who spoke with me on the State House steps. The task of improving education in this State is difficult enough without misrepresentation from partisan groups spreading lies to fit their status quo agenda. As we continue to debate these important issues, I am hopeful that we can stay focused, tune out the noise, and deliver a product that actually makes our schools better. Thank you, Mr. PRESIDENT.

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

Senator DAVIS resumed speaking on the amendment.

The question then was the adoption of the amendment.

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

**Ayes 14; Nays 28**

**AYES**

Allen Climer Cromer

Davis Fanning Goldfinch

Grooms Harpootlian Hutto

Kimpson Martin McLeod

Reese Setzler

**Total--14**

**NAYS**

Alexander Bennett Campbell

Campsen Cash Corbin

Gambrell Gregory Hembree

Johnson Loftis Malloy

Massey *Matthews, John Matthews, Margie*

Nicholson Peeler Rankin

Rice Sabb Scott

Senn Shealy Talley

Turner Verdin Williams

Young

**Total--28**

The amendment failed.

**Amendment No. 21**

Senator SCOTT proposed the following amendment (419R017.SP.JS), which was carried over:

Amend the bill, as and if amended, page 64, by striking lines 14-15 and inserting:

/~~school year,~~ the opening date for students must not be before the third Monday in August, except for schools /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

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

Debate was interrupted by adjournment.

**Motion Adopted**

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

**ADJOURNMENT**

At 5:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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