

NO. 61

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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TUESDAY, APRIL 23, 2019

**Tuesday, April 23, 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:

Isaiah 40:1

“Comfort, comfort my people, says your God.”

Let us pray. Gracious God as we begin another week in Session, we do so with the Easter message still fresh on our minds. We are reminded of the great sacrifice that You, O Lord, were willing to make on our behalf.

Yesterday at a planned luncheon meeting by Senator Shealy and supported by Senator Bennett, all guests were reminded of the sacrifice of three brave South Carolina soldiers who recently gave their lives for what they believed. Sergeant First Class Jeremiah Jackson, Sergeant First Class Christopher Celiz and Specialist Javion Sullivan were honored as heroes who were willing to serve in harms way so that we all could continue to live in peace and enjoy the freedoms of this great country.

May we all be instruments of Your grace and hope, O God, to comfort and support the family members of these three brave men and indeed the families of all fallen soldiers who died in the line of duty on our behalf. Through the power of Your Holy Spirit we pray, Amen.

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

**Point of Quorum**

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

**Call of the Senate**

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Climer	Cromer	Davis
Goldfinch	Gregory	Grooms
Harpootlian	Leatherman	Malloy
Martin	Massey	Nicholson
Peeler	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Young		

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

The following appointment was transmitted by the South Carolina Conservation Bank Board:

Initial Appointment, Executive Director of the South Carolina Conservation Bank, to serve at the pleasure of the Conservation Bank Board:

Raleigh West, 1209 Buist Ave., North Charleston, S.C. 29405

Referred to the Committee on Agriculture and Natural Resources

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2018, and to expire June 30, 2022

Mortgage Lending:

Charles Henry Stuart, 2191 Andover Way, Mt. Pleasant, SC 29466-7077 *VICE* Rhonda B. Marcum

Referred to the Committee on Banking and Insurance.

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2017, and to expire June 30, 2021

Banking:

John F. Windley, 322 Wateree Avenue, Columbia, SC 29205-3045

Referred to the Committee on Banking and Insurance.

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Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2017, and to expire December 31, 2021

General Public:

Robert J. Wolff, 104 Cyclamen Court, Columbia, SC 29212-2052  
*VICE* James E. Mallory

Referred to the Committee on Medical Affairs.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4876

Agency: Secretary of State

Chapter: 113

Statutory Authority: 1976 Code Sections 30-6-10 et seq.

SUBJECT: Electronic Transmissions

Received by Lieutenant Governor April 23, 2019

Referred to the Committee on Judiciary

**Doctor of the Day**

Senator KIMPSON introduced Dr. Thaddeus John Bell of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator GROOMS, at 2:14 P.M., Senator VERDIN was granted a leave of absence until 4:00 P.M.

**CO-SPONSORS ADDED**

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

S. 18     Sen. Johnson

S. 757    Sen. J. Matthews

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 444    Sen. M.B. Matthews

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 778 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE SARAH HEATON STAFFORD ON THE

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OCCASION OF HER EIGHTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 779 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MRS. FLORA M. RILEY UPON THE OCCASION OF HER RETIREMENT FROM THE OCONEE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, TO COMMEND HER FOR HER ALMOST THIRTY-THREE YEARS OF CONTINUOUS SERVICE TO OCONEE COUNTY AND THE STATE OF SOUTH CAROLINA, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 780 -- Senator Hutto: A BILL TO AMEND SECTION 12-28-2920 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF TOLL ROADS, TO PROVIDE THAT THE DEPARTMENT SHALL REVIEW HIGHWAY AND BRIDGE PROJECTS FOR THE POSSIBILITY OF FINANCING THE PROJECTS WITH TOLLS AND TO PROVIDE THAT A TOLL MAY BE USED TO PAY FOR CERTAIN EXPENSES; TO AMEND SECTION 57-5-1330(2) OF THE 1976 CODE, RELATING TO TURNPIKE FACILITIES AND FEASIBILITY STUDIES, TO PROVIDE EXCEPTIONS FOR THE CONSIDERATION OF THE CONSTRUCTION OF A TURNPIKE FACILITY AND TO PROVIDE FOR THE FUNDING OF FEASIBILITY STUDIES FROM EXISTING DEPARTMENT OF TRANSPORTATION FUNDS; AND TO REPEAL SECTION 57-3-615 OF THE 1976 CODE, RELATING TO HIGHWAY TOLLS.

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Read the first time and, on motion of Senator GROOMS, with unanimous consent, S. 780 was ordered placed on the Calendar without reference.

S. 781 -- Senator McLeod: A SENATE RESOLUTION TO ENCOURAGE PUBLIC AWARENESS ABOUT THE CONTINUING BENEFITS AND VALUE OF MEDITATION AND SELF-CARE AND TO DECLARE MAY 2, 2019, AS "PEACE, HARMONY & WELLNESS DAY" IN SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

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

**CARRIED OVER**

S. 534 -- Senators Hutto, Hembree, Shealy, Climer, Rice and Bennett: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

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

**READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

Senator CAMPBELL explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Leatherman	Loftis
Malloy	Martin	Massey

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<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Young

**Total--36**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3699 -- Reps. Bailey, Hewitt and Hardee: A BILL TO AMEND SECTION 48-39-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FEES FOR PERMITS TO ALTER CRITICAL AREAS, SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS IN DETERMINING THE SIZE OF A PRIVATE RECREATIONAL DOCK CONSTRUCTED ON THE ATLANTIC INTRACOASTAL WATERWAY FEDERAL NAVIGATION PROJECT.

The Senate proceeded to the consideration of the Bill.

Senator CAMPBELL explained the Bill.

Senator CAMPSSEN explained the Bill.

Senator GOLDFINCH explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 38; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
<i>Matthews, John</i>	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Young	

**Total--38**

**NAYS**

*Matthews, Margie*

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (DG\3700C001.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking Section 48-39-290(B)(2)(a)(ii) and inserting:

/ (ii) shoreline perpendicular wingwalls that extend landward at a 90 degree angle from the ends of existing erosion control structures or devices that are consistent in height and composition with



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the existing erosion control structures to which they are attached, subject to any special conditions imposed by the department.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

**Total--43**

**NAYS**

**Total--0**

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

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**CARRIED OVER**

S. 742 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4834, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 506 -- Senator Jackson: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 31 OF THE 1976 CODE, RELATING TO CITY HOUSING AUTHORITIES, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A COUNTY LEGISLATIVE DELEGATION MAY DECLARE A STATE OF EMERGENCY, TO PROVIDE THAT A STATE OF EMERGENCY RESULTS IN THE SUSPENSION OF HOUSING AUTHORITY COMMISSIONERS, TO PROVIDE FOR A REVIEW OF THE SUSPENSION BY THE MAYOR OF THE MUNICIPALITY IN WHICH THE HOUSING AUTHORITY EXISTS, TO PROVIDE FOR THE PERMANENT REMOVAL FROM OFFICE OF THE COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR NEW COMMISSIONERS WHEN NECESSARY.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (506R002.KMM.TCA), which was adopted:

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

/SECTION 1. Article 5, Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Section 31-3-375. (A)(1) The county legislative delegation may adopt a resolution declaring that there exists a state of emergency with regard to a municipal housing authority located within the delegation’s jurisdiction if, to the satisfaction of a majority of the legislative delegation, there is convincing evidence that the housing authority has taken action, or failed to take an action, resulting in any or all of the housing authority’s residents being systemically subjected to

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unreasonably hazardous conditions or being subjected to conditions that led to the death of one or more residents.

(2) If the municipal housing authority referred to in item (1) has projects in multiple counties, then the county legislative delegations of all counties in which the projects are located shall comprise the appropriate 'county legislative delegation' for the purposes of this section.

(B) Upon the adoption of a resolution as provided in subsection (A), all commissioners and the executive director are immediately suspended from office for pending investigation by the appropriate law enforcement authority. If there is no active law enforcement investigation, then the county legislative delegation may request that one be initiated. During this period of suspension, the mayor of the municipality that created the housing authority pursuant to Section 31-3-320, or the mayor's designee, shall appoint an interim executive director of the housing authority.

(C) If, at the conclusion of the investigation by the appropriate law enforcement authority, the county legislative delegation finds that the housing authority took an action, or failed to take an action, resulting in the residents being subjected to unreasonably hazardous conditions or being subjected to conditions that led to the death of one or more residents, then the commissioners are immediately removed from office. The provisions contained in Section 31-3-370 do not apply for removal from office under this section.

(D) Upon the removal from office of the commissioners pursuant to subsection (C), the council of the municipality that created the housing authority pursuant to Section 31-3-320 shall appoint new commissioners, none of whom may be a commissioner who was removed from office."

SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

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**AYES**

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	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Senn	Setzler
Shealy	Talley	Turner
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 3951 -- Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy, B. Newton, Jefferson and R. Williams: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and MASSEY proposed the following amendment (JUD3951.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

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/ SECTION 1. Section 23-11-110(A) of the 1976 Code is amended to read:

“(A) All sheriffs and candidates for sheriff in this State must have the following qualifications:

- (1) be a citizen of the United States;
- (2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;
- (3) be a registered voter;
- (4) have attained the age of at least twenty-one years prior to the date of his qualifying for election to the office;
- (5) have:
  - (a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years experience as a Class 1 certified law enforcement officer; or
  - (b) obtained a two-year associate degree and three years experience as a Class 1 certified law enforcement officer; or
  - (c) obtained a four-year baccalaureate degree and one years experience as a Class 1 certified law enforcement officer; or
  - (d) served as a summary court judge for at least ten years.

For purposes of this section, a ‘Class 1 certified law enforcement officer’ is a person who has been issued a certificate as a Class 1 law enforcement officer ~~pursuant to Section 23-23-10 by the South Carolina Law Enforcement Training Council. A sheriff holding office on the effective date of this section is not required to have obtained the necessary experience as a certified law enforcement officer in this State;~~

(6) have not been convicted of or pled guilty to a violation of Section 56-1-460 or 56-5-2930, or both, within the past ten years or a felony in this State or another state; ~~and~~

(7) have not been convicted of or pled guilty to a felony or a crime of moral turpitude in this State or another state;

(8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person’s political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

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(9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this subsection.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Senn	Setzler
Shealy	Talley	Turner
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Senn	Setzler
Shealy	Talley	Turner
Williams	Young	

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**Total--41**

**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 3703 -- Reps. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill: A BILL TO AMEND SECTION 40-45-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS LICENSURE BY THE BOARD FROM TWO TO SIX; AND TO AMEND SECTION 40-45-260, RELATING TO LIMITS ON ATTEMPTS TO PASS LICENSURE EXAMINATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS, SO AS TO INCREASE THE MAXIMUM NUMBER OF SUCH ATTEMPTS FROM TWO TO SIX.

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

**ADOPTED**

S. 654 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER AS "HUNGER ACTION MONTH" IN SOUTH CAROLINA.

The Resolution was adopted.

S. 623 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 25 THROUGH MARCH 3, 2019, AS "EATING DISORDERS AWARENESS WEEK" IN THE STATE OF SOUTH CAROLINA, TO COINCIDE WITH NATIONAL EATING DISORDERS AWARENESS WEEK, AND TO RECOGNIZE FRIDAY, MARCH 1, 2019, AS "EATING DISORDERS AWARENESS DAY" IN SOUTH CAROLINA.

The Resolution was adopted, ordered sent to the House.



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H. 4236 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF COIT STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH SUMTER STREET TO ITS INTERSECTION WITH DARLINGTON STREET "REVEREND DR. WILLIAM EDWARD CHANEY WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 4291 -- Reps. Martin, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, 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, Mace, Mack, Magnuson, McCoy, 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, Sottile, Spires, Stavrinnakis, 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 THE IMPORTANCE THAT MAMMOGRAPHY PROVIDES IN THE EARLY DETECTION OF BREAST CANCER AND TO DECLARE MONDAY, OCTOBER 7, 2019, "MAMMOGRAM AWARENESS DAY" IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

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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.

The Resolution was adopted, ordered returned to the House.

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

**MOTION ADOPTED**

At 2:54 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

S. 678 -- Senators Peeler, Climer, Davis and Fanning: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNOR SHALL UTILIZE THE DEPARTMENT OF ADMINISTRATION TO CONDUCT A COMPETITIVE BIDDING PROCESS FOR THE SALE OF SANTEE COOPER, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL EVALUATE BIDS, TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE SALE OF SANTEE COOPER TO THE BIDDER WHOSE BID BEST PROTECTS THE INTERESTS OF SANTEE COOPER'S RATEPAYERS AND THE STATE'S TAXPAYERS, AND TO TRANSMIT THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE'S WORK PRODUCT TO THE DEPARTMENT OF ADMINISTRATION.

The Senate proceeded to the consideration of the Resolution.

Senator LEATHERMAN spoke on the Resolution.

**Amendment No. P1**

Senator SETZLER proposed the following amendment (JUD0678.002), which was withdrawn:

[SJ]

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PERFECTING AMENDMENT

To amend the Committee Report, as and if amended, by striking lines 14-17 on page [678-2] and inserting:

/ (B) Staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist the department in conducting the competitive bidding process and reviewing management agreement proposals. The department may procure necessary professional services; provided, however, that the department must not utilize the professional services of an entity with whom the House of Representatives, the Senate, or the Governor has previously engaged to consider the possible sale of Santee Cooper. /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY spoke on the perfecting amendment.

On motion of Senator SETZLER, with unanimous consent, the perfecting amendment was withdrawn.

The Committee on Finance proposed the following amendment (678R001.KMM.HSP):

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

/A JOINT RESOLUTION

TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONDUCT A COMPETITIVE BIDDING PROCESS FOR THE SALE OF SANTEE COOPER, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL EVALUATE BIDS, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL MAKE A RECOMMENDATION CONCERNING THE SALE AND FORWARD THE RECOMMENDATION TO THE SENATE FINANCE COMMITTEE AND HOUSE OF REPRESENTATIVES WAYS AND MEANS COMMITTEE FOR REVIEW, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL BE CONVENED TO CONSIDER LEGISLATION CONCERNING THE SALE, TO PROVIDE THAT A SALE OF SANTEE COOPER MAY NOT BE FINALIZED UNTIL AFTER A JOINT RESOLUTION AUTHORIZING THE SALE IS ENACTED, TO PROVIDE THAT SANTEE COOPER MUST PROVIDE ANY AND ALL RESOURCES NECESSARY TO EFFECTUATE A SALE, AND TO PROVIDE THAT THE WORK

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PRODUCT OF THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE MUST BE TURNED OVER TO THE DEPARTMENT OF ADMINISTRATION.

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

SECTION 1. (A) The Department of Administration shall conduct a competitive bidding process for the sale of some or all of the Public Service Authority (“Santee Cooper”). The department shall procure such professional services, including but not limited to financial institutions, legal counsel, and industry consultants, as are necessary to conduct the sale, the evaluation of bids received, and related activities.

(B) Staff from the State Fiscal Accountability Authority’s Procurement Services Division shall assist the department in conducting the competitive bidding process and procuring necessary professional services.

SECTION 2. The department shall conduct a thorough evaluation of all bids received through the competitive bidding process. The evaluation must take into account at least the following:

- (1) the financial capability of each bidder;
- (2) the bidder’s complete defeasement of all of Santee Cooper’s bonds and other indebtedness;
- (3) the bidder’s agreement to provide meaningful short-term and long-term rate relief for all customer classes;
- (4) the bidder’s provision of reasonable financial and other protections for Santee Cooper employees and retirees in a manner that would not impact South Carolina’s pension system liability or the liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;
- (5) the bidder’s proposed location for its headquarters post-acquisition;
- (6) the bidder’s agreement to comply with all applicable federal and state environmental protections regarding Lakes Marion and Moultrie, their rivers and tributaries, and other recreational assets of Santee Cooper, including a covenant to maintain the present status quo regarding these lakes and other resources and the quality of and access to them; and
- (7) the bidder’s agreement to partner with the State for future economic development projects.

At the conclusion of its evaluation of the bids, the department shall make a recommendation regarding the bid that the department considers

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to be in the best interest of the State, its taxpayers, and the ratepayers of Santee Cooper.

SECTION 3. The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee its full evaluation of each bid and its recommendation for a proposed purchaser for Santee Cooper, justifications for its recommendation, a proposed contract to execute the sale, and any supporting documents. The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review and make a recommendation regarding the proposed sale. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House of Representatives shall convene their respective bodies to consider any legislation concerning the sale.

The department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in the State Retirement Systems Group Trust.

SECTION 4. Santee Cooper is directed to provide any and all resources necessary to conduct the competitive bidding process and evaluation of the bids received.

SECTION 5. The Public Service Authority Evaluation and Recommendation Committee, as created pursuant to Proviso 117.162 of Act 264 of 2018, shall provide to the department all of the committee's work product.

SECTION 6. This act takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

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

**ADJOURNMENT**

At 5:35 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 Noon.

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