

NO. 21

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, FEBRUARY 12, 2019

Tuesday, February 12, 2019
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 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 105:1

“O give thanks to the Lord, call on his name, make known his deeds among the peoples.”

Let us pray. Gracious God, throughout the ages we have worshiped You and praised Your name as our creator, our redeemer and the author of truth and wisdom. Yet recently there are voices that want to discredit You and discard You in our daily discourse as though You don't exist. Today we remember the birthday of our 16th President, Abraham Lincoln, who never wavered in his faith. When asked if he thought God was on his side, he responded, “I am not at all concerned about that for I know that the Lord is always on the side of right. But it is my constant anxiety and prayer that I...and this nation...should be on the Lord's side.” Enable us, O God, in our thoughts and deliberations in this Chamber to never waver but always seek to be on the Your side. For it is in Your holy name that we pray, Amen.

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

Point of Quorum

At 2:03 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms

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Harpootlian	Johnson	Leatherman
Malloy	Martin	Massey
Nicholson	Peeler	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following message was transmitted by the Honorable Henry D. McMaster:

I am hereby informing the South Carolina Senate that I do not intend to reappoint Mr. John C. Benso, upon completion of his term of office, to the Magisterial Court of Georgetown County upon the recommendation of the Georgetown County Senatorial Delegation pursuant to Section 22-1-30 (B) of the South Carolina Code of Laws.

This message is sent to you for your ratification.

The question was shall the Senate ratify the Governor's request.

The message was ratified.

Leave of Absence

At 2:22 P.M., Senator McELVEEN requested a leave of absence for Senator M.B. MATTHEWS.

Leave of Absence

At 2:25 P.M., Senator TALLEY requested a leave of absence for Senator YOUNG.

CO-SPONSORS ADDED

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

S. 29	Sen. Verdin
S. 131	Sen. Verdin
S. 343	Sens. Talley and Turner
S. 362	Sen. Rice
S. 369	Sen. Rankin
S. 398	Sen. Gambrell

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S. 419 Sen. Alexander

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 496 -- Senator Scott: A SENATE RESOLUTION TO CONGRATULATE EDDIE LUCIOUS CAIN ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 497 -- Senator Rice: A BILL TO AMEND SECTION 6-1-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON THE IMPOSITION OF LOCAL FEES, SO AS TO LIMIT THE AMOUNT OF A STORMWATER FEE TO FIFTEEN PERCENT OF THE AMOUNT OF AD VALOREM TAXES LEVIED ON THE PROPERTY BY THE LOCAL GOVERNING BODY IMPOSING THE FEE.

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

S. 498 -- Senator Shealy: A BILL TO AMEND ARTICLE 9, CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA CHILDREN'S TRUST FUND, BY ADDING SECTION 63-11-970, TO PROVIDE THAT THE CHILDREN'S TRUST FUND SHALL HAVE ACCESS AT ANY AND ALL REASONABLE TIMES TO ALL ELECTRONIC INFORMATION SYSTEMS, RECORDS, REPORTS, AND MATERIALS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 63-7-1990(B), RELATING TO CONFIDENTIALITY AND THE RELEASE OF RECORDS AND INFORMATION, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES IS AUTHORIZED TO GRANT ACCESS TO THE RECORDS OF INDICATED CASES TO THE CHILDREN'S TRUST FUND OF SOUTH CAROLINA.

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

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S. 499 -- Senators Alexander, Turner, Shealy, Gambrell, Climer and Talley: A BILL TO AMEND SECTION 16-3-600 OF THE 1976 CODE, RELATING TO VARIOUS ASSAULT AND BATTERY OFFENSES, TO PROVIDE THAT A PERSON WHO UNLAWFULLY INJURES A HEALTH CARE PROFESSIONAL DURING THE COURSE OF HIS DUTIES OR INJURES A PERSON IN A HEALTH CARE FACILITY COMMITS THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE AND TO PROVIDE PENALTIES.

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

S. 500 -- Senator McLeod: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 1 OF THE 1976 CODE, RELATING TO THE APPOINTMENT AND REMOVAL OF OFFICERS, BY ADDING SECTION 1-3-235, TO ESTABLISH A SOUTH CAROLINA AMBASSADOR OF JAZZ APPOINTED BY THE GOVERNOR.

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

S. 501 -- Senator Harpootlian: A SENATE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA AND DARLA MOORE SCHOOL OF BUSINESS UPON THE CENTENNIAL ANNIVERSARY OF THE INITIAL STATE FUNDING THAT LAUNCHED THE SCHOOL OF COMMERCE IN 1919 AND TO CELEBRATE THE IMPACT THIS INSTITUTION HAS HAD THROUGH THE YEARS IN SOUTH CAROLINA AND BEYOND.

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The Senate Resolution was adopted.

S. 502 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MRS. ROXANA FRAZIER, A WOMAN WHO LOVED GOD, HER CHURCH, HER FAMILY, AND HER COMMUNITY.

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The Senate Resolution was adopted.

H. 3015 -- Reps. McDaniel, King and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT

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EXIT 32 IN FAIRFIELD COUNTY ALONG INTERSTATE HIGHWAY 77 THE "COUNTY COUNCILMEN DAVID BROWN & CARNELL MURPHY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THESE WORDS.

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

H. 3127 -- Reps. Dillard, Henderson-Myers, Clyburn, Weeks, Robinson and Gilliard: A JOINT RESOLUTION TO ESTABLISH THE MOLD ABATEMENT AND REMEDIATION STUDY COMMITTEE TO STUDY THE IMPACT OF MOLD IN PUBLIC AREAS AND TO ASCERTAIN THE BEST METHOD OF ABATEMENT FOR MOLD IN PUBLIC AREAS; TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO ESTABLISH CERTAIN GOALS FOR THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE.

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

H. 3563 -- Reps. Murphy, Bennett, Chellis, Jefferson, Kimmons, Mack and Pendarvis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF ORANGEBURG ROAD (S-18-22) AND DORCHESTER ROAD (SOUTH CAROLINA HIGHWAY 642) IN DORCHESTER COUNTY "BENJAMIN JAMES SINGLETON, SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

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

H. 3572 -- Reps. Felder, Pope, B. Newton, Ligon, Bryant, King and Simrill: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 21 AND SOUTH CAROLINA HIGHWAY 160 IN YORK COUNTY "KARSON BAILEY WHITESELL MEMORIAL INTERSECTION" 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.

H. 3698 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM, SO AS TO EXEMPT CERTAIN PERMITS FROM REVIEW BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

H. 3700 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

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

H. 3791 -- Reps. Brown, Bamberg, Kimmons and Rivers: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE CSX RAIL LINE ALONG THE ACE BASIN PARKWAY IN COLLETON COUNTY "MOLLY GRAHAM MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THIS DESIGNATION.

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

H. 3849 -- Reps. G. M. Smith and Toole: A JOINT RESOLUTION TO PROVIDE A GRACE PERIOD ON THE ENFORCEMENT OF SECTION 12-21-735 OF THE 1976 CODE, RELATING TO THE STAMP TAX ON CIGARETTES, AGAINST UNSTAMPED PACKAGES OF CIGARETTES FOR WHICH APPLICABLE TAXES HAVE BEEN PAID.

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

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H. 3912 -- Reps. Clemmons, Bernstein, Gilliard, Stavrinakis, Mack, Sottile, Cogswell, McCoy, Mace, Bennett, Daning, Davis, Chellis, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chumley, Clary, Clyburn, Cobb-Hunter, Collins, B. Cox, W. Cox, Crawford, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Magnuson, Martin, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Spires, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOE ENGEL, HOLOCAUST SURVIVOR AND COMMUNITY LEADER, FOR HIS ROLE IN HELPING THE WORLD TO REMEMBER; TO MEMORIALIZE YOM HASHOAH, HOLOCAUST MEMORIAL DAY; AND TO DESIGNATE MAY 1, 2019, AS "JOE ENGEL DAY" IN SOUTH CAROLINA.

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

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTION

S. 309 -- Senators Setzler, Campbell and Williams: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Senator MALLOY objected to the consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Resolution was read the third time and ordered sent to the House of Representatives:

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S. 426 -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

HOUSE BILL RETURNED

The following Resolution was read the third time and ordered returned to the House with amendments.

H. 3630 -- Reps. Stavrinakis, McCoy, Collins, W. Newton, Mace, Clary, Brown, Gilliard, King, Mack, Erickson, Bradley, McDaniel, Moore, Simmons, Funderburk and Norrell: A JOINT RESOLUTION TO DELAY THE PROPERTY TAX PENALTY SCHEDULE BY THREE MONTHS ON REAL PROPERTY OWNED BY CERTAIN INDIVIDUALS AFFECTED BY THE SHUTDOWN OF THE FEDERAL GOVERNMENT.

CARRIED OVER

S. 310 -- Senator Alexander: A BILL TO AMEND SECTION 12-21-2870 OF THE 1976 CODE, RELATING TO UNSTAMPED OR UNTAXED CIGARETTES, TO PROVIDE THAT CIGARETTES FOUND AT ANY POINT THAT DO NOT HAVE STAMPS AFFIXED TO THEIR PACKAGE ARE CONSIDERED CONTRABAND IN CERTAIN CIRCUMSTANCES.

Senator CROMER explained the Bill.

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

S. 323 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-54-265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

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

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S. 398 -- Senators Alexander, Scott and Gambrell: A JOINT RESOLUTION TO PROVIDE A GRACE PERIOD ON THE ENFORCEMENT OF SECTION 12-21-735 OF THE 1976 CODE, RELATING TO THE STAMP TAX ON CIGARETTES, AGAINST UNSTAMPED PACKAGES OF CIGARETTES FOR WHICH APPLICABLE TAXES HAVE BEEN PAID.

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

AMENDED, READ THE SECOND TIME

S. 279 -- Senator Talley: A BILL TO AMEND SECTION 63-19-630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE'S BOARD OF JUVENILE PAROLE, SO AS TO CHANGE QUORUM REQUIREMENTS TO CONFORM TO BOARD MEMBERSHIP CHANGES.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY proposed the following amendment (JUD0279.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking SECTION 1 in its entirety and inserting therein the following:

/ SECTION 1. Section 63-19-630 of the 1976 Code is amended to read:

“Section 63-19-630. The parole board shall elect from among its members a chairman who shall serve a one-year term and who may not succeed himself as chairman. The parole board may elect a vice-chairman and secretary and shall fix the time and place of meetings. Rules and procedures for parole board meetings, as considered advisable, must be adopted by the parole board. ~~Six~~ Five members of the parole board constitute a quorum for the transaction of business.” /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill.

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

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Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 314 -- Senator Alexander: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO SOUTH CAROLINA INCOME TAX CREDITS, BY ADDING SECTION 12-6-3800, TO ALLOW AN INCOME TAX CREDIT FOR EACH CLINICAL ROTATION SERVED BY A PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT AS A PRECEPTOR FOR CERTAIN PROGRAMS.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

The question then being the second reading of the Bill.

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

Ayes 39; Nays 2

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	<i>Matthews, John</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams

Total--39

NAYS

Bennett	Massey
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Total--2

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 397 -- Senators Harpootlian and Senn: A BILL TO AMEND SECTION 61-6-4510 OF THE 1976 CODE, RELATING TO MUNICIPAL POLICE OFFICERS, TO PROVIDE THAT A COUNTY SHERIFF HAS THE SAME POWER AS A MUNICIPAL POLICE OFFICER TO ENFORCE THE PROVISIONS OF ARTICLE 13, CHAPTER 6, TITLE 61.

Senator MALLOY objected to the consideration of the Bill.

ADOPTED

S. 479 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE BRETT REISTAD, TO SOUTH

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CAROLINA AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 6, 2019.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:32 P.M., on motion of Senator MARTIN, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lou Sossamon of Gaffney, S.C. Lou was a graduate of Gaffney High School and the University of South Carolina. While at USC, he was the student body president, member of the Blue Key Honor Society and was USC's first AP All-American football player. He served in the United States Navy from 1943-1945 and played football for the New York Yankees for several years. Lou was publisher of The Gaffney Ledger for 30 years. Lou was a champion for Gaffney and Cherokee Counties and served as Chairman of the Salvation Army Advisory Board, was an elder at Limestone Presbyterian Church and was a trustee of Limestone College and the University of South Carolina. He enjoyed telling stories, playing golf and growing tomatoes. Lou was a loving father, devoted grandfather and faithful friend who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Junne “JR” Jones of McCormick, S.C. JR graduated from the South Carolina Criminal Justice Academy and was a dedicated member of the South Carolina Highway Patrol. He served as the Chief of Police for the town of McCormick and was a faithful member of New Hope Ministry Baptist Church. JR was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 2:33 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 2:00 P.M.

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