**Wednesday, April 8, 2020**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Psalm 46:1-2

“God is our refuge and strength, always ready to help in times of trouble. So we will not fear when earthquakes come and the mountains crumble into the sea.”

Let us pray. Almighty and loving God, we remember the words of Benjamin Black Elk of the Sioux people in South Dakota who recently asked his good friend Wendell, “How often do you pray?” Wendell replied, “two to three times a day.” “That’s not enough,” Benjamin said, “You should be in constant prayer all day with God.”

Lord, in these difficult days of the COVID -19 pandemic, we pray that we will open our hearts to constant conversational prayer with You for all Your people. In this way we will draw closer to You Lord and discover what Benjamin’s father missionary Nicholas Black Elk meant when he said, “The seeing is sacred through the eye of the heart.”

In the weeks ahead, may we see through “the eye of the heart” as we constantly pray for all Your children both here and beyond our borders.

We offer this prayer through You O Lord, our refuge and our strength, Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Local Appointments**

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453 *VICE* Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617 *VICE* Priscilla B. Baldwin

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528 *VICE* Rob Chumley

**COMMUNICATION FROM THE CLERK**

Due to the COVID-19 pandemic, the PRESIDENT invoked the authority of Rule 1C to adjourn the sessions on March 24, 25, 26, and 31, as well as April 1, 2, and 7. Rule 1C reads, "The President, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the Senate, may declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and acts of God."

**Leave of Absence**

On motion of Senator ALEXANDER, at 1:14 P.M., Senator LEATHERMAN was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator FANNING, at 1:14 P.M., Senator McLEOD was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator FANNING, at 2:02 P.M., Senator KIMPSON was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator FANNING, at 2:02 P.M., Senator M.B. MATTHEWS was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator SHEHEEN, at 2:02 P.M., Senators JOHN MATTHEWS, HARPOOTLIAN, JACKSON and NICHOLSON were granted a leave of absence for the day.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1185 -- Senator Young: A SENATE RESOLUTION TO CONGRATULATE DR. JUDY BECK UPON HER INAUGURATION AS PRESIDENT OF THE ASSOCIATION OF TEACHER EDUCATORS AND TO COMMEND HER FOR HER DEDICATED SERVICE IN THE FIELD OF EDUCATION.

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The Senate Resolution was adopted.

S. 1186 -- Senator Gambrell: A SENATE RESOLUTION TO HONOR LEONARD CAMPBELL OF ANDERSON COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A VERY HAPPY BIRTHDAY.

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The Senate Resolution was adopted.

S. 1187 -- Senator Bennett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RANDY L. POTTS, CHIEF INFORMATION SECURITY OFFICER FOR A MULTINATIONAL ORGANIZATION, FOR HIS OUTSTANDING AND EXTENSIVE CONTRIBUTIONS TO THE BOY SCOUTS OF AMERICA AND TO CONGRATULATE HIM UPON RECEIVING THE PRESTIGIOUS 2020 SOUTHERN REGION BOY SCOUTS OF AMERICA ALUMNUS OF THE YEAR AWARD.

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The Senate Resolution was adopted.

S. 1188 -- Senators Kimpson, Senn and Hutto: A BILL TO AMEND ARTICLE 1, CHAPTER 75, TITLE 38 OF THE 1976 CODE, RELATING TO PROPERTY INSURANCE GENERALLY, BY ADDING SECTION 38-75-70, TO PROVIDE THAT EVERY POLICY OF INSURANCE IN FORCE IN THIS STATE INSURING AGAINST LOSS OR DAMAGE TO PROPERTY, NOTWITHSTANDING THE TERMS OF THE POLICY AND INCLUDING ANY ENDORSEMENT THERETO OR EXCLUSIONS TO COVERAGE INCLUDED THEREWITH, THAT INCLUDES A LOSS OF USE AND OCCUPANCY, OR BUSINESS INTERRUPTION, SHALL BE CONSTRUED TO INCLUDE, AMONG THE COVERED PERILS UNDER THE POLICY, COVERAGE FOR BUSINESS INTERRUPTION DIRECTLY OR INDIRECTLY RESULTING FROM THE GLOBAL PANDEMIC KNOWN AS COVID-19, INCLUDING ALL MUTATED FORMS OF THE COVID-19 VIRUS.

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

S. 1189 -- Senators Senn and Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE OAK ISLAND BRIDGE LOCATED ON FOLLY ROAD (SOUTH CAROLINA HIGHWAY 171) IN CHARLESTON COUNTY THE "FRANCIS EDWARD 'BUTCH' CLARK MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

S. 1190 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

S. 1191 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING  
  
ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

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

S. 1192 -- Senators Sheheen, 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, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JOHN C. "JACK" WEST, JR., CAMDEN ATTORNEY AND GOVERNMENTAL AFFAIRS SPECIALIST, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1193 -- Senators M. B. Matthews, Kimpson and Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SPRING STREET IN CHARLESTON "JUDGE RICHARD E. FIELDS STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

**ADOPTED**

S. 1194 -- Senators Peeler and Malloy: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET PRIOR TO MAY 14, 2020, OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), AND WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2020, NOT LATER THAN 5:00 P.M., OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO FURTHER PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE AGAIN EACH HOUSE SHALL STAND IN RECESS TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, SEPTEMBER 15, 2020, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, SEPTEMBER 24, 2020, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO ADDITIONALLY PROVIDE THAT BETWEEN 5:01 P.M. ON THURSDAY, SEPTEMBER 24, 2020, AND 11:59 P.M. ON SUNDAY, NOVEMBER 8, 2020, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND FINALLY TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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On motion of Senator MASSEY, with unanimous consent, the Resolution was taken up for immediate consideration.

Senator MASSEY spoke on the Resolution.

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

H. 5412 -- Reps. Allison, Alexander, 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. 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 CONGRATULATE THE THIRTY-SIX SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2020 ACADEMIC ALL-STATE TEAM BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

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

H. 5413 -- Reps. Allison, Alexander, 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. 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: TO DESIGNATE OCTOBER 7, 2020, AS THE ONE HUNDREDTH ANNIVERSARY OF THE AAA SCHOOL SAFETY PATROL PROGRAM IN THE STATE OF SOUTH CAROLINA, AND TO RECOGNIZE THE ANNIVERSARY IN CONJUNCTION WITH THE ANNUAL “WALK OR BICYCLE WITH YOUR CHILD TO SCHOOL DAY”.

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

H. 5414 -- Reps. Thayer, Anderson, Allison, Burns, Bales, McCravy, Jefferson, Clyburn, Hewitt, Bailey, Chumley, Gilliard, Haddon, Elliott, B. Cox, Trantham, G. R. Smith, Robinson, Hardee, Bennett, Bryant, Calhoon, Caskey, W. Cox, Crawford, Daning, Dillard, Erickson, Forrest, Gagnon, Gilliam, Hill, Hiott, Hixon, Hosey, Huggins, Morgan, W. Newton, Norrell, Parks, Pope, Ridgeway, Rivers, Sandifer, Spires, Stringer, Taylor, Toole, West, Wheeler, White, Whitmire, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE NEED OF THE STATE OF SOUTH CAROLINA TO ADDRESS AND TAKE STEPS TO PROTECT ITS CHILDREN FROM THE PUBLIC HEALTH HAZARD OF INTERNET PORNOGRAPHY.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 5430 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE POINT WHERE IT CROSSES THE WATEREE RIVER "LIEUTENANT ULYSSES FLEMMING MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 5431 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE EDISTO RIVER ALONG UNITED STATES HIGHWAY 17 IN COLLETON COUNTY "SENATOR PEDEN MCLEOD BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS BRIDGE CONTAINING THESE WORDS.

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

**HOUSE CONCURRENCE**

S. 1182 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA STATE GUARD UPON THE OCCASION OF ITS THREE HUNDRED FIFTIETH ANNIVERSARY AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE STATE GUARD TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF THIS GREAT STATE.

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 April 8, 2020, at 2:20 P.M. and the following Acts were ratified:

(R136, H. 4439) -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS “ATOMIC VETERANS DAY” IN SOUTH CAROLINA.

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(R137, H. 4743) -- Reps. Fry and Hewitt: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑3‑312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

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**AMENDED, READ THE THIRD TIME**

**RETURNED TO HOUSE**

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, H. 3411 was taken up for immediate consideration.

The Senate proceeded to a consideration of the Bill.

**Amendment No. 1**

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL):

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our state’s government; and

Whereas, the public health emergency associated with the 2019 Novel Coronavirus (“COVID‑19”) has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina; and

Whereas, given the extraordinary challenges facing our State, our nation, and the world due to COVID‑19, it is necessary to take emergency measures to combat the spread of this deadly virus; and

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our state government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID‑19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a comprehensive general appropriations act when we reconvene. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020‑2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020‑2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020‑2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020‑2021.

(B) Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020‑2021, there is appropriated whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the General Reserve Fund, the Capital Reserve Fund, and to conduct the 2020 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. The General Reserve Fund is established in the amount required by law. The Executive Budget Office shall, in conjunction with the Comptroller General and the State Treasurer, implement the necessary and appropriate accounting transactions to implement the provisions in this paragraph.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus (“COVID‑19”). Funds so received shall be expended for COVID‑19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID‑19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID‑19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor’s plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor’s website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state’s response to COVID‑19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018‑2019 Contingency Reserve Fund, there is appropriated $200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall credit $20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID‑19 Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit $180,000,000 to the COVID‑19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID‑19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID‑19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state’s COVID‑19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to $15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor’s plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID‑19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to, those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59‑155‑160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district’s distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59‑1‑425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to, the authority to carry forward any cash balances, to local school districts adjusting to operations in response to COVID‑19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID‑19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019‑2020 level. Step increases are suspended until the annual general appropriations act for Fiscal Year 2020‑2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state’s COVID‑19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID‑19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8, Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This information shall also be published on the division’s website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state’s COVID‑19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state’s COVID‑19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the “South Carolina Federal and Other Funds Oversight Act.”

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019‑20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor’s Executive Order 2020‑12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9‑1‑1085 and Section 9‑11‑225 for Fiscal Year 2020‑2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020‑2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019‑2020.

SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020‑2021. The Public Service Authority (“Santee Cooper”) may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper’s status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper’s customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al*, provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58‑31‑360, including the State’s covenant to not alter, limit, or restrict the Santee Cooper’s power to fix, establish, maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper’s expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through Fiscal Year 2020‑2021 or until an act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the General Appropriations Act for Fiscal Year 2019‑2020 are deleted:

112.1. (DS: Excess Debt Service);

117.112. (GP: Employee Compensation)

118.16. (SR: Nonrecurring Revenue)

117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

Senator GROOMS spoke on the amendment.

**Point of Order**

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MASSEY spoke on the Point of Order.

Senator MALLOY spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

**Appeal of the Ruling by the PRESIDENT**

Senator GROOMS appealed the Ruling by the PRESIDENT.

On motion of Senator GROOMS, with unanimous consent, the appeal was withdrawn.

**Motion Adopted**

Senator GROOMS asked unanimous consent to proceed to Amendment No. 5.

There was no objection.

**Amendment No. 5**

Senator GROOMS proposed the following amendment (3411R004.SP.LKG), which was tabled:

Amend the bill, as and if amended, by striking SECTION 10 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

Senator MASSEY spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator RANKIN spoke on the amendment.

**Remarks by Senator RANKIN**

I do not stand here to delay, belabor, shield for, protect or do anything for anybody -- Santee Cooper or anyone else, except to stand here and tell you how I think you are being asked to join in a party that was hatched without leadership’s involvement. And this party -- the invitation list kind of changed. You all were not invited to this party. You didn’t hear anything about what’s going to go on at the party when we last gathered here, and we huddled with Senator LEATHERMAN in the corner and right up here. The party is not the same today as when we were told we have to do this because trouble with a capitol ‘T’ is coming.

And so, trouble is here folks but what happened between then and now? We didn’t do this, and we’re going to talk about these private messages, these private conversations. We didn’t do this. No one person in this Senate to my knowledge, based on private conversations, ever offered this language. Not one. We had a conversation last Wednesday. I got to join the party! It was a party line. I got to be invited and I was assured, and I daresay there’s not anyone who now would tell me differently that you haven’t already said clearly, we will live to fight another day. Who said that? Jay Lucas. We will fight another day. We recognize we don’t want to be up here, we don’t want to be talking about this. We want to push this off. Yes, we’ve invested time. Yes, we’ve invested $15 million. This is not the time to do it.

I said in that conversation “Thank you” because we don’t have the time. We don’t need to be here talking about a subject that is a fly on the backside of a pig in scope to what we’re really here for. So I take that conversation and I say to them, “Folks remember that if they need your help, if Santee Cooper, your state agency, like ‘em or not, if they need to take advantage of even more exigent circumstances with the downturn in this economy, please be receptive. Don’t stranglehold them. Let them do what they are charged by us to do: generate reliable, sustainable and affordable power.”

Like it or not folks, we didn’t put them in business, but our forefathers did. I made that plea. Murrell Smith said, “I want to keep reforming, I don’t want to give this up.” Again, correct me if I’m wrong -- witnesses to these conversations. I’m working on a reform package. I think we will all be able to embrace this. It may not be like I want, it may not be exactly like Senator MASSEY wants, but we will get beyond this fight and this continued tilting of the scales to punish a state agency that we put in power long ago.

We will get beyond this fight and this continued tilting of the scales to punish a state agency that we put in power long time ago to keep delivering affordable, dependable rates and power to this State. And we’ll move beyond this idea, this infatuation, this quest, this lie. Perhaps it’s a lie. Perhaps we’re stringing along the would be buyer who is flooding this State with money to get its way. I may be a beneficiary of the largess of this buyer, Next Era.

But my curiosity folks is in spite of this conversation on Wednesday. I hear not one peep from leadership telling me “Rankin, it’s a little different than what you heard. We’ve got this language. We’re gonna leave it alone, that’s what we said, but we’ve got some language.” So, folks involved with this state agency are rightly concerned when they get this language. They realize that they have entered into an agreement with the co-ops all eyes wide open going into this thing knowing that in order to achieve the terms of the settlement what do they have to do? They have to do what the entire class action was about in the first place. Operate more efficiently. Save money.

They all agreed to do that. And so that’s the intent. We’re going to do better by who? The ratepayer. Better than they’ve already done. And I’m not defending the Santee Cooper that drove us into the ditch. I’m not defending Lonnie Carter. I’m not defending O.L. Thompson. I’m not defending the predecessors to this executive management team hired from Arizona that has come in and cut the budget and paid down the debt.

These aren’t people that I know so I’ve got no gain in speaking for them except to say that they’re doing the job that the predecessors didn’t. Because why? Because the board finally decided to ignore the politics up here, not hire their buddy, not appoint this buddy as a board member or a chairman, not let this little clique operate. As you all heard Dan Wray said five people in Santee Cooper knew what was going on. Five people! Was that their problem or is that ours? Did we equip a board to do a horrible job before?

You all remember in ‘05 when we changed the law because Governor Sanford and his then political appointees wanted to run up to NY -- chum up with Credit Suisse. To do what? Investigate selling Santee Cooper. What did we do? With Mr. Couick, the General Counsel to the then Judiciary Committee Chairman, what did we do? With his leadership, and I’m not maligning him; we wrote a Bill that said what the best business practice business judgement of a fiduciary duty-bound board member should be. What did we do?

That was 2005. Let’s go forward. They ran the train in the ditch. And why did they do that? Perhaps because they didn’t do their due diligence. They didn’t ask hard questions and perhaps despite of this letter saying I gave you notice. Perhaps all at the table then weren’t as concerned about the direction we were going in. Perhaps because all at the table joined in us doing this nuclear deal. And we did. Everyone at the table then unanimously, save one in this Body right now who voted against the Base Reload Review Act, that being Senator CAMPSEN. Every one of us, with the encouragement of who? All customer classes, co-ops included, joined in. We flew to Washington. I had never flown in the State plane before. Duke Scott, all of us on that PURC Committee fly to Washington to hear what? This is in our best interest. We are going nuclear. We’re all in this together.

So, fast forward again. Senator FANNING that lead balloon crashed like a thud. And you in your county are left with the vestiges of failed decisions that we want to wrap around a board, that we want to stick our hands out and act as if we had no idea that they were doing it. We want now no part of the responsibility of that failed decision. But folks it was our decision!

So, fast forward again. All this litigation, all these hearings, all this good effort on our part to drill down to why, what, when, how, to get to the root of the failure -- Act 95. We have got a work in progress. Some argue that it’s over, either now with the Finance Committee rejection of all three of the tasks it was asked to decide: reform, sell or management. Either it’s over now or not. House likewise argues over there. You hear their testimony at their hearings. It’s over. And so today you hear that it’s over if you don’t do something right now because they’re going to run off into the rogue board behavior and run this thing even further in the ditch by entering into long-term contracts. Oh my gosh, heaven forbid.

So, my question is, in these private meetings, these conversations starting Monday and Tuesday and today folks, who are we fighting here for? What is the rub that has changed this party from the last time we were here? And unfortunately for some, perhaps all of you right now listening to me -- we should have given that Bill third reading and been done with it because the House wanted language in there then that Senator LEATHERMAN wanted then. We wouldn’t be back here now would we? Perhaps we would for further relief that’s included in the other sections of this.

But the party and the table changed. So, I’m asking somebody please tell me, is it because we are afraid that the Santee Cooper board and its chairman and its directors, who, I’m sorry, but everybody vetted in recommending to the appointment. Certain people in industry had a hand in recommending to a Governor or two. They like this person, they like that person and they recommended to the Governor to recommend to us, to PURC, to vet these people and to put them under oath to determine whether they were qualified. We are worried now that they’re going to be so independent and that they’re going to be so mindful and follow whatever the bright star, the pillar of flame, and do what the law charges them to do, and that being their fiduciary duty. We’re afraid they’re going to do something that’s going to do what? Hamstring our ability to punish them more or impair their ability to do what, save Horry County and every other direct serve county and every other co-op area in this State to save their customers money -- short term contracts. Again, if we do this today, we will prohibit ourselves from ever reforming them. So, my question for my friend from Edgefield is, whose reform are we looking to? What is this bright star we are trying to achieve here?

No question but the Governor is doing a wonderful job. We don’t have a playbook for this situation we are dealing with right now. But for sure this playbook that we’re all dealing with does not include a small state agency. But the Governor has made clear -- sell it -- before we even started talking about it, before the first hearing -- Sell it. What did the Speaker of the House say in an op-ed piece? Sell it. Whose reform folks are we about that we’re afraid we’re going to lose today, if you don’t act, we’re going to lose this opportunity. Whose reform is it? Is it reform that is going to do anything to help your co-op member, that employee, in their heart of hearts they are worried about their rates going up. They’re worried that they’re going to have to pay more if this settlement is blown up. Because who ultimately pays by the shenanigans that we’re about now? Anybody in a direct serve area, anybody that’s a co-op member. And if I haven’t heard it enough, the Policy Council’s quote of $6,200 for one group and $4,200 for another group. Over time that is what you’re going to pay.

Folks, if you don’t settle Cook that’s exactly what’s at risk. And you don’t settle Cook by adopting a CR with language that has nothing to do with a pandemic. But it takes one more shot at a rogue board to do what -- either to string somebody along, string us along, keep us in the game. Keep Next Era at the table maybe. They might get a little bite of this apple yet. Maybe another buyer is out there. Or, let’s get a new director. Let’s get a new CEO. This guy has done such a good job; let’s sack him. I don’t know what altar we are worshiping at except the foolish and folly.

I will suggest to you this point made offline a moment ago. Well, two in fact. This idea of conversations with three people. And not directed at me perhaps but by association that I said, we said, no to limiting, Senator from Aiken, your exchange saying no for a one year or no to taking sale out? I don’t remember that. And I’m thick, slow, a C- student at my best, that might have been broached by Senator MASSEY. I’ve not heard that. Now, there was a conference call last night at 6:30 or 7:00 and I couldn’t participate. It might have been broached then. But the point perhaps made by inference that we, those who were defending, or as one of my friends in the House called me, the apologist for Santee Cooper, that we rejected that out of hand. Folks, if that’s an offer made last night or this morning, why didn’t they even talk about that last Wednesday on the phone call with me? Why weren’t we totally in the loop as to what the reindeer games were? Why didn’t we get, “hey, let’s work this out, hey, here’s some language, let’s work this out.” You didn’t get this CR until when, folks? Two days ago, Monday I think, or I didn’t get it until then.

Now, in this call last Wednesday -- I also want to make another point. What is really important in here and you read the preamble and you look at the language, and Senator ALEXANDER did a great job explaining the contents of this. One of the key things we are talking about here, and Senator HUTTO asked about it, is elections. We have got a primary and we have got a general election. Now we as a State have thus far said we don’t need to move the dates. But Senator CAMPSEN in his efforts in this regard introduced S. 867, a Bill that flowed through here like milk and honey. We sent it to the House. It sits right now in their Judiciary Committee. What would this Bill do? It allows the early counting of absentee ballots -- not to tally the votes, but on a Saturday or Friday before the election, it would allow election commissions to count these ballots, opening only the first envelope and not the second. To get a jump on what we anticipate and what Senator CAMPSEN feared would be a flood of absentee ballots. We passed it -- boom. It is out of here, it’s in the House Committee.

So, in our conversation last Wednesday, and correct me if I’m wrong, but I broached the subject to the House. There’s a Bill in your Committee. There is great concern by Marci Andino that we are going to be in a large crunch with the elections. So, in that conversation I broached the subject. We need to get that out as there is some concern that those absentee ballots are going to be large in number and with the perhaps even more limited possibly limited number of staff, volunteers and poll workers. I think this is important. I think we need to do this. Again, I had a conversation with Senator CAMPSEN right before that phone call to make sure I got the details right. What’s the response to that? We can’t pull that out of committee. We’ve got problems over there -- one House member -- we can’t poll it out because we can’t have unanimous consent. Representative Jonathon Hill will hold this up. So, what is this Continuing Resolution really about? If it’s not about elections, they tell me last Wednesday, why are we even including that language, why do we have a section dedicated there, because maybe elections are important, or they aren’t important? I don’t know, but we can’t do the herculean task to pull something out and give it second and third reading and pass it to allow our election commissions more accommodation in light of where we are right now. Can’t do it.

Now folks, again, if this is not of our hand, if this is not our language except for the explanation that if we don’t do something they are going to run amuck even further; if it’s not of our hands, why am I even up here talking? Why are we having a cram down from the House, who doesn’t have the courtesy to tell me on the phone last Wednesday, until a call yesterday from my good friend, co-chairman of JMSC, whatever they were intending to do here. Why didn’t they tell us that? I’m glad we didn’t appeal the Rule of the Chair. While I don’t agree with it, it’s the Rule of the Chair and we don’t need to waste time on an appeal.

What we have before us is something that spoke to what the House spoke to me about. That is the key ingredients of what we have to do. “Get out of here! Shut up, Luke. Do the important work and get out of here.” And what I see is an overreach perhaps by somebody. And again, who it is I don’t know. But if it is not one of us in this Body, then why are we going to reward the House for playing footsie with somebody that’s not even in this room? Why are we going to reward and take a cram down last minute or in the stealth of the night deal to run in and grab while you can? I cannot help but invoke what I’ve just recently heard and I’m sure I will misstate it. Rham Emmanuel is quoted as saying, “Never miss a good crisis.” When do we hear that? No offense, but everybody perhaps takes their turn at it. That’s what the Republicans said of Speaker Pelosi and Chuck Schumer, that they invoke these words in their attempt to throw stuff in that perhaps none of us would think would be pandemic, lifeblood of an economy, the lifeblood of health care, the lifeblood of first responders for all these things that Senator ALEXANDER’s explanation touches on. Why would we not think any differently than that grab that comes to do what?

So, I’m up here to tell you this is about as odd and offensive a move, but it’s politics, and so I lose. Its politics. It is an affront to this Senate I would suggest to you, but let me tack a little nicer before I sit down, before I get hammered by the mallet that is soon going to be thrust my way.

I made this point earlier, and my apologies for whoever heard the exchange over here. My language was fine, but my energy level is high because I think it is a misrepresentation to this Body to suggest that if I give it my best effort, I am going to be thwarted from real reform and that I’m not going to be able to do what we have been tasked to do and are doing right now. We have hired an expert, a Boston University Professor named Mark Williams. He is an S&P special advisor, credentialed to tell us what’s going to happen when we alter these rates, what going to happen in the rate-making context. We’re talking about losing the independence of this group. Board governance is what we are about.

So to suggest, Senator MALLOY, that we are not going to be able to do what we are charged to do, what your committee, the Judiciary Committee, is challenged and charged to do. Is it a sale now or not? We are going to do what we are charged to do. Senator MASSEY, you are on that committee as well. If it’s not a sale, we’re going to do what we’re supposed to do. Just as the Finance Committee has voted, you on the Judiciary Committee are going to get to vote too, and you’re going to have the chance to reform it. Not the way Next Era wants perhaps, not the way Central wants it, perhaps not the way Governor McMaster wants it, but the way you decide.

That’s what my energy has been expended on. So, I want to call a slight time out to the pandemic-fueled push to do something that does nothing but punishes a quasi-state agency. No state dollars are going into it yet, the State is benefitting from it. I’m paying into the State every time I pay my monthly bill. But a quasi-agency that is being singled out to punish. I urge you to look at the real story here, look at the real story here, look at the real picture, and to call “bull” to the efforts to cram down your throats something that this board has entered into an agreement to do in its settlement, approved by the assigned retired Supreme Court Justice. Subject to contingencies, clearly. But I know the agreement. I know the agreement. So, when the folks from Santee Cooper tell us “this prevents us from carrying out our duties to pay, to cap rates, to freeze rates,” maybe I’m dumb to believe them. But this board has a fiduciary duty not to you, not to the Governor, and maybe we change that to make it clear that it is to the State. But who are they acting now in the best interest of? The rate payer.

So, I stand up here for my direct serve customers. I stand up here for my co-ops. I had a call and a text from the head of my local co-op. I didn’t get to talk to him. But folks, we need to move beyond this. We as a State don’t need to be captured any longer by the fighting of two groups. We need to move beyond this and we’ve got to work, if we’re not going to sell it, to get over the fact that we’re not going to sell it, and to let them do what they need to do, and that is to enter into whatever contracts. Senator MASSEY, I am not an expert. I don’t know what the length of terms should be, but when you’re effectively saying, as I understand it, a call was made to the leadership down there saying you’ve got to fire the new CEO, you’ve got to fire those two guys from Arizona because are they doing too good of a job.

My pledge to you is that I will get out of our committee, not mine but our, a body of work that you all will have your ability to define a length of contract, the ability to define solar, the ability to enter into an RTO. You all are going to define the governance and the operation that is in the best interests of who? The State, and I would say to you that is the same with the customer.

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

Senator CAMPSEN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator BENNETT spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator McELVEEN spoke on the amendment.

The question then was the adoption of the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 23; Nays 13; Abstain 1**

**AYES**

Alexander Allen Bennett

Campbell Cash Climer

Corbin Cromer Davis

Fanning Gregory Hembree

Loftis Malloy Martin

Massey Peeler Rice

Sabb Setzler Shealy

Turner Young

**Total--23**

**NAYS**

Campsen Gambrell Goldfinch

Grooms Hutto McElveen

Rankin Reese Scott

Senn Talley Verdin

Williams

**Total--13**

**ABSTAIN**

Sheheen

**Total--1**

The amendment was laid on the table.

**Amendment No. 1**

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL), which was adopted:

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our state’s government; and

Whereas, the public health emergency associated with the 2019 Novel Coronavirus (“COVID‑19”) has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina; and

Whereas, given the extraordinary challenges facing our State, our nation, and the world due to COVID‑19, it is necessary to take emergency measures to combat the spread of this deadly virus; and

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our state government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID‑19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a comprehensive general appropriations act when we reconvene. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020‑2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020‑2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a General Appropriations Act for Fiscal Year 2020‑2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the General Appropriations Act for Fiscal Year 2020‑2021.

(B) Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020‑2021, there is appropriated whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the General Reserve Fund, the Capital Reserve Fund, and to conduct the 2020 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. The General Reserve Fund is established in the amount required by law. The Executive Budget Office shall, in conjunction with the Comptroller General and the State Treasurer, implement the necessary and appropriate accounting transactions to implement the provisions in this paragraph.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus (“COVID‑19”). Funds so received shall be expended for COVID‑19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID‑19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID‑19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor’s plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor’s website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state’s response to COVID‑19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018‑2019 Contingency Reserve Fund, there is appropriated $200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall credit $20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID‑19 Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit $180,000,000 to the COVID‑19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID‑19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID‑19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state’s COVID‑19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to $15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor’s plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID‑19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to, those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59‑155‑160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district’s distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59‑1‑425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to, the authority to carry forward any cash balances, to local school districts adjusting to operations in response to COVID‑19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID‑19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019‑2020 level. Step increases are suspended until the annual General Appropriations Act for Fiscal Year 2020‑2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state’s COVID‑19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID‑19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8, Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This information shall also be published on the division’s website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state’s COVID‑19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state’s COVID‑19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the “South Carolina Federal and Other Funds Oversight Act.”

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019‑20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor’s Executive Order 2020‑12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9‑1‑1085 and Section 9‑11‑225 for Fiscal Year 2020‑2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020‑2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019‑2020.

SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020‑2021. The Public Service Authority (“Santee Cooper”) may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper’s status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper’s customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al* provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58‑31‑360, including the state’s covenant to not alter, limit, or restrict the Santee Cooper’s power to fix, establish, maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper’s expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through Fiscal Year 2020‑2021 or until an act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the general appropriations act for Fiscal Year 2019‑2020 are deleted:

112.1. (DS: Excess Debt Service);

117.112. (GP: Employee Compensation)

118.16. (SR: Nonrecurring Revenue)

117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the amendment.

**RECESS**

At 4:37 P.M., on motion of Senator SHEHEEN, with unanimous consent and Senator GOLDFINCH retaining the floor, the Senate receded from business.

At 5:28 P.M., the Senate resumed.

Senator GOLDFINCH spoke on the amendment.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

**Motion Adopted**

Senator MASSEY asked unanimous consent to proceed to Amendment No. 7.

There was no objection.

**Amendment No. 7**

Senators GROOMS and MASSEY proposed the following amendment (3411R007.SP.ASM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 10 in its entirety and inserting:

/ SECTION 10. (A) The provisions of Act 95 of 2019 are extended through September 24, 2020. The Public Service Authority (“Santee Cooper”) may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper’s status.

(B) Without the approval of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee, Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) doing any and all things preparatory to closing and decommissioning the Winyah Generating Station;

(2) planning, permitting, and procuring one hundred megawatts of combustion turbines only with agreement with Central Electric Cooperative;

(3) doing any and all things preparatory to deploying new solar generation only with agreement from Central Electric Cooperative;

(4) entering into joint operational and energy saving agreements with neighboring utilities for a period of less than one year with annual renewals and mutual cancellation clauses thereafter;

(5) entering into hedge agreements for natural gas and coal for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

(6) entering into purchase power arrangements needed for, but not in excess of, anticipated load for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

(7) having the ability to borrow as currently anticipated for operational needs, or risk management as market conditions may allow;

(8) settling outstanding lawsuits;

(9) taking whatever steps are prudent and consistent with good utility practice to manage the COVID -19 pandemic;

(10) proceeding with appropriate resource discussions with Central;

(11) freezing rates as provided in the settlement of Cook v. Santee Cooper, et al.; and

(12) taking other actions consistent with this section that are court ordered or required pursuant to Cook v. Santee Cooper et al. provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58‑31‑360, including the state’s covenant to not alter, limit, or restrict the Santee Cooper’s power to fix, establish, maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper’s expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through September 24, 2020, or until an act of the General Assembly expressly supersedes this provision. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

**Amendment No. 6**

Senators CASH and RICE proposed the following amendment (3411R005.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. (A) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases when the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention provided that the physician acts in accordance with the standard of care to preserve both the life of the mother and the life of the pre‑born child, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

(B) The State has enacted Section 43‑5‑1185 of the 1976 Code that prohibits state funds, directly or indirectly, from being utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions. Having prevented Planned Parenthood from performing abortions with state funds, once the federal injunction is lifted, the Department of Health and Human Services may not direct any federal funds to Planned Parenthood. An otherwise qualified organization may not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that provides abortion services where the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention is excepted from the above restriction on state family planning funds and may receive state family planning funds, provided that the physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre‑born child. /

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

**Motion Adopted**

On motion of Senator CASH, with unanimous consent, Amendment No. 6 was withdrawn.

Senator MARTIN spoke on the Bill.

Senator SENN spoke on the Bill.

The question being third reading of the Bill, as amended.

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

**Ayes 37; Nays 0; Abstain 1**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Goldfinch Gregory Grooms

Hembree Hutto Johnson

Loftis Malloy Martin

Massey McElveen Peeler

Rankin Reese Rice

Sabb Scott Senn

Setzler Shealy Talley

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

**ABSTAIN**

Sheheen

**Total--1**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**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 name was reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Judiciary Committee, the following appointments were confirmed in open session:

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229-3391

On motion of Senator RANKIN, the question was confirmation of Brandolyn T. Pinkston.

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

**Ayes 34; Nays 0; Abstain 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Goldfinch Gregory Grooms

Hembree Loftis Martin

Massey McElveen Peeler

Rankin Reese Rice

Sabb Scott Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

**ABSTAIN**

Hutto Malloy Young

**Total--3**

The appointment of Brandolyn T. Pinkston was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

House - Minority:

Alonzo J. Holloway, 116 Wynfield Ct., Columbia, SC 29210

On motion of Senator RANKIN, the question was confirmation of Alonzo J. Holloway.

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

**Ayes 34; Nays 0; Abstain 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Goldfinch Gregory Grooms

Hembree Loftis Martin

Massey McElveen Peeler

Rankin Reese Rice

Sabb Scott Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

**ABSTAIN**

Hutto Malloy Young

**Total--3**

The appointment of Alonzo J. Holloway was confirmed.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528

*VICE* Rob Chumley

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453

*VICE* Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617 *VICE* Priscilla B. Baldwin

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John C. “Jack “ West, Jr. of Camden, S.C. Jack served in the United States Army. Jack was a practicing attorney and formed The State Capital Group where he specialized in governmental affairs. He was a member and former elder of Bethesda Presbyterian Church. Jack served on the advisory board for the First Community Bank in Camden, Board of Directors for Associated Charities, the Central Carolina Chapter of the American Red Cross, Kershaw County Airport Commission and was currently serving as Chairman of the Board for the John C. West Forum at Winthrop University. Jack was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Garnet “Ken” Kenneth Dover of Piedmont, S.C. Ken was a specialist in the 81st infantry of the United States Army. Ken was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senators PEELER and MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kathryn A. Ullom of Columbia, S.C. Mrs. Ullom is the mother of our beloved Lynn Ballentine. Kathryn was a retired administrative assistant with the Columbia Police Department. She enjoyed spending time with her grandchildren and cooking. Kathryn was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator GOLDFINCH, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jimmy McCants, of Pawleys Island, S.C. Jimmy graduated from the University of Georgia and was an avid outdoorsman who enjoyed hunting and fishing. He was a member of Duncan Memorial Methodist Church in Georgetown. Jimmy was a former chair of the Town of Pawleys Island and was named the Pawleys Island Citizen of the Year in 2013. He was active in the Rotary Club of Georgetown, the Pawleys Island Chapel Board of Directors and Chairman of the Pawleys Island Planning Commission. Jimmy was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 6:17 P.M., on motion of Senator MASSEY, the Senate adjourned to meet under the provisions of the *Sine Die* Resolution, S. 1194.

\* \* \*