

NO. 17

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

TUESDAY, FEBRUARY 11, 2020

Tuesday, February 11, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Proverbs 3:5-6

“Trust in the Lord with all your heart, and do not lean on your own understanding. In all ways acknowledge him, and he will make your paths straight.”

Martin Luther once said, “The very ablest youth should be reserved and educated not for the office of preaching, but for government. Because in preaching, the Holy Spirit does it all, whereas in government one must exercise reason in the shadowy realms where ambiguity and uncertainty are the order of the day.”

Each day as the gavel strikes in this Chamber, may Your presence Lord be the compass that navigates each Senator through the ambiguities and the uncertainties of daily decisions. For it is often in the most difficult times that You are most at work. May faith in You keep them strong in the quiet centers of their souls. In Your powerful name we pray, Amen.

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

Point of Quorum

At 12:08 P.M., Senator CROMER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Climer	Cromer	Davis
Fanning	Goldfinch	Gregory
Harpootlian	Hembree	Hutto
Kimpson	Martin	Massey

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<i>Matthews, John</i>	McLeod	Nicholson
Peeler	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator TURNER introduced Dr. Rebecca Starr Smith of Simpsonville, S.C., Doctor of the Day.

Leave of Absence

At 3:00 P.M., Senator GAMBRELL requested a leave of absence until 9:30 P.M.

Leave of Absence

At 4:32 P.M., Senator CROMER requested a leave of absence until 5:32 P.M.

Leave of Absence

On motion of Senator GOLDFINCH, at 9:19 P.M., Senator CAMPBELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator ALEXANDER, at 9:57 P.M., Senator LEATHERMAN was granted a leave of absence for the balance of the night.

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 389	Sen. Cash
S. 461	Sen. Cash
S. 879	Sens. Alexander and Scott
S. 890	Sen. Cash
S. 1024	Sen. Shealy
S. 1063	Sen. Senn

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S. 1071 Sens. Martin and Young
S. 1076 Sens. Verdin, Cash and Loftis
S. 1088 Sen. Senn

RECALLED AND ADOPTED

S. 1062 -- Senator Talley: A SENATE RESOLUTION TO RECOGNIZE TUESDAY, FEBRUARY 4, 2020, AS "CITIES MEAN BUSINESS DAY" IN SOUTH CAROLINA TO HONOR THE VALUABLE CONTRIBUTIONS THAT SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE STATE'S ECONOMIC PROSPERITY THROUGH THEIR RELATIONSHIPS WITH LOCAL BUSINESSES.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator ALEXANDER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator ALEXANDER, the Resolution was adopted.

RECALLED AND ADOPTED

H. 5044 -- Rep. Ott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE PROFESSIONAL ENGINEERS WHO LIVE AND WORK IN THE GREAT STATE OF SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO HONOR OUR ENGINEERS FOR THEIR MANY CONTRIBUTIONS TO THE PALMETTO STATE'S QUALITY OF LIFE, AND TO DECLARE WEDNESDAY, FEBRUARY 19, 2020, AS PROFESSIONAL ENGINEERS DAY IN SOUTH CAROLINA.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

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Senator ALEXANDER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator ALEXANDER, the Resolution was adopted and ordered sent to the House.

RECALLED

S. 1085 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG UNITED STATES HIGHWAY 501 BYPASS IN MARION COUNTY WHICH CROSSES UNITED STATES HIGHWAY 76 "PFC MICHAEL SHAWN LATU MEMORIAL BRIDGE" AND ERECT SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1092 -- Senator Verdin: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF EUGENE BEDFORD ROSS OF MARLBORO COUNTY AND EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1093 -- Senators Talley, Hutto, Gambrell, Shealy and Climer: A BILL TO AMEND SECTION 44-7-160 OF THE 1976 CODE, RELATING TO SITUATIONS REQUIRING A CERTIFICATE OF NEED, TO PROVIDE THAT THE ADDITION OF BEDS IN CERTAIN SITUATIONS IS EXEMPT FROM CERTIFICATE OF NEED REQUIREMENTS, TO INCREASE THE DOLLAR THRESHOLD FOR CAPITAL EXPENDITURES AND MEDICAL EQUIPMENT, AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST DETERMINE THE INCREASE OR DECREASE IN THE RATIO OF THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, MEDICAL CARE COMMODITIES IN THE U.S. CITY AVERAGE FOR THE PRIOR FIVE-YEAR PERIOD AND ADJUST EXPENDITURES AND COSTS ACCORDINGLY; TO AMEND SECTION 44-7-170(A) OF THE 1976 CODE, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, TO EXEMPT CERTAIN MEDICAL EQUIPMENT AND TO PROVIDE CERTAIN THRESHOLD CRITERIA TO EXEMPT THE ADDITION OF BEDS; TO AMEND SECTION 44-7-210(G) OF THE 1976 CODE, RELATING TO CERTIFICATE OF NEED CONTESTED CASES IN THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT THERE SHALL BE NO JUDICIAL REVIEW BEYOND THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 1-23-380 OF THE 1976 CODE, RELATING TO THE APPEAL OF A FINAL AGENCY DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT, TO REMOVE THE JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT DECISIONS INVOLVING CERTAIN CERTIFICATE OF NEED CONTESTED CASES; AND TO REPEAL SECTION 44-7-220 OF THE 1976 CODE, RELATING TO THE JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT DECISIONS IN CERTIFICATE OF NEED CONTESTED CASES.

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

S. 1094 -- Senator Cromer: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY CLASSIFICATIONS AND ASSESSMENT RATIOS, SO AS TO PROVIDE THAT FOR PURPOSES OF OBTAINING THE SPECIAL FOUR PERCENT ASSESSMENT RATE, A PERSON WHO

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OWNS AND OCCUPIES A RESIDENCE AS HIS LEGAL RESIDENCE IS DEEMED TO BE DOMICILED AT THAT RESIDENCE IF THE PERSON IS IN THE UNITED STATES ON AN E-2 VISA.

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

S. 1095 -- Senator Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT CAMP ROAD AND RIVERLAND DRIVE "KEN MOORE INTERSECTION" 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.

S. 1096 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE TEMPLE ZION BAPTIST CHURCH UPON THE OCCASION OF ITS ONE HUNDRED FIFTEENTH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN THE COLUMBIA COMMUNITY, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THIS COMMUNITY.

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The Senate Resolution was adopted.

S. 1097 -- Senators Young, Setzler and Massey: A SENATE RESOLUTION TO CONGRATULATE THE AIKEN COUNTY HISTORICAL MUSEUM UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE MUSEUM FOR ITS MANY YEARS OF DEDICATED SERVICE TO AIKEN COUNTY AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

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S. 1098 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CAPTAIN RICHARD "RICKY" GRANT OF THE CHESTER FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 4743 -- Reps. Fry and Hewitt: A BILL 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.

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

H. 5030 -- Reps. Murphy, Chellis and Kimmons: A BILL TO AMEND SECTION 12-28-2740, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF GASOLINE USER FEES AMONG COUNTIES AND COUNTY TRANSPORTATION COMMITTEES, SO AS TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE AND THE MANNER OF THEIR SELECTION.

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

H. 5121 -- Reps. Govan, Ott, Hosey and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND MOUNT PISGAH BAPTIST CHURCH OF ORANGEBURG FOR MORE THAN A CENTURY AND A HALF OF SERVICE TO THE COMMUNITY AND TO EXTEND WARMEST CONGRATULATIONS ON THE OCCASION OF THE CHURCH'S HISTORIC ONE HUNDRED SIXTY-SIXTH ANNIVERSARY.

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

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 75

Senator FANNING proposed the following amendment (WAB\419C063.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-18-310(B)(1), as contained in SECTION 4, by deleting the item and inserting:

/ (1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science, ~~and social studies~~ in grades three through eight, as delineated in Section 59-18-320, and end-of-course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science, ~~and social studies~~. A student's score on an end-of-year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma. The State Department of Education shall examine how the other forty-nine states have met the current federal ESEA mandate,

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while reducing state-mandated, standardized assessments. The State Department of Education shall seek to amend South Carolina's ESEA waiver to decrease these assessments accordingly." /

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator TALLEY moved to lay the amendment on the table.

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

Ayes 17; Nays 27

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Corbin
Gambrell	Goldfinch	Gregory
Hembree	Leatherman	Loftis
Massey	Peeler	Talley
Turner	Verdin	

Total--17

NAYS

Allen	Climer	Cromer
Davis	Fanning	Grooms
Harpootlian	Hutto	Johnson
Kimpson	Malloy	Martin
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Williams	Young

Total--27

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 76

Senator FANNING proposed the following amendment (WAB\419C064.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-18-320(B), as contained in SECTION 5, by deleting the subsection and inserting:

/ (B) After review and approval by the Education Oversight Committee, and pursuant to Section 59-18-325, the standards-based assessment of mathematics, English/language arts, ~~social studies,~~ and science will be administered for accountability purposes to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student's Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities. The State Department of Education shall examine how the other forty-nine states have met the current federal ESEA mandate, while reducing state-mandated, standardized assessments. The State Department of Education shall seek to amend South Carolina's ESEA waiver to decrease these assessments accordingly." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 41; Nays 1

AYES

Alexander

Allen

Bennett

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Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpoottian	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Young	

Total--41

NAYS

Hembree

Total--1

The amendment was adopted.

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Senators REESE, NICHOLSON, SCOTT, GREGORY, TALLEY and CROMER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Amendment No. 77A

Senator FANNING proposed the following amendment (WAB\419C271.AGM.WAB20), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 6.

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 13

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Hembree	Hutto	Jackson
Leatherman	Malloy	Massey
Peeler	Rankin	Rice
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Young	

Total--29

NAYS

Allen	Fanning	Grooms
Harpootlian	Johnson	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Reese	Sabb	Scott
Williams		

Total--13

The amendment was laid on the table.

Amendment No. 78

Senator FANNING proposed the following amendment (WAB\419C066.AGM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-18-365(A), as contained in SECTION 7.A., by deleting the subsection and inserting:

/ (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the State Board of Education. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to

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help to form instruction, track growth, and identify appropriate resources for students. A local school district shall also provide information on Lexile and Quantile measures on interim or benchmark assessments administered by the local school district or local school during the school year. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 25; Nays 18

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Leatherman	Loftis
Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	Johnson
Malloy	Martin	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Reese	Sabb	Scott
Setzler	Sheheen	Williams

Total--18

The amendment was laid on the table.

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Amendment No. 79

Senator FANNING proposed the following amendment (WAB\419C067.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-18-365(A), as contained in SECTION 7.A., by deleting the subsection and inserting:

/ (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before June seventh, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to help to form instruction, track growth, and identify appropriate resources for students. A local school district shall also provide information on Lexile and Quantile measures on interim or benchmark assessments administered by the local school district or local school during the school year. /

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 80

Senator FANNING proposed the following amendment (WAB\419C069.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-18-365(A), as contained in SECTION 7.A., by deleting the subsection and inserting:

/ (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is

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ready to learn and to help to form instruction, track growth, and identify appropriate resources for students. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 81

Senator HEMBREE proposed the following amendment (419R048.SP.GH), which was ruled out of order:

Amend the bill, as and if amended, PART VI, page 61, line 37, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-60. (A) If a student commits the offense of assault and battery pursuant to Section 16-3-600 or harassment pursuant to Sections 16-3-1700(A) and (B), and the offense occurred on public school property against a classroom teacher or school administrator, then the student is subject to additional penalties not to exceed one-half of the maximum penalty for the underlying offense.

(B) This section provides for the enhancement of penalties applicable to the underlying offense. A court of competent jurisdiction for the underlying offense shall instruct the trier of fact to find a special verdict regarding violations of this section.

(C) Independent of a criminal prosecution, any person suffering an injury to his person as a result of a violation of this section may bring a civil action for damages, an injunction, or other appropriate relief. The court may award actual damages, including damages for emotional distress, and punitive damages. A judgment in favor of a person bringing a civil action pursuant to this section shall include attorneys’ fees and costs.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MALLOY spoke on the amendment.

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Point of Order

Senator MALLOY 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 MALLOY spoke on the Point of Order.

Senator HEMBREE spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

Amendment No. 82

Senator HEMBREE proposed the following amendment (419R073.SP.GH), which was carried over:

Amend the bill, as and if amended, by striking SECTION 52, relating to school start date, and inserting:

/SECTION 52. A. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be before ~~the third Monday in August~~ fifteenth, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. A local school district board of trustees must modify the first semester calendar for the purpose of concluding the semester and administering exams prior to December twenty-fourth.”

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B. This SECTION takes effect upon approval of the Governor, beginning with the 2021-2022 school year. /

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MARTIN spoke on the amendment.

Senator RANKIN spoke on the amendment.

PRESIDENT PRESIDES

At 4:53 P.M., the PRESIDENT assumed the Chair.

Senator MARTIN moved to lay the amendment on the table.

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

Ayes 17; Nays 24

AYES

Alexander	Allen	Cash
Climer	Fanning	Malloy
Martin	Massey	<i>Matthews, John</i>
McLeod	Nicholson	Rice
Scott	Setzler	Shealy
Sheheen	Talley	

Total--17

NAYS

Bennett	Campsen	Corbin
Davis	Goldfinch	Gregory
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	<i>Matthews, Margie</i>	McElveen
Peeler	Rankin	Reese
Sabb	Senn	Turner
Verdin	Williams	Young

Total--24

The Senate refused to lay the amendment on the table.

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Senator FANNING spoke on the amendment.

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

Amendment No. 84

Senator BENNETT proposed the following amendment (419R074.SP.SMB), which was adopted:

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

/SECTION __. Section 59-18-900(D) of the 1976 Code is amended to read:

(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader-friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other ~~criteria~~ information including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data. Disciplinary climate data must be included in the information contained within the report card, but it cannot be used as an indicator used to measure a school's performance." /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

The amendment was adopted.

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Amendment No. 85

Senator DAVIS proposed the following amendment (419R078.SP.TD), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, PART VI, Educator Development, Satisfaction, and Incentives, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 12-37-220(B) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() fifty percent of the property tax value of owner-occupied property assessed for property tax pursuant to Section 12-43-220(c)(1) purchased by a full-time teacher hired by a school district if the property is located more than twenty-five miles from the school at which he is employed.”/

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 86

Senators DAVIS, SETZLER, CROMER and CLIMER proposed the following amendment (419R077.SP.TD), which was adopted:

Amend the bill, as and if amended, PART VI, Educator Development, Satisfaction, and Incentives, by adding an appropriately numbered new SECTION to read:

/SECTION __.A. Section 59-26-85(B) of the 1976 Code is amended to read:

“(B) The Center for Teacher Recruitment shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification ~~before July 1, 2010,~~ may receive a loan equal to the amount of the application fee. ~~One half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the National Board.~~ Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. ~~This subsection does not apply to any application submitted on or after July 1, 2010. Teachers eligible to receive the state supplement upon achieving certification must have submitted the initial application and fee for NBPTS.~~”

B. This SECTION takes effect beginning in Fiscal Year 2021-2022. /

Renumber sections to conform.

Amend title to conform.

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Senator DAVIS spoke on the amendment.

The amendment was adopted.

Amendment No. 87

Senator DAVIS proposed the following amendment (419R079.SP.TD), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, PART VI, Educator Development, Satisfaction, and Incentives, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 111, Title 59 of the 1976 Code is amended by adding:

“Section 59-111-55. No tuition may be charged by any state-supported college, university, or vocational or technical school for children of full-time classroom teachers who teach kindergarten through the twelfth grade during the time period in which the child is enrolled in one of these institutions. This section applies only to undergraduate courses or curriculum during a period not exceeding four years, regardless of the number of state-supported colleges, universities, or vocational or technical schools that the child attends.” /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 88

Senator DAVIS proposed the following amendment (419R080.SP.TD), which was carried over:

Amend the bill, as and if amended, PART VI, Educator Development, Satisfaction, and Initiatives, relating to alternative route providers, by striking SECTIONS 30-31 and inserting:

/SECTION 30. Section 59-5-60(4) of the 1976 Code is amended to read:

“(4) Prescribe and enforce rules for the examination and certification of teachers, including for alternative route providers and programs other than those approved pursuant to Sections 59-25-310 through 59-25-360.”

SECTION 31. Section 59-25-110 of the 1976 Code is amended to read:

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“Section 59-25-110. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers, including for alternative route providers and programs other than those approved pursuant to Sections 59-25-310 through 59-25-360.” /

Amend the bill further, as and if amended, SECTION 32, relating to educator preparation programs, by striking Section 59-25-115(A) and inserting:

/ “Section 59-25-115. (A) For the purposes of this section, an ‘educator preparation program’ is a state-approved program housed at a college or university or an alternative route program as defined in Section 59-25-25, other than those approved pursuant to Sections 59-25-310 through 59-25-360.” /

Amend the bill further, as and if amended, SECTION 34, relating to alternative route providers, by adding an appropriately lettered new subsection to Section 59-25-25 to read:

/ () The provisions of this section do not apply to programs established pursuant to Article 4, Chapter 25, Title 59.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 89

Senator MARTIN proposed the following amendment (419R081.SP.SRM), which was carried over:

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 59-149-60 of the 1976 Code is amended to read:

“Section 59-149-60. The student may receive a LIFE Scholarship for not more than ten semesters for a five-year degree program, eight semesters for a four-year degree program, ~~or~~ four semesters for a two-year degree program, or six semesters for a three-year degree program.” /

Renumber sections to conform.

Amend title to conform.

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Senator MARTIN spoke on the amendment.

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

Motion Adopted

On motion of Senator MARTIN, with unanimous consent, Amendment No. 55 was withdrawn.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment Nos. 85 and 87 were withdrawn.

Amendment No. 90

Senator BENNETT proposed the following amendment (419R076.SP.SMB), which was carried over:

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

/SECTION __. Section 59-63-335 of the 1976 Code is amended to read:

“Section 59-63-335. (A) Failure of a school administrator to report criminal conduct as set forth in Section 59-24-60 or failure to report information concerning school-related crime pursuant to Section 59-63-330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59-24-60 or 59-63-330.

(B) If a school district fails to report criminal conduct as set forth in Section 59-24-60 or fails to report information concerning school-related crime pursuant to Section 59-63-330, then the State Department of Education shall withhold one percent of the school district's funds allocated to the Education Finance Act formula as provided in the annual appropriations bill providing for state aid to classrooms.” /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

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

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Motion Adopted

On motion of Senator BENNETT, with unanimous consent, Amendment No. 74 was withdrawn.

Amendment No. 91

Senator CROMER proposed the following amendment (419R083.SP.RWC), which was carried over:

Amend the bill, as and if amended, PART III, Read to Succeed Initiative, by striking SECTION 13, relating to requirements for scientific and evidence-based interventions, and inserting:

/SECTION 13. Section 59-155-130(3) and (4) of the 1976 Code is amended to read:

“(3) working collaboratively with institutions of higher ~~learning~~ education offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading-literacy to design coursework leading to a literacy teacher add-on endorsement by the State. The coursework must be founded on evidence-based interventions, including the use of data to identify struggling readers and to inform instruction;

(4) providing professional development on evidence-based interventions, including the use of data to identify struggling readers and to inform instruction in reading and coaching for already certified reading/literacy coaches and literacy teachers;” /

Re-number sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

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

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Amendment Nos. 91- 94 were carried over.

Amendment No. 95

Senator FANNING proposed the following amendment (WAB\419C080.SM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-155-120(10), as contained in SECTION 12, by deleting the item.

Re-number sections to conform.

Amend title to conform.

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Senator FANNING spoke on the amendment.

RECESS

At 6:20 P.M., on motion of Senator MASSEY, with unanimous consent and Senator FANNING retaining the floor, the Senate recessed from business.

At 7:24 P.M., the Senate resumed.

Senator FANNING resumed speaking on the amendment.

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

Amendment No. 96

Senator FANNING proposed the following amendment (WAB\419C095.AGM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-155-160(A)(5), as contained in SECTION 17, by deleting the item and inserting:

/ (5) who through a reading portfolio document, the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student's mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria:

(a) be selected by the student's English/language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or teacher-prepared assessments;

(d) be an organized collection of evidence of the student's mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must

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be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills; and /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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

Amendment No. 97

Senators FANNING and SCOTT proposed the following amendment (WAB\419C110.AGM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-104-20(G)(1)(a)(ii), as contained in SECTION 19.A., by deleting the subsubitem and inserting:

/ (ii) a cumulative 3.5 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Point of Order

Senator HEMBREE raised a Point of Order that the amendment was out of order inasmuch as the amendment was to the third degree.

Senator FANNING spoke to the Point of Order.

Senator SCOTT spoke to the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Point of Quorum

At 8:31 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander

Bennett

Cash

Climer

Corbin

Cromer

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Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Motion Adopted

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

Amendment No. 98

Senator FANNING proposed the following amendment (WAB\419C111.AGM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-104-20(G)(1)(b)(ii), as contained in SECTION 19.A., by deleting the sub-subitem and inserting:

/ (ii) a cumulative 4.0 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year. /

Re-number sections to conform.

Amend title to conform.

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

Amendment No. 99

Senator FANNING proposed the following amendment (WAB\419C114.AGM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-104-20(J)(1), as contained in SECTION 19, by deleting the item.

Re-number sections to conform.

Amend title to conform.

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

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Amendment No. 100

Senator FANNING proposed the following amendment (WAB\419C117.AGM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-104-20(J)(1), as contained in SECTION 19, by deleting the item and inserting:

/ (J)(1) A student receiving a Palmetto Fellows Scholarship, in order to retain it, and a student currently enrolled in an eligible institution, in order to receive such a scholarship, must, for each year after his freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59-149-60. /

Re-number sections to conform.

Amend title to conform.

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

Amendment No. 101

Senator FANNING proposed the following amendment (WAB\419C118.AGM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-104-20(J)(2), as contained in SECTION 19, by deleting the item.

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 30; Nays 8

AYES

Alexander	Bennett	Cash
Climer	Corbin	Cromer
Davis	Goldfinch	Gregory
Grooms	Hembree	Hutto
Leatherman	Loftis	Martin
Massey	McElveen	Nicholson
Peeler	Rankin	Rice
Sabb	Senn	Setzler
Shealy	Talley	Turner

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Verdin Williams Young
Total--30

NAYS

Allen Fanning Harpootlian
Johnson Malloy *Matthews, John*
McLeod Scott

Total--8

The amendment was laid on the table.

Amendment No. 102

Senator FANNING proposed the following amendment (WAB\419C119.AGM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-104-20(K), as contained in SECTION 19, by deleting the subsection and inserting:

/ (K) In the event that either the SAT or ACT changes its respective scoring ranges, the General Assembly shall meet to adjust the minimum scores required by this chapter in order to ensure equivalency. /

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 30; Nays 8; Present 1

AYES

Alexander	Allen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Loftis	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Talley	Turner

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Verdin Williams Young

Total--30

NAYS

Fanning Harpootlian Johnson
Kimpson Malloy McLeod
Sabb Scott

Total--8

PRESENT

Bennett

Total--1

The amendment was laid on the table.

Motion Under Rule 15A Failed

At 9:58 P.M., Senator MASSEY moved under the provisions of Rule 15A that debate on the entire matter of S. 419 be brought to a close.

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

Ayes 12; Nays 28

AYES

Alexander Bennett Cromer
Davis Gambrell Gregory
Hembree Massey Peeler
Shealy Turner Young

Total--12

NAYS

Allen Cash Climer
Corbin Fanning Goldfinch
Grooms Harpootlian Hutto
Johnson Kimpson Loftis
Malloy Martin *Matthews, John*
Matthews, Margie McElveen McLeod
Nicholson Rankin Rice
Sabb Scott Senn

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Setzler
Williams

Talley

Verdin

Total--28

Having failed to receive the necessary vote, the motion under Rule 15A failed.

RECESS

At 9:58 P.M., on motion of Senator MASSEY, the Senate recessed from business.

At 11:19 P.M., the Senate resumed.

Point of Quorum

At 11:19 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator FANNING resumed speaking on the amendment.
Senator MALLOY spoke on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators HUTTO and J. MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Silas Seabrook, Jr. of Santee, S.C. Silas served in the U.S. Army and fought in the Korean War. He was the first African American Mayor of Santee where he served for twenty-two years. Silas also served as Councilman for the Orangeburg District Two County Council for ten years. He spearheaded countless community projects. Silas was a member of the Briner Mason Lodge No. 365, Robert Shaw Wilkinson Consistory No. 220 and Cairo Temple No. 125. Silas was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 11:27 P.M., on motion of Senator MALLOY, the Senate adjourned to meet tomorrow at 12:00 Noon.

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