**NO. 49**

**JOURNAL**

**OF THE**

**SENATE**

**OF THE**

**STATE OF SOUTH CAROLINA**

****

**REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020**

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**TUESDAY, SEPTEMBER 15, 2020**

**Tuesday, September 15, 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:

Isaiah 40:1

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

Let us pray. Almighty God, as we gather here in this Senate Chamber, we reflect upon our many blessings but never should we forget the needs of Your people who are less fortunate.

Today our hearts go out to the disadvantaged, to the poor, to those with poor health care and poor dental care and especially in these times, to those suffering as a result of the Covid-19 pandemic and natural disasters.

In addition to our family and friends, these are the people that You have called us to remember and help. But how do we do this for it is such an overwhelming calling?

The simple and poignant words of your servant Mother Teresa speak to this question:

“If we pray, we will believe; If we believe, we will love; If we love, we will serve.”

Through the awesome power of the Holy Spirit we pray, Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2020, and to expire July 1, 2022

Member of a governing body of a public institution of higher learning:

Hubert F. Mobley, 505 Briarwood Road, Lancaster, SC 29720-1801 *VICE* James A. Battle, Jr.

Referred to the Committee on Education.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2019, and to expire June 30, 2025

7th Congressional District:

Archie L. McKnight, 2823 Liberty Drive, Florence, SC 29501-5323 *VICE* Spencer A. Morris

Referred to the Committee on Medical Affairs.

**Local Appointments**

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

Jason Winfield Stapleton, 71 Clemson Street, Williston, SC 29853-6501

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

Whilden V. Baggett, 105 Bonneau Street, Bonneau, SC 29431-8620

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

Ava Bryant, 14 North Basilica Ave., Hanahan, SC 29410-8648

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

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

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

Ellen L. Karesh, 105 Haleswood Circle, Goose Creek, SC 29455-7081

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

Paula F. McElvogue, 105 Worlingham Ct., Goose Creek, SC 29445-5333

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

Brian B. West, 1618 Pinopolis Road, Moncks Corner, SC 29461-5919

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

Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468-3211

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

Craig L. LaCross, 115 Camp Road, Darlington, SC 29532-6220

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

Charles Frances Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

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

Curtis Cousins, 1633 Kallaramo Rd., Rock Hill, SC 29732-1548 *VICE* Lewis D. Malphrus

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

William Brown Simpson, Jr., 1363 Auten Rd., Rock Hill, SC 29730-8632

**Leave of Absence**

On motion of Senator KIMPSON, at 2:13 P.M., Senator McELVEEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator JACKSON, at 2:15 P.M., Senator  JOHN MATTHEWS was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator CLIMER, at 2:16 P.M., Senator GOLDFINCH was granted a leave of absence for today.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 890 Sen. Setzler

**OBJECTION**

S. 1259 -- Senators Massey, Turner, Grooms, Alexander, Peeler, Shealy, Campbell, Bennett, Gambrell, Climer, Loftis, Rice and Corbin: A JOINT RESOLUTION TO PROVIDE LIABILITY PROTECTIONS FOR A LIMITED TIME PERIOD FOR HEALTH CARE PROVIDERS AND BUSINESSES THAT FOLLOW PUBLIC HEALTH GUIDANCE IN RESPONSE TO THE CORONAVIRUS PUBLIC HEALTH EMERGENCY; TO STATE THE PURPOSES OF THIS JOINT RESOLUTION TO PROTECT AGAINST LIABILITY FOR BUSINESSES DURING THE CORONAVIRUS PUBLIC HEALTH EMERGENCY; TO PROVIDE DEFINITIONS FOR COVERED ENTITY, COVERED INDIVIDUAL, CORONAVIRUS, CORONAVIRUS CLAIM, AND PUBLIC HEALTH GUIDANCE; TO STATE THE LIABILITY PROTECTION FOR COVERED ENTITIES AND COVERED INDIVIDUALS FOR CORONAVIRUS CLAIMS; TO STATE THAT DEFENSES ARE CUMULATIVE; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE SEVERABLE; TO PROVIDE THAT IN THE CASE OF A CONFLICT OF LAW BETWEEN THIS JOINT RESOLUTION ANY OTHER LAW OF THIS STATE, THE PROVISIONS OF THIS JOINT RESOLUTION SHALL PREVAIL, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THE JOINT RESOLUTION TO BE UPON APPROVAL BY THE GOVERNOR AND FOR ITS PROVISIONS TO BE RETROACTIVE AND EFFECTIVE AS OF MARCH 13, 2020, THE DATE UPON WHICH THE GOVERNOR DECLARED A PUBLIC HEALTH EMERGENCY RELATING TO CORONAVIRUS.

Senator MASSEY asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Judiciary.

Senator JACKSON objected.

**RECALLED AND ADOPTED**

H. 5413 -- Reps. Allison, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb‑Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson‑Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DESIGNATE OCTOBER 7, 2020, AS THE ONE HUNDREDTH ANNIVERSARY OF THE AAA SCHOOL SAFETY PATROL PROGRAM IN THE STATE OF SOUTH CAROLINA, AND TO RECOGNIZE THE ANNIVERSARY IN CONJUNCTION WITH THE ANNUAL “WALK OR BICYCLE WITH YOUR CHILD TO SCHOOL DAY”.

Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

Senator HEMBREE 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 HEMBREE, the Resolution was adopted and ordered sent to the House.

**RECALLED**

H. 3800 -- Reps. B. Cox, Hiott, Elliott, Morgan, White, Clemmons, Hyde, Caskey, Magnuson, Hewitt, Trantham, Davis, Forrest and Hixon: A BILL TO AMEND SECTION 50‑9‑350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPRENTICE HUNTING LICENSES, SO AS TO ALLOW FOR THE WAIVER OF THE CERTIFICATE OF COMPLETION REQUIREMENT FOR UP TO THREE YEARS AND TO ALLOW FOR A PERSON TO RECEIVE THIS WAIVER NO MORE THAN THREE TIMES.

Senator CAMPSEN asked unanimous consent to make a motion to recall the Bill from the Committee on Fish, Game and Forestry.

The Bill was recalled from the Committee on Fish, Game and Forestry and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4940 -- Reps. Sandifer, Forrester, Ott, West, Toole, Norrell and Funderburk: A JOINT RESOLUTION TO ESTABLISH THE ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE, TO PROVIDE FOR THE MEMBERSHIP ON THE STUDY COMMITTEE, TO PROVIDE THAT THE COMMITTEE SHALL STUDY WHETHER THE LEGISLATURE SHOULD ADOPT MARKET REFORM MEASURES AFFECTING THE PROVISION OF ELECTRIC SERVICE IN SOUTH CAROLINA AND STUDY THE PUBLIC BENEFITS ASSOCIATED WITH SUCH MEASURES, TO REQUIRE THE STUDY COMMITTEE TO ISSUE A REPORT WITH FINDINGS AND RECOMMENDATIONS TO APPROPRIATE FUNDS TO ENGAGE A THIRD‑PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY COMMITTEE, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Senator RANKIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Judiciary.

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

**RECALLED**

H. 3257 -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson‑Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: A BILL TO AMEND SECTION 59‑32‑20, AS AMENDED, RELATING TO INSTRUCTIONAL UNITS REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CERTAIN UNITS CONCERNING MENTAL HEALTH AND WELLNESS; AND TO AMEND SECTION 59‑32‑30, RELATING TO COURSEWORK REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE MIDDLE SCHOOLS OFFER ONE ELECTIVE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS TO SEVENTH GRADE STUDENTS AND TO PROVIDE NINTH GRADE STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

Senator HEMBREE asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4963 -- Reps. Tallon, Moore, Bernstein, Caskey, Clary, Davis, Elliott, King, Mace, Wheeler, Simrill, Rutherford, Bannister, Finlay, Bradley, Collins, Fry, Hyde, Murphy, W. Newton, Rose, Wooten, B. Newton, Sottile, Ridgeway, Ott, Hardee, Bailey, Herbkersman, Bamberg, Daning, Kirby, Atkinson, Felder, Hewitt, Martin, Oremus, Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑360 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY FURNISH OR GIVE CERTAIN SAMPLES OF WINES TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY; AND BY ADDING SECTION 61‑6‑1650 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY FURNISH OR GIVE CERTAIN SAMPLES OF WINES IN EXCESS OF SIXTEEN PERCENT ALCOHOL, CORDIALS, OR DISTILLED SPIRITS TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY.

Senator TURNER asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator SETZLER, with unanimous consent, any members were granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1264 -- Senators Leatherman, Alexander, Allen, Bennett, M. B. Matthews, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Loftis, Malloy, Martin, Massey, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE ROBERT W. MARTIN UPON THE OCCASION OF HIS RETIREMENT AS CHIEF ECONOMIST FOR THE SOUTH CAROLINA BOARD OF ECONOMIC ADVISORS, TO EXTEND DEEP APPRECIATION FOR HIS THIRTY YEARS OF DISTINGUISHED PUBLIC SERVICE, AND TO OFFER WISHES FOR A RETIREMENT AS SATISFYING AND REWARDING TO HIM AS HIS SERVICE HAS BEEN TO THE PEOPLE OF SOUTH CAROLINA.

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

S. 1265 -- Senators Jackson and Sheheen: A SENATE RESOLUTION TO CONGRATULATE BOBBI KENNEDY OF RICHLAND COUNTY UPON THE OCCASION OF HER RETIREMENT FROM SOUTH CAROLINA ETV, TO COMMEND HER FOR HER FORTY-NINE YEARS OF EXEMPLARY SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1266 -- Senators Shealy, Alexander, Allen, Bennett, M. B. Matthews, 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, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXTEND SINCERE CONGRATULATIONS TO SERGEANT MAJOR THOMAS P. PAYNE FOR BEING AWARDED THE MEDAL OF HONOR AND TO RECOGNIZE AND SALUTE HIS DISTINGUISHED AND DEDICATED MILITARY SERVICE TO OUR NATION.

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The Senate Resolution was adopted.

S. 1267 -- Senator McLeod: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF AVERY LASHAY MCARTHUR, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND FRIENDS.

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The Senate Resolution was adopted.

S. 1268 -- Senators Scott, Harpootlian, Jackson, McElveen and McLeod: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF THE HONORABLE ETHEL LOUISE BREWER AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1269 -- Senator Fanning: A SENATE RESOLUTION TO CONGRATULATE LILLIAN T. BROWN ON THE GRAND OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

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The Senate Resolution was adopted.

S. 1270 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE CINDY JACOBS OF LAURENS COUNTY SCHOOL DISTRICT 56 FOR HER EXCELLENT LEADERSHIP DURING THE COVID-19 PANDEMIC AND HER DISTINGUISHED SERVICE IN CHILD NUTRITION FOR THE DISTRICT.

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The Senate Resolution was adopted.

S. 1271 -- Senator McLeod: A BILL TO AMEND SECTION 41-35-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WEEKLY UNEMPLOYMENT BENEFITS, SO AS TO MODIFY THE WEEKLY BENEFIT AMOUNT; AND TO REPEAL SECTION 41-35-50, RELATING TO MAXIMUM POTENTIAL ANNUAL EMPLOYMENT BENEFITS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1272 -- Senator McLeod: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO PROMULGATE CERTAIN EMERGENCY REGULATIONS TO ESTABLISH A MANDATORY, TEMPORARY STANDARD FOR EMPLOYERS TO CONTROL, PREVENT, AND MITIGATE THE SPREAD OF COVID-19 TO AND AMONG EMPLOYEES AND EMPLOYERS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AMEND ACT 80 OF 2013, RELATING TO THE HIGH GROWTH SMALL BUSINESS JOB CREATION ACT, SO AS TO REAUTHORIZE THE ACT FOR AN ADDITIONAL SIX YEARS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4‑9‑30 AND 5‑7‑30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6‑1‑120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12‑4‑310, RELATING TO THE DEPARTMENT OF REVENUE’S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

H. 4663 -- Reps. Finlay and Wheeler: A BILL TO AMEND SECTION 40‑43‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTOCOL FOR PHARMACISTS TO ADMINISTER INFLUENZA VACCINES WITHOUT THE ORDER OF A PRACTITIONER, SO AS TO PROVIDE PHARMACISTS MAY ADMINISTER INFLUENZA VACCINES TO PERSONS OF ANY AGE WITHOUT THE ORDER OF A PRACTITIONER PURSUANT TO PROTOCOL ISSUED BY THE BOARD OF MEDICAL EXAMINERS.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 4938 -- Rep. Ridgeway: A BILL TO AMEND SECTION 44‑53‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ELECTRONIC PRESCRIPTIONS, SO AS TO ADD CERTAIN EXCEPTIONS TO ELECTRONIC PRESCRIBING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Senator BENNETT explained the Bill.

**H. 5030--Ordered to a Second and Third Reading**

On motion of Senator BENNETT, H. 5030 was ordered to receive a second and third reading on the next two consecutive legislative days.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 5201 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator ALEXANDER spoke on the Bill.

**Appointments Reported**

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2019, and to expire December 31, 2023

1st Congressional District:

Kelli Garber, 2202 Hamlin Sound Circle, Mount Pleasant, SC 29466-9407 *VICE* Jackie Baer

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2020, and to expire June 30, 2026

4th Congressional District:

Michael Bedenbaugh, 10 Wilton Street, Greenville, SC 29601-1520 *VICE* Eric J. Strauss

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2019, and to expire June 30, 2025

7th Congressional District:

Archie L. McKnight II, 2823 Liberty Drive, Florence, SC 29501-5323 *VICE* Spencer A. Morris

Received as information.

**Message from the House**

Columbia, S.C., June 24, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H.3200 -- Reps. Henderson‑Myers, Allison, Bernstein, Govan, Ridgeway, Clyburn, Brawley, McDaniel, Cogswell, Caskey, Norrell and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA LACTATION SUPPORT ACT” BY ADDING SECTION 41‑1‑130 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE EMPLOYERS DAILY SHALL PROVIDE EMPLOYEES WITH REASONABLE UNPAID BREAK TIME OR SHALL PERMIT EMPLOYEES TO USE PAID BREAK TIME OR MEAL TIME TO EXPRESS BREAST MILK, TO PROVIDE EMPLOYERS SHALL MAKE REASONABLE EFFORTS TO PROVIDE CERTAIN AREAS WHERE EMPLOYEES MAY EXPRESS BREAST MILK, TO PROVIDE EMPLOYERS MAY NOT DISCRIMINATE AGAINST EMPLOYEES FOR CHOOSING TO EXPRESS BREAST MILK IN THE WORKPLACE IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO ALLOW NONCOMPLIANCE WHEN AN UNDUE HARDSHIP ON THE EMPLOYER WOULD RESULT FROM COMPLIANCE, AND TO PROVIDE REMEDIES FOR VIOLATIONS; TO PROVIDE RELATED OBLIGATIONS OF THE HUMAN AFFAIRS COMMISSION; TO PROVIDE RELATED FINDINGS AND EXPRESS THE INTENTION OF THE GENERAL ASSEMBLY; AND TO PROVIDE A THIRTY‑DAY COMPLIANCE PERIOD FOR EMPLOYERS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 24, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H.5202 -- Ways and Means Committee: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 24, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H.5034 -- Reps. Stavrinakis, McCoy, Sottile, Brown, Cogswell, Mace, Bennett, Moore, Matthews, Pendarvis and Hewitt: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, THE GOVERNING BODY THEREOF, AND THE MANNER IN WHICH ITS MEMBERS ARE ELECTED, SO AS TO REVISE THE AREAS FROM WHICH BOARD MEMBERS ARE ELECTED; TO PROVIDE THAT IF A PERSON ESTABLISHES A NEW RESIDENCE IN CHARLESTON COUNTY AND THE SCHOOL TO WHICH THE NEW RESIDENCE IS ASSIGNED IS FIFTEEN OR MORE ROAD MILES AWAY FROM THE NEW RESIDENCE, THEN THE RECEIVING CONSTITUENT SCHOOL DISTRICT MUST ACCEPT A CHILD RESIDING IN THE NEWLY ESTABLISHED RESIDENCE; AND TO REPEAL INCONSISTENT LOCAL ACTS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**AMENDED, READ THE THIRD TIME**

S. 1121 -- Senators Hutto and M.B. Matthews: A BILL TO CONSOLIDATE HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE HAMPTON COUNTY SCHOOL DISTRICT; TO ABOLISH HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 ON JULY 1, 2021; TO PROVIDE THAT THE HAMPTON COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE HAMPTON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, THE SEVEN MEMBERS OF THE HAMPTON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED AT LARGE BY A PLURALITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN HAMPTON COUNTY IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY TWO OR FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2021 AND 2022, AND TO PROVIDE THAT BEGINNING IN 2023, THE GOVERNING BODY OF HAMPTON COUNTY SHALL APPROVE AN ANNUAL TAX LEVY IN ORDER TO OBTAIN FUNDS FOR SCHOOL PURPOSES AS PROVIDED IN THIS ACT.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and M. B. MATTHEWS proposed the following amendment (ZW\1121C003.CC.ZW20), which was adopted:

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

/ SECTION 1. (A) Notwithstanding the provisions of Act 286 of 1986, Act 141 of 2007, or of subsequent acts of the General Assembly amending these acts, or of any other provision of law:

(1) on the effective date of this act, Hampton County School District No. 1 and Hampton County School District No. 2 (the two present school districts) shall commence all prudent and essential preparations necessary to achieve an efficient and well‑organized consolidation of the two districts;

(2) effective July 1, 2021, Hampton County School District No. 1 and Hampton County School District No. 2 must be abolished. The powers and duties of the two present school districts’ respective boards of trustees must be devolved on the board of trustees of the consolidated school district to be known as the Hampton County School District; and

(3) the first audit report that the Hampton County School District is required to provide to the State Department of Education pursuant to Section 59‑17‑100 must be submitted to the department on or before December 1, 2022.

(B) In order to facilitate the efficient consolidation of the two present school districts, the members of the districts’ respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Hampton County Legislative Delegation and delegation staff, the initial nine-member appointed board of trustees for the Hampton County School District, and the South Carolina Department of Education officials assisting with the consolidation. In addition, after the effective date of this act, the two present school districts may not:

(1) create new full‑time or part‑time district‑level positions;

(2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;

(3) create or incur new bonded indebtedness;

(4) approve requests for out-of-state travel or requests for reimbursement for out of state travel; or

(5) make any significant district purchases unless the nine-member Hampton County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the purchase. For purposes of this item, “significant district purchase” means any district purchase in excess of twenty-five thousand dollars.

(C) Any current district‑level administrator for either of the two present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For purposes of this subsection, “current” means as of the effective date of this act, and “district level administrator” includes superintendents, chief academic officers, associate superintendents, assistant superintendents, and district directors. Position equivalency must be determined based on the position’s title and responsibilities.

SECTION 2. (A) The Hampton County School District must be governed initially by a board of trustees of nine members to be appointed by a majority of the Hampton County Legislative Delegation. The nine members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of Hampton County, and these appointed members shall serve on the Hampton County School District Board of Trustees until four trustees have been duly elected and qualify in school district elections held at the same time as the 2022 General Election pursuant to the provisions of this section. These four trustees must be elected from defined single-member election districts to be established in subsequent legislation enacted after the release of pertinent demographic data obtained in the 2020 decennial census, but prior to the opening of the filing period for the 2022 school district elections.

(B)(1) Beginning in 2022, four members of the Hampton County School District Board of Trustees must be elected from single member districts provided for by the General Assembly in nonpartisan elections to be conducted at the same time as the general election and every four years thereafter, except as may be provided to stagger the members’ terms. The four candidates elected in the 2022 school district elections must be elected from election districts 1, 3, 5, and 7 and shall serve four-year terms and until their successors are elected and qualify. Each of these four members and their successors must be a qualified elector of the election district from which he is elected. Beginning in 2024, three additional members of the Hampton County School District Board of Trustees must be elected from election districts 2, 4, and 6 in nonpartisan elections to be conducted at the same time as the general election and every four years thereafter, except as may be provided to stagger the members’ terms. The three candidates elected in the 2024 school district elections shall serve four-year terms and until their successors are elected and qualify. Each of these three members and their successors must be a qualified elector of the election district from which he is elected. In order to provide continuity of experienced leadership to the district, when the four duly elected trustees from election districts 1, 3, 5, and 7 take office following the 2022 school district elections, a majority of the Hampton County Legislative Delegation shall select three members from the initial nine-member appointed board of trustees to serve as school district trustees together with the four elected members, and the terms of the remaining appointed trustees not selected to serve with the four elected members must be terminated. The three members of the initial nine-member appointed board selected to serve alongside the four elected members shall serve until their successors are elected in school district elections conducted at the same time as the 2024 General Election and qualify.

(2)(a) The four trustees elected from districts 1, 3, 5, and 7 in the 2022 school district elections shall serve four-year terms and until their successors are elected and qualify, and the successors to these members must be elected in nonpartisan school district elections to be conducted at the same time as the 2026 General Election. The trustees elected in the 2026 school district election and their successors shall serve four‑year terms and until their successors are elected and qualify.

(b) Pursuant to item (1) of this subsection, the three members of the initial nine-member appointed board selected by the Hampton County Legislative Delegation to serve alongside the four elected members shall serve until their successors are elected from districts 2, 4, and 6 in school district elections conducted at the same time as the 2024 General Election and qualify. At such time, the terms of the three appointed members shall terminate. The three trustees elected from districts 2, 4, and 6 in the 2024 school district elections and their successors shall serve four‑year terms and until their successors are elected and qualify. Thereafter, members of the Hampton County School District Board of Trustees must be elected in nonpartisan school district elections to be conducted at the same time as the general election for terms of four years and until their successors are elected and qualify.

(3) In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the Hampton County Legislative Delegation.

(C) All persons desiring to qualify as a candidate for the Hampton County School District Board of Trustees shall file written notice of candidacy with the Hampton County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open at 12:00 p.m. on August first or, if August first falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday. This notice of candidacy must be a sworn statement and shall include the candidate’s name, age, address, voting precinct, period of residence in the county, and other information that the board requires. The Hampton County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Hampton County School District Board of Trustees in the manner governed by the election laws of this State, mutatis mutandis. The board shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The board shall publish notices of the elections pursuant to Section 7‑13‑35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61. The members of the Hampton County School District Board of Trustees elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315.

SECTION 3. (A) The members of the Hampton County School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

(B) The Hampton County School District Board of Trustees has the power, duty, and responsibility provided by law including to:

(1) employ a superintendent as the chief executive officer;

(2) establish other administrative departments upon the recommendation of the superintendent;

(3) adopt the annual school district budget;

(4) inquire into the conduct of an office, department, or agency of the school district;

(5) adopt and modify attendance zones of schools within the school district;

(6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;

(7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;

(8) cooperate to establish and maintain educational consortia;

(9) be responsible for policymaking action and the review of regulations established to put these policies into operation; and

(10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which may not exceed four hundred fifty dollars per month.

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his duties. He shall:

(1) appoint and, when necessary for the good of the district, remove an appointed officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

SECTION 5. (A)(1) For purposes of determining the 2021 property tax millage levy of the Hampton County School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2020 levy of the two present school districts and the value of a mill in each district. Thereafter, the millage levy for the year 2022, 2023, and 2024 must be the millage levy for the previous year. To the allowed millage levy for 2021, 2022, 2023, and 2024 may be added any millage determined by the county governing body necessary to comply with educational mandates imposed by federal or state law.

(2) The provisions of this subsection apply for school millages set for years 2022, 2023, and 2024.

(B) Beginning in 2025, in order to obtain funds for school purposes the board of trustees is authorized to impose an annual tax levy upon approval of the county governing body, exclusive of any millage imposed for bond debt service. Upon certification to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. Upon approval of the county governing body, the consolidated school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59‑21‑1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the county governing body and conducted by the county election commission at the same time as the general election. To the extent the provisions of this section relating to increases in school millages conflict with the provisions of Section 6‑1‑320, relating to the millage rate increase limitation, the provisions of Section 6‑1‑320 control.

SECTION 6. (A)(1) On July 1, 2021, the assets and liabilities of Hampton County School District No. 1 and Hampton County School District No. 2 must be transferred to the Hampton County School District. The records and employees of the two present school districts must be transferred to and, if applicable, assumed by the consolidated school district.

(2) Any funds under paragraph 1.88(A), Part I(B) of Act 91 of 2019 to support school district consolidation and related purposes in certain specified school districts, which have been distributed to or which are to be made available to the two present school districts must be transferred to or made available to the Hampton County School District to be used for the same purposes.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Hampton County School District is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of the present school districts.

(C) During the transition period, beginning on the effective date of this act to July 1, 2021, no new general obligation bonds may be issued against the constitutional debt limitation of the two present school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt an ordinance declaring the emergency and specifying the necessity of the issue.

SECTION 7. (A) Hampton County School District No. 1 and Hampton County School District No. 2 are abolished on July 1, 2021, at which time the Hampton County School District must be established as provided in this act. The terms of all members of the boards of trustees of the two present school districts will expire on this date. However, the members of the Hampton County School District Board of Trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2021, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the two present school districts rests solely with the individual boards for each of the two present school districts until July 1, 2021, and the appointed consolidated board of trustees may not interfere with this authority.

(B) Funding for the activities of the appointed consolidated board of trustees, from the date the members assume office until July 1, 2021, must be paid from funds provided to the Hampton County School District by the State Department of Education for this purpose.

(C)(1) After the effective date of this act, a member of one of the two present school districts’ governing boards may:

(a) be appointed to the Hampton County School District Board of Trustees pursuant to the provisions of SECTION 2 of this act; or

(b) seek election to the Hampton County School District Board of Trustees.

(2) If a member of one of the present boards is either appointed or elected to the Hampton County School District Board of Trustees pursuant to item (1):

(a) prior to assuming his new duties on the consolidated school district board of trustees, and if his term on one of the present boards has not otherwise expired, he must first resign as a member of the present board; and

(b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by appointment of the Hampton County Legislative Delegation.

SECTION 8. All local acts concerning Hampton County School District No. 1 and Hampton County School District No. 2 inconsistent with the provisions of this act are repealed as of July 1, 2021, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the Hampton County School District.

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 10. This act takes effect thirty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the third time ordered sent to the House.

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

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

S. 1263 -- Senator Sheheen: A BILL TO AMEND SECTION 7‑7‑340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN KERSHAW COUNTY, SO AS TO MERGE THE EAST CAMDEN‑HERMITAGE PRECINCT WITH THE CAMDEN 6 PRECINCT, WITH THE RESULTING COMBINED PRECINCT RETAINING THE NAME CAMDEN 6, TO MERGE THE GATES FORD PRECINCT WITH THE BUFFALO PRECINCT, WITH THE RESULTING COMBINED PRECINCT RETAINING THE NAME BUFFALO, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

**AMENDED, READ THE THIRD TIME**

H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38‑77‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM “REDUCTION IN COVERAGE”; AND TO AMEND SECTION 38‑77‑120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

The Senate proceeded to a consideration of the Bill.

Senator CROMER proposed the following amendment (3755R004.SP.RWC), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 3 and 4.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

**OBJECTION**

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson‑Myers: A BILL TO AMEND SECTION 12‑43‑220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Senator HARPOOTLIAN objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4327 -- Reps. R. Williams, Jefferson, Ott, Magnuson, Chumley and Burns: A BILL TO AMEND SECTION 6‑9‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INAPPLICABILITY OF CERTAIN BUILDING CODES ON FARM STRUCTURES, SO AS TO REVISE THE DEFINITION OF “FARM STRUCTURE” FOR PURPOSES OF THIS SECTION.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (4327R001.KD.), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 26 through 27 and inserting:

/the group A-3 classification, as defined in the latest edition of the applicable building codes pursuant to Section 6-9-50. Such structures may accommodate up to three /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Gregory Grooms Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Peeler

Rankin Reese Rice

Scott Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3351 -- Reps. Jefferson, W. Newton, R. Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 60‑11‑102 SO AS TO PROVIDE FOR THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF THE DEPARTMENT OF ARCHIVES AND HISTORY TO ANOTHER PUBLIC OR NONPROFIT INSTITUTION BY GIFT OR SALE, TO PROVIDE FOR THE USE OF RESULTING PROCEEDS, AND TO PROVIDE ANNUAL REPORTING REQUIREMENTS; BY ADDING SECTION 60‑11‑103 SO AS TO PROVIDE FOR THE RETENTION AND USE BY THE DEPARTMENT OF ARCHIVES AND HISTORY OF CERTAIN PROCEEDS GENERATED BY ITS OPERATIONS; AND TO REPEAL SECTION 60‑11‑120 RELATING TO THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF DEPARTMENT OF ARCHIVES AND HISTORY.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3351C001.SM.WAB20), which was adopted:

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

/ SECTION \_\_. Section 60-11-60 of the 1976 Code is amended to read:

“Section 60-11-60. The active management and administration of the South Carolina Department of Archives and History shall be committed to the ~~Director~~ director, who at the time of his ~~election~~ appointment must have the qualifications of special training or experience in archival or historical work. The ~~Director~~ director shall not do any additional work for pay without the permission of the Commission of Archives and History. ~~He shall furnish information free to the citizens of this State.~~” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Gregory Grooms Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Peeler

Rankin Reese Rice

Scott Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4831 -- Reps. Hixon, Ligon, B. Newton, Forrest, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑15‑15 SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THIS STATE’S NATIVE REPTILE AND AMPHIBIAN SPECIES AND TO REQUIRE THE ESTABLISHMENT OF POSSESSION LIMITS; BY ADDING SECTION 50‑15‑55 SO AS TO PROHIBIT THE RELEASE OF NONNATIVE CAPTIVE WILDLIFE IN THIS STATE; TO AMEND SECTION 50‑15‑10, RELATING TO DEFINITIONS, SO AS TO DEFINE NEW TERMS AND EXPAND THE TERM “NONGAME SPECIES” TO INCLUDE ANIMAL PARTS, PRODUCTS, EGGS, AND OFFSPRING; TO AMEND SECTION 50‑15‑30, RELATING TO THE LISTING OF ENDANGERED SPECIES, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO CONDUCT THE REVIEW OF THE STATE LIST OF ENDANGERED SPECIES; TO AMEND SECTION 50‑15‑40, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT PROGRAMS, SO AS TO AUTHORIZE THE DEPARTMENT TO ESTABLISH WILDLIFE MANAGEMENT PROGRAMS; TO AMEND SECTION 50‑15‑80, RELATING TO PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS, SO AS TO GRANT CONCURRENT JURISDICTION OVER THESE VIOLATIONS TO MAGISTRATES COURTS, TO INCREASE MONETARY PENALTIES, AND TO PROVIDE FOR THE REVOCATION OF PERMITS GRANTED TO A PERSON WHO VIOLATES CERTAIN PROVISIONS; AND TO AMEND SECTION 50‑15‑310, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT, SO AS TO ALTER THE DEFINITIONS OF THE TERMS “ALLIGATOR PROPAGATION FACILITY” AND “COMMERCIAL PURPOSES”.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (4831R001.KMM.GEC), which was adopted:

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

/SECTION 1. Article 1, Chapter 15, Title 50 of the 1976 Code is amended by adding:

“Section 50‑15‑15. (A) The department may promulgate regulations for the appropriate management of native reptile and amphibian species, including limitations on, and permitting for, the possession, transfer, sale, barter, trade, shipment, and removal from this State of native reptile and amphibian species.

(B) It is unlawful to possess, transfer, sell, barter, trade, ship, or remove from this State, or attempt to possess, transfer, sell, barter, trade, ship, or remove from this State native reptile and amphibian species, including parts, products, eggs, offspring, and derivatives thereof, in violation of a limit or a permit condition established by the department pursuant to this section.”

SECTION 2. Article 1, Chapter 15, Title 50 of the 1976 Code is amended by adding:

“Section 50‑15‑55. (A) It is unlawful for a person to release wildlife that is not native to this State from captivity in this State.

(B) The department may promulgate regulations to prohibit or otherwise restrict certain species of nonnative wildlife in this State, including species that:

(1) have the potential to become established in this State in sufficient numbers so as to become a nuisance; and

(2) pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety.

(C) Sanitary and safe disposal of dead wildlife is not a violation of this section.

(D) The provisions of this section do not apply to the release of foxes and coyotes pursuant to the provisions of Chapter 11, Title 50 and to the release of other nonnative species from captivity if authorized by law.”

SECTION 3.A. Section 50‑15‑70 of the 1976 Code is amended to read:

“Section 50-15-70. (A) ~~It is unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this State more than ten, either in one species or a combination of species, of the named species of turtles at one time with a maximum of twenty turtles of these species, either individually or in combination in any one year: yellowbelly turtle (Trachemys scripta),~~ Except as otherwise provided in this article, it is unlawful for a person to possess, sell, barter, trade, ship, or remove from this State, or attempt to possess, sell, barter, trade, ship, or remove from this State the following native species of turtles, including parts, products, eggs, offspring, and derivatives thereof:

(1) Florida cooter (Pseudemys floridana);~~,~~

(2) river cooter (Pseudemys concinna);~~,~~

(3) chicken turtle (Deirochelys reticularia);~~, eastern box turtle (Terrapene carolina),~~

(4) eastern painted turtle (Chrysemys picta);~~,~~

(5) spiny softshell turtle (Apalone spinifera);~~,~~

(6) Florida softshell turtle (Apalone ferox);~~,~~

(7) eastern mud turtle (Kinosternon subrubrum);

(8) striped mud turtle (Kinosternon baurii);

(9) common musk turtle (Sternotherus odoratus);

(10) yellow-bellied slider (Trachemys scripta);

(11) common snapping turtle (Chelydra serpentina);

(12) eastern box turtle (Terrapene carolina); and ~~common snapping turtle (Chelydra serpentina)~~

(13) diamondback terrapin (Malaclemys terrapin).

(B) ~~The provisions of this section do not prohibit the sale, offer for sale, or purchase of the yellowbelly turtle (Trachemys scripta) species and the common snapping turtle (Chelydra serpentina) species if these turtles were taken from a permitted aquaculture facility or a private pond pursuant to a permit issued by the department at the request of the owner or owner's agent. Any person transporting more than ten yellowbelly turtle (Trachemys scripta) species or common snapping turtle (Chelydra serpentina) species must be in possession of a permit pursuant to which the turtles were taken or acquired and, upon request, must provide it to authorized agents of the department. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility as to the origin of the turtles. The department may charge twenty-five dollars for a permit~~ The following personal possession limits, subject to an aggregate limit of ten, are established:

(1) Florida cooter (Pseudemys floridana): 5;

(2) river cooter (Pseudemys concinna): 5;

(3) chicken turtle (Deirochelys reticularia): 5;

(4) eastern painted turtle (Chrysemys picta): 5;

(5) spiny softshell turtle (Apalone spinifera): 5;

(6) Florida softshell turtle (Apalone ferox): 5;

(7) eastern mud turtle (Kinosternon subrubrum): 5;

(8) striped mud turtle (Kinosternon baurii): 5;

(9) common musk turtle (Sternotherus odoratus): 5;

(10) yellow-bellied slider (Trachemys scripta): 5;

(11) common snapping turtle (Chelydra serpentina): 5;

(12) eastern box turtle (Terrapene carolina): 2; and

(13) diamondback terrapin (Malaclemys terrapin): 2.

(C) The department may permit the possession of native species of turtles in excess of the limits established in subsection (B) for scientific, zoological, conservation, or other special purposes. ~~A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of up to two hundred dollars or up to thirty days in jail, or both. A violator also must have his permit permanently revoked and may never be issued another one. Each turtle removed or in possession of a person attempting to remove them is a separate violation of this section.~~”

B. A person who exceeds a personal possession limit under Section 50‑15‑70(B), as amended by this act, on the effective date of this act must register the number and species of turtles in the person’s possession with the Department of Natural Resources within ninety days of the effective date of this act in order to receive a temporary exemption to the personal possession limits. The person is prohibited from acquiring another turtle listed in Section 50‑15‑70, as amended by this act, until such time as the number of turtles in the person’s possession is below the established limits. A person who registers with the Department of Natural Resources pursuant to SECTION 3.B. and subsequently acquires a turtle in excess of the established limits is subject to the same penalties provided for violations of Section 50‑15‑70.

SECTION 4. A. Section 50‑15‑10 of the 1976 Code is amended by adding appropriately numbered new items to read:

“( ) ‘Captivity’ means the condition in which an animal is contained in an enclosed cage, carrier, aquarium, or similar device, yard, or enclosure that prohibits the natural movement of the animal.

( ) ‘Native’ means any species or subspecies considered to be indigenous and naturally occurring in this State.”

B. Section 50-15-10(4) of the 1976 Code is amended to read:

“(4) ‘Nongame species’ or ‘nongame wildlife’ means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.”

SECTION 5. Section 50‑15‑30(B) of the 1976 Code is amended to read:

“(B) The ~~board~~ department shall conduct a review of the state list of endangered species within not more than two years from its effective date and every two years thereafter and may amend the list by such additions or deletions as are deemed appropriate. The ~~board~~ department shall submit to the Governor a summary report of the data used in support of all amendments to the state list during the preceding biennium.”

SECTION 6. Section 50‑15‑40(A) of the 1976 Code is amended to read:

“Section 50‑15‑40. (A) The ~~board~~ department shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The ~~board~~ department shall utilize all authority vested in the department to carry out the purposes of this section.”

SECTION 7. Section 50‑15‑80 of the 1976 Code is amended to read:

“Section 50-15-80. (A) A person who violates Section 50‑15‑15, Section 50‑15‑20, or 50-15-70, or ~~a person~~ who fails to procure or violates the terms of a permit issued under ~~the regulations~~ a regulation promulgated pursuant to these sections, is guilty of a misdemeanor and, upon conviction, must be fined not more than ~~five hundred~~ one thousand dollars or imprisoned not more than thirty days ~~and ordered to pay restitution~~, or both.

(B) A person who violates Section 50‑15‑30(C), Section 50‑15‑55, or ~~regulations~~ a regulation promulgated pursuant to ~~it~~ these sections, or ~~a person~~ who fails to procure or violates the terms of a permit issued pursuant to Section 50‑15‑40(D) ~~and~~ or (E), is guilty of a misdemeanor and, upon conviction, must be fined ~~one thousand~~ not more than two thousand five hundred dollars or imprisoned not more than one year, or both.

(C)(1) The magistrates court has concurrent jurisdiction over violations of Sections 50‑15‑15, 50‑15‑20, 50‑15‑30, 50‑15‑40(D) and (E), 50‑15‑55, 50-15-70, and regulations promulgated pursuant to these sections.

(2) Each individual animal not covered by a legal exemption or authorization by the department is considered a separate violation. The court may order restitution for a violation of Sections 50‑15‑15, 50‑15‑20, 50‑15‑30, 50‑15‑40(D) and (E), 50‑15‑55, or 50-15-70.

(3) Upon the conviction of a violator, the department must revoke any permits issued pursuant to this chapter, and the violator is prohibited from applying to obtain another permit from the department directly or indirectly for a period of two years following the conviction.

(D) An enforcement officer employed and authorized by the department or a police officer of the State or a municipality or county within the State may conduct searches as provided by law and execute a warrant to search for and seize equipment, business records, merchandise, or wildlife taken, used, or possessed in connection with a violation of this article. The officer or agency, without a warrant, may arrest a person who the officer or agent has probable cause to believe is violating, in his presence or view, the article or a regulation or permit provided for by it. An officer or agent who has made an arrest of a person in connection with a violation may search the person or business records at the time of arrest and seize wildlife, records, or property taken or used in connection with the violation.

~~D)~~(E) Equipment, merchandise, wildlife, or records seized under subsection ~~(C)~~(D) must be held by an officer or agent of the department pending disposition of court proceedings and forfeited to the State for destruction or disposition as the ~~board~~ department considers appropriate. Before forfeiture, the ~~board~~ department may direct the transfer of wildlife seized to a qualified zoological, educational, or scientific institution for safekeeping. The costs of ~~the transfer~~ holding the confiscated wildlife and items are assessable to the defendant upon conviction. The department may promulgate regulations to implement this subsection.”

SECTION 8. Section 50‑15‑310(2) and (5) of the 1976 Code is amended to read:

“(2) ‘Alligator propagation facility’ means an enclosed area not located on public lands or waters, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters where alligators are bred or raised as captive animals generally for the purpose of the sale, barter, or trade of alligators, alligator parts, alligator meat, or alligator hides.

(5) ‘Commercial purposes’ means to derive income or other consideration of value or operating with the intent to derive income or other consideration of value.”

SECTION 9. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Gregory Grooms Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Peeler

Rankin Reese Rice

Scott Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**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. 5149 -- Reps. Forrest, Clyburn and Ott: A BILL TO AMEND SECTION 7‑7‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SALUDA COUNTY, SO AS TO ELIMINATE FIVE VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (JUD5149.004), which was adopted:

Amend the bill, as and if amended, page 2, line 12, by striking SECTION 2 in its entirety and inserting therein the following:

/ SECTION 2. This act takes effect January 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Gregory Grooms Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Peeler

Rankin Reese Rice

Scott Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**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**

H. 4724 -- Reps. Gilliard, Clyburn, Hosey, Jefferson, R. Williams and King: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY VETERAN HOMELESSNESS, UNEMPLOYMENT, JOB PLACEMENT, INCIDENCE OF POST‑TRAUMATIC STRESS DISORDER, ACCESS TO BASIC HUMAN SERVICES, AND OTHER ISSUES AFFECTING SOUTH CAROLINA VETERANS AND TO PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

The Senate proceeded to a consideration of the Resolution.

Senator SHEALY explained the Resolution.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Gregory Grooms Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Peeler

Rankin Reese Rice

Scott Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

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

**MOTION ADOPTED**

At 3:58 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

H. 3485 -- Reps. Jefferson, R. Williams, Cobb‑Hunter and Weeks: A BILL TO AMEND SECTION 12‑6‑3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12‑6‑5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

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

**Motion Adopted**

On motion of Senator ALEXANDER, with unanimous consent, the Senate proceeded to immediate consideration of H. 5201, the General Appropriations Bill.

**RECESS**

At 12:32 P.M., on motion of Senator MALLOY, the Senate receded from business.

At 12:58 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 5201, THE GENERAL APPROPRIATIONS BILL.**

**REPORT OF THE SENATE FINANCE**

**COMMITTEE ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 5201 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to consideration of the Bill.

The Committee on Finance proposed the following amendment (5201R008.KMM.HKL), which was adopted:

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

/PART I

Funding the Ordinary Expenses of State Government

SECTION 1. (A)(1) The authority to pay the recurring expenses of state government for the remainder of Fiscal Year 2020-2021 continues at the level of amounts appropriated pursuant to Act 135 of 2020 except as provided in SECTION 2.

(2) The effective dates of Parts IA and IB of Act 91 of 2019, as extended by Act 135 of 2020, are further extended by this act until June 30, 2021. Appropriations made pursuant to this act are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020‑2021.

(B) Notwithstanding debt service appropriations in Act 91 of 2019 and Act 135 of 2020, there is appropriated whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the General Reserve Fund, the Capital Reserve Fund, and to conduct the 2020 General Elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of county election commissions. The General Reserve Fund is established in the amount required by law. The Executive Budget Office shall, in conjunction with the Comptroller General and the State Treasurer, implement the necessary and appropriate accounting transactions to implement the provisions in this paragraph.

SECTION 2. (A) Notwithstanding the level of recurring base appropriations as otherwise provided for in SECTION 1 of this act, appropriations for the following purposes are:

(1) Department of Education

S tate Aid to Classrooms……………..………… $50,000,000

(2) Aid to Subdivisions - State Treasurer

Local Government Fund…………………………$11,687,035

(B) The Executive Budget Office is directed to make all necessary and appropriate adjustments to the chart of accounts to reflect the appropriations made pursuant to subsection (A).

(C) Funds appropriated in item (A)(1), State Aid to Classrooms, shall be distributed to school districts pursuant to the EIA Teacher Salary Supplement Methodology.

SECTION 3. (A) The revenue appropriated in subsection (B) is nonrecurring revenue from the following sources:

(1) FY 2018-19 Contingency Reserve Fund Balance……………………………………………… $103,451,091

(2) FY 2019-20 Undesignated/Unreserved Budgetary Fund Balance……………………………………... $671,514,950

Total……………………………………………….$774,966,041

(B) The State Treasurer shall disburse the following appropriations by September 30, 2020, for the purposes stated:

(1) Department of Administration, Executive Budget Office

Agency Mid-Year Reduction Reserve Fund…..……$500,000,000

(2) Department of Administration

COVID-19 Response Reserve Account…………… $70,000,000

(3) Department of Corrections Security and Safety Upgrades ……………………… $50,000,000

(4) Department of Education SC Public Charter Schools …$34,000,000

(5) Department of Education School Nurses…… $6,000,000

(6) Department of Parks, Recreation, and Tourism Marketing Outreach for Statewide Tourism Recovery………$10,000,000

(7) Department of Parks, Recreation, and Tourism Marketing

Marketing Grants for Tourism Recovery……… $30,000,000

(8) Department of Mental Health State Veterans Nursing Home

Construction - State Match - Central Region……$17,888,242

(9) State Board for Technical and Comprehensive Education

readySC Workforce Training Program………… $ 5,000,000

(10) State Election Commission Poll Workers - Additional Stipend

……………… $ 4,159,050

(11) Statewide Employee Benefits COVID-19 Hazard Pay Bonus

………………… $20,000,000

(C) There is created the Agency Mid-Year Reduction Reserve Fund to be administered by the Department of Administration, Executive Budget Office. If the Board of Economic Advisors reduces the revenue forecast for the fiscal year below the amount projected for the fiscal year in the forecast in effect on the date that this act becomes effective, then the Executive Budget Office must apply the funds appropriated in item (B)(1) to offset the shortfall. Upon the application of the funds to offset the shortfall, the Director of the Executive Budget Office immediately must notify the State Treasurer and the Comptroller General, and upon notification, the application of the funds is completed. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Executive Budget Office. The application of funds to offset a shortfall by the Director of the Executive Budget Office, under authority of this subsection, must be applied as uniformly as practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government. To the extent that funds are available, the provisions contained herein supersede the provisions contained in Section 11-9-1140 of the 1976 Code.

(D)(1) The Department of Parks, Recreation, and Tourism shall award at least $5,000,000 in grants from the funds appropriated in item (B)(6) for Marketing Outreach for Statewide Tourism Recovery to support recovery through the Emerging Destination Marketing program and the Undiscovered SC program. The program match requirements for these funds are suspended. The balance of the funds appropriated in item (B)(6) shall be used for advertising and marketing programs for increasing the number of people traveling within and to the State.

(2) The Department of Parks, Recreation, and Tourism shall distribute the funds appropriated in item (B)(7) as grants to the Destination Marketing Organizations located in the following five major tourism locations: Charleston, Columbia, Hilton Head Island, Greenville, and Myrtle Beach. The program match requirements for these funds are suspended.

(E)(1) Within ten days of the effective date of this act, the State Election Commission shall distribute funds appropriated in item (B)(10) to county election commissions to fund a one-time, supplemental one hundred seventy five dollar stipend for each person who serves as poll managers or clerks for the November 2020 General Election. The stipend provided for herein shall be paid to poll managers or clerks in addition to any other compensation received for their service.

(2) The Revenue and Fiscal Affairs Office shall determine the amount to be provided to each county election commission for the stipend by multiplying the weighted number of poll managers for each county by the amount of funds appropriated in item (B)(10). The weighted number of poll managers shall be determined as the maximum number of poll managers allowed per registered elector for each county polling place within the applicable county for a General Election pursuant to Section 7-13-72 of the 1976 Code, and proviso 102.2, as a ratio of the maximum number of poll managers allowed per registered elector for each county polling place within the State for a General Election pursuant to Section 7-13-72 of the 1976 Code, and proviso 102.2.

(3) After accounting for the additional stipend, a county election commission may expend such surplus funds to (a) purchase personal protective equipment, (b) cover costs associated with absentee voting, and (c) ensure the safe and secure conduct of statewide elections, including the purchase of election equipment in compliance with any federal mandates or laws.

(4) Any unexpended funds must be returned by a county election commission to the State Election Commission for deposit in the Contingency Reserve Account.

(F)(1) The Department of Administration shall utilize the funds appropriated in item (B)(11) to allocate among the various state agencies those funds necessary for each agency to provide a one-time, lump sum bonus for qualifying employees. Each agency head shall determine which of the agency’s employees are qualified to receive the bonus. Bonuses awarded pursuant to this subsection shall be in an amount not to exceed one thousand dollars per employee. If the maximum authorization for the bonuses is insufficient to provide a one thousand dollar bonus to each employee, then the amount of the bonus award must be reduced proportionately.

(2) In order for an employee to qualify to receive a bonus, the employee must have:

(a) been in a direct line position that provided direct services to the public or customers, or both, during the pandemic;

(b) physically reported to the workplace all or most of the workdays during the pandemic pursuant to Governor Henry McMaster’s Executive Order No. 2020-11 between March 19, 2020, until the start of Phase 2 of the Re-Entry Plan for State Employees on July 6, 2020;

(c) continuous state service from March 1, 2020, through September 1, 2020;

(d) been an active employee as of September 1, 2020, and on the date of distribution of the bonus; and

(e) an annual base salary of fifty thousand dollars or less as of September 1, 2020.

(3) All employees who meet the qualifications contained in item (2) qualify for the bonus regardless of whether the employee is in a full-time equivalent position, temporary grant position, time limited position or temporary position and regardless of the source of funds for the position.

(4) Employees in Leave Without Pay status, who are otherwise eligible to receive a bonus, will not receive the bonus until the employee returns to employment.

(5) The bonus provided for in this subsection is not part of the state employee’s base salary and is not earnable compensation for purposes of employer or employee contributions to the respective retirement systems.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 4. (A) All provisions contained in Part II of Act 135 of 2020 are extended for the remainder of the current fiscal year except as provided herein.

(B) The provisions contained in Act 135 of 2020, Part II, Section 4(D), relating to the suspension of teacher step increases, are deleted.

(C) The provisions contained in Act 135 of 2020, Part II, Section 5 are extended and amended by this act to include the following language as a separate paragraph at the end of Section 5 which shall be designated as subsection (D) to that section:

*If a participating employer in the South Carolina Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning implements a furlough program on or after March 1, 2020, the terms of which are consistent with the requirements of an approved mandatory furlough program established by a state agency or institution of higher learning pursuant to this section, the participating employer may, during the fiscal year in which the provisions of this section take effect, make any employee and employer contributions necessary to ensure that a furloughed employee's retirement benefits were not interrupted as a result of the furlough.*

SECTION 5. (A) All provisions contained in Part IB of Act 91 of 2019 that were extended pursuant to Act 135 of 2020 are further extended by this act for the remainder of the current fiscal year except as provided herein. All provisions contained in this Section are effective for Fiscal Year 2020-21.

(B) Proviso 1.3, as contained in Act 91 of 2019, which was extended pursuant to Act 135 of 2020, is amended by adding the following paragraph at the end of the proviso:

*For the purpose of maintaining consistency when calculating the Base Student Cost, the base student cost calculation shall include funds from State Aid to Classrooms consisting of the 65.59% of funds appropriated for State Aid to Classrooms allocated based on the Education Finance Act formula and the 5.68% that are allocated to fully implement the State Minimum Teacher Salary Schedule from the prior fiscal year along with the additional $50 million added to State Aid to Classrooms.*

(C) Section 11 of Part IB of Act 91 of 2019, relating to the Commission on Higher Education, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CHE: Palmetto Fellows Scholarship 2021 Eligibility) For Fiscal Year 2020-21, a high school senior who graduated in school year 2019-20 may earn the Palmetto Fellows Scholarship beginning Spring Semester 2021 if the student:*

*(1) filed a Palmetto Fellows Scholarship application with the Commission on Higher Education by June 30, 2020;*

*(2) met the eligibility criteria, with the exception of a qualifying SAT or ACT score;*

*(3) had registered to take the ACT scheduled in July 2020 and the exam was canceled; and*

*(4) earns a qualifying SAT or ACT score by December 31, 2020. To meet this requirement, students are allowed to choose to take either the SAT or ACT one time under this provision.*

*The Commission on Higher Education is charged with determining the eligibility of students who qualify to earn the Palmetto Fellows Scholarship. The Commission on Higher Education shall report to the Senate Finance Committee, Senate Education Committee, House Ways and Means Committee, and House Education and Public Works Committee the number of students who qualified for the Palmetto Fellows Scholarship under this paragraph by January 31, 2021.*

(D) Section 11 of Part IB of Act 91 of 2019, relating to the Commission on Higher Education, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CHE: LIFE Scholarship 2021 Eligibility) For Fiscal Year 2020-21, a high school senior who graduated in school year 2019-20 and is a recipient of the HOPE Scholarship may earn a LIFE Scholarship if the student obtains a qualifying SAT or ACT score by December 31, 2020. To meet this requirement, students are allowed to choose to take either the SAT or ACT one time under this provision.*

(E) Section 108 of Part IB of Act 91 of 2019, relating to the Public Employee Benefit Authority, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(PEBA: COVID-19 Return to Work Extension) For Fiscal Year 2020-21, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state’s public health preparedness and response to the COVID-19 virus.*

(F) Section 108 of Part IB of Act 91 of 2019, relating to the Public Employee Benefit Authority, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(PEBA: South Carolina Retiree Health Insurance Trust Fund) The provisions of Section 1-11-705(I)(2) of the 1976 Code are suspended for Fiscal Year 2020-21.*

(G) Proviso 108.6 as contained in Part IB of Act 91 of 2019, relating to the Public Employee Benefit Authority, which was extended pursuant to Act 135 of 2020, is amended to read:

108.6. (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the 1976 Code, employer and subscriber premiums for Plan Year ~~2020~~ *2021* shall remain the same as in Plan Year ~~2019~~ *2020*. Copayments for participants of the State Health Plan shall remain the same in Plan Year ~~2020~~ *2021* as in Plan Year ~~2019~~ *2020*. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during Plan Year ~~2020~~ *2021* to ensure the fiscal stability of the Plan.

(H) Proviso 98.9 as contained in Part IB of Act 91 of 2019, relating to the Office of the State Treasurer, which was extended pursuant to Act 135 of 2020, is amended by adding a new paragraph at the end to read:

*The penalty provisions in this proviso are suspended during Fiscal Year 2020-21 for municipalities. The State Treasurer is authorized and directed to release all funds withheld from municipalities in previous fiscal years due to a municipality not submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as required by Section 6-1-50 of the 1976 Code.*

(I) Section 105 of Part IB of Act 91 of 2019, relating to the Office of State Auditor, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(SFAA-AUD: Audited Financial Statements) The Office of State Auditor is directed to work with the State Fiscal Accountability Authority to issue a statewide contract for Fiscal Year 2020-21 for the performance of audited financial statements which municipalities could use for audits required by Section 5-7-240 of the 1976 Code. The State Auditor is directed to convene a working group of stakeholders to develop appropriate auditing requirements for municipalities and to make recommendations for the General Assembly’s consideration.*

(J) Section 93 of Part IB of Act 91 of 2019, relating to the Department of Administration, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(DOA: First Responder PTSD Treatment COVID-19 Transfers) The Department of Administration, Executive Budget Office is directed to transfer the following amounts from the COVID-19 Response Reserve Account to provide for post-traumatic stress disorder treatment for first responders:*

*(1)* *$250,000 to the Department of Labor, Licensing and Regulation, State Fire Marshal’s Office for First Responder PTSD Treatment. The department shall distribute funds to the South Carolina Firefighter Assistance Support Team to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers’ compensation claims and/or other insurance and the funds may also be utilized to provide services through the South Carolina Firefighter Assistance Support Team.*

*(2)* *$250,000 to the State Law Enforcement Division for First Responder PTSD Treatment. The funds shall be disbursed through the South Carolina Law Enforcement Assistance Program to reimburse law enforcement officers who* *incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through the workers’ compensation claims and/or other insurance and the funds may also be utilized to provide services through the South Carolina Law Enforcement Assistance Program.*

(K) Section 73 of Part IB of Act 91 of 2019, relating to the Office of Regulatory Staff, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(ORS: Establish Office of Broadband) The Office of Regulatory Staff is directed to establish the Office of Broadband as a program within the agency. The office shall serve as the State’s clearinghouse for all broadband-related issues. The functions of the office shall include, but not be limited to, receipt of federal and state funds, grant oversight, and broadband mapping and planning.*

(L) Section 83 of Part IB of Act 91 of 2019, relating to the Department of Employment and Workforce, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(DEW: CARES Act Relief Funds) The funds allocated to the Department of Employment and Workforce for the unemployment trust fund from the CARES Act Coronavirus Relief Fund shall be utilized to offset the unexpected losses to the unemployment trust fund between March 1, 2020 and December 30, 2020, resulting from the pandemic and to set the total effective rates for 2021 rate classes at the same total effective rates as 2020 rate classes.*

(M) Section 50 of Part IB of Act 91 of 2019, relating to the Department of Commerce, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered proviso to read:

*(CMRC: Transfer Funds to DOR for Auditors) The Department of Commerce, Coordinating Council for Economic Development is directed to permanently transfer funds to the Department of Revenue to hire two auditors for the review of economic development incentives and credits. The amount of funds to be transferred shall include salary and employer contributions and shall be determined by the Department of Revenue.*

(N) Proviso 1A.79 (SDE-EIA: McCormick County Schools), as contained in Act 91 of 2019, the general appropriations act for Fiscal Year 2019‑20, is deleted.

PART III

Miscellaneous Provisions

SECTION 6. Any provisions contained in Act 91 of 2019 or Act 135 of 2020 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. The provisions of this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

**Amendment No. 1**

Senators HARPOOTLIAN and CLIMER proposed the following amendment (5201R009.KMM.RAH),which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately numbered new subsection to read:

/ (\_) Section 50 of Part IB of Act 91 of 2019, relating to the Department of Commerce, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CMRC: Small Business Relief Fund) There is established at the Department of Commerce the Small Business COVID-19 Relief Grant Program. The program shall award grants of five thousand dollars to qualifying small businesses to provide monetary relief for business interruptions resulting from the COVID-19 public health emergency. The source of funds for the program is fifty million dollars from the department’s carry forward balance. To qualify, a business must employ ten or fewer employees and must have been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020. Grants shall be awarded in the order received until the program’s funds are exhausted.* /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

On motion of Senator CLIMER, the amendment was withdrawn.

**Amendment No. 3**

Senators HARPOOTLIAN, CLIMER and SHEHEEN proposed the following amendment (5201R015.KMM.RAH), which was adopted:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately lettered new subsection to read:

/ (\_) Section 50 of Part IB of Act 91 of 2019, relating to the Department of Commerce, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CMRC: Coordinating Council for Economic Development Membership) The membership of the Coordinating Council for Economic Development shall include two Senators, one appointed by the President of the Senate upon the recommendation of the members of the majority political party in the Senate and one appointed by the President of the Senate upon the recommendation of the members of the largest minority political party in the Senate, and two members of the House of Representatives, one appointed by the Speaker of the House of Representatives upon the recommendation of the members of the majority political party in the House of Representatives and one appointed by the Speaker of the House of Representatives upon the recommendation of the members of the largest minority political party in the House of Representatives.* /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

The amendment was adopted.

**Amendment No. 4**

Senator HEMBREE proposed the following amendment (5201R011.KMM.GH), which was adopted:

Amend the bill, as and if amended, in Part II, by striking SECTION 5(C)(4) and inserting:

/ *(4) earns a qualifying SAT or ACT score by December 31, 2020. To meet this requirement, students are allowed to choose to take either the SAT or ACT one time under this provision. The College Board and the ACT shall provide the Commission on Higher Education with the information necessary for the commission to determine the eligibility of students who qualify to earn the Palmetto Fellows Scholarship.* /

Amend the bill further, as and if amended, in Part II, by striking SECTION 5(D) and inserting:

/ (D) Section 11 of Part IB of Act 91 of 2019, relating to the Commission on Higher Education, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CHE: LIFE Scholarship 2021 Eligibility) For Fiscal Year 2020-21, a high school senior who graduated in school year 2019-20 and is a recipient of the HOPE Scholarship may earn a LIFE Scholarship beginning in the spring semester of 2021 if the student obtains a qualifying SAT or ACT score by December 31, 2020. To meet this requirement, students are allowed to choose to take either the SAT or ACT one time under this provision. The College Board and the ACT shall provide the student’s college or university with the information necessary for the college or university to determine whether students meet the requirements herein.* /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

**Amendment No. 5**

Senator SETZLER proposed the following amendment (5201R018.SP.NGS), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part I, SECTION 3, by striking subsection (D)(1) and inserting:

/ (D)(1) From the funds appropriated in subsection (B)(6) for Marketing Outreach for Statewide Tourism Recovery, the Department of Parks, Recreation, and Tourism shall award $100,000 to each of the eleven regional tourism offices and at least $3,900,00 in grants to support recovery through the Emerging Destination Marketing program and the Undiscovered SC program. The program match requirements for these funds are suspended. The balance of the funds appropriated in subsection (B)(6) shall be used for advertising and marketing programs for increasing the number of people traveling within and to the State. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was carried over.

**Motion Adopted**

On motion of Senator SETZLER, with unanimous consent, Amendmen 5 was withdrawn.

**Amendment No. 8**

Senator YOUNG proposed the following amendment (5201R019.KMM.TRY), which was adopted:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately lettered new subsection to read:

/ ( ) Proviso 117.159, as contained in Act 91 of 2019, which was extended pursuant to Act 135 of 2020, is amended to read:

117.159. (GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam inconsistent with the state’s policy and the General Assembly’s intent of maintaining the existing water quality and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at *approximately* elevation 114.5 ~~NAVD88~~ *feet mean sea level* for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational activities*, or such other conditions as deemed consistent with the intent of this provision by the Attorney General*. *Further, any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam must also be consistent with the requirements of the flowage rights, easements, and/or facilities that were secured by the Savannah River Navigation Commission pursuant to 1932 S.C. Acts 1190, and in order to satisfy the requirements of the United States for the construction and operation of the New Savannah Bluff Lock and Dam. In furtherance of this provision and in the event of any ambiguity regarding said flowage rights, easements, and/or facilities, the General Assembly herein affirms that these flowage rights, easements, and/or facilities that were conditioned upon the obligation that the United States would maintain the New Savannah Bluff Lock and Dam pool at elevation 114.5 feet mean sea level, and these enforceable terms and conditions in such rights and easements do not authorize, permit, or allow a lowering of pool elevation. Any change in a pool elevation to be maintained below 114.5 feet mean sea level, such as the change contemplated by the United States at the New Savannah Bluff Lock and Dam, requires the acquisition of additional flowage easement.* /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

**Amendment No. 2**

Senators HARPOOTLIAN, CLIMER and FANNING proposed the following amendment (5201R016.KMM.RAH), which was tabled:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately lettered new subsection to read:

/ (\_) Section 117 of Part IB of Act 91 of 2019, relating to General Provisions, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(GP: Earmark Suspension) Beginning on September 15, 2020 and for the remainder of Fiscal Year 2020-21, agencies are directed to suspend expenditures for earmarked projects. Funds for earmarked projects may be utilized by an agency to offset a shortfall in funding during the current fiscal year. Any funds for earmarked projects not utilized to offset a shortfall in funding shall lapse to the general fund on June 30, 2021. For the purposes of this proviso, “earmarked projects” means (1) an appropriation for a specific program or project that did not originate with a written agency budget request or that originated with the request of a member of the General Assembly or (2) a proviso or other communication to an agency directing the expenditure of funds appropriated to an agency for a purpose not originating with a written budget request or originating with the request of a member of the General Assembly. A ‘request of a member of the General Assembly’ includes a request made on behalf of a member of the General Assembly. The provisions contained herein are to be liberally construed to effectuate the intent of the General Assembly.* /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The question then was the adoption of the amendment.

Senator J. MATTHEWS moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senator DAVIS desired to be recorded as voting against the motion to table the amendment.

**Amendment No. 7**

Senator CAMPBELL proposed the following amendment (5201R014.SP.PGC), which was adopted:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately lettered new subsection to read:

/ (\_) Section 117 of Part IB of Act 91 of 2019, relating to General Provisions, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(GP: College and University COVID-19 Reporting) All two and four-year colleges, universities, and technical colleges shall report on their websites the active number of COVID-19 cases for enrolled students on campus and the cumulative number of COVID-19 cases beginning with the start of the fall 2020 semester. This information shall be updated on a weekly basis.* /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

**Amendment No. 9**

Senators CLIMER and HARPOOTLIAN proposed the following amendment (5201R020.KMM.RAH), which was tabled:

Amend the bill, as and if amended, in Part II, SECTION 5, by adding an appropriately numbered new subsection to read:

/ (\_) Section 50 of Part IB of Act 91 of 2019, relating to the Department of Commerce, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(CMRC: Small Business Relief Fund) There is established at the Department of Commerce the Small Business COVID-19 Relief Grant Program. The program shall award grants of five thousand dollars to qualifying small businesses to provide monetary relief for business interruptions resulting from the COVID-19 public health emergency. The source of funds for the program is thirty-seven million dollars from the department’s carry forward balance. To qualify, a business must employ ten or fewer employees and must have been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020. Grants shall be awarded in the order received until the program’s funds are exhausted.*/

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

**RECESS**

At 1:49 P.M., on motion of Senator ALEXANDER, with Senator HARPOOTLIAN retaining the floor, the Senate receded from business not to exceed 10 minutes.

At 2:00 P.M., the Senate resumed.

Senator HARPOOTLIAN resumed speaking on the amendment.

Senator ALEXANDER spoke on the amendment.

Senator SCOTT spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 10**

Senator SETZLER proposed the following amendment (5201R021.SP.NGS), which was adopted:

Amend the bill, as and if amended, Part I, SECTION 3, by striking subsection (D)(1) and inserting:

/ (D)(1) The Department of Parks, Recreation, and Tourism shall award at least $5,000,000 in grants from the funds appropriated in item (B)(6) for Marketing Outreach for Statewide Tourism Recovery to support recovery through the Emerging Destination Marketing program and the Undiscovered SC program. The program match requirements for these funds are suspended. Of the balance of the funds appropriated in item (B)(6), the Department of Parks, Recreation shall award $50,000 to each of the eleven regional tourism offices. The remaining $4,450,000 shall be used for advertising and marketing programs for increasing the number of people traveling within and to the State. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 11**

Senators TURNER and CORBIN proposed the following amendment (5201R022.KMM.TDC), which was adopted:

Amend the bill, as and if amended, PART II, SECTION 5, by adding an appropriately lettered new subsection to read:

/ (\_) Section 117 of Part IB of Act 91 of 2019, relating to General Provisions, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

/ *(GP: Job Order Contracting Pilot Program) For the current Fiscal Year, Procurement Services of the State Fiscal Accountability Authority may pilot test a job order contracting method on behalf of one or more governmental bodies or public procurement units by entering into job order contracts to acquire construction services when the exact time or exact quantities of future jobs are not known at the time of contract award. Procurement Services shall determine, in its sole discretion, which governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job order contracts with up to four businesses for each geographic area for each licensing classification and sub‑classification for construction.*

*For purposes of this proviso, the term ‘job order contract’ means a contract that provides for the issuance of job orders for the performance of construction, renovation, and repair work, where contractors propose an adjustment factor or factors to be applied to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where individual job orders are issued to the awarded contractors on an as-needed basis and the price paid for the work is a lump sum of the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.*

*For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant to Section 11‑35‑1550.*

*For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the order so the full price for the performance of the work can be established when the order is placed. All job orders must be issued on a fixed‑price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum value of the contract. Each job order shall provide an itemized list of each construction task~~s~~ required to complete the work with the task’s associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by a reviewer independent of the contractor.*

*Any solicitation for a job order contract must include the following:*

*(1) the period of the contract;*

*(2) the maximum dollar value of the services to be procured under the contract;*

*(3) the maximum dollar value of the services to be procured under a single job order;*

*(4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to submit a bid;*

*(5) the procedures that the governmental body will use for issuing job orders for the pilot program;*

*(6) if applicable, the geographic area to which the job order contract applies. Ordinarily, a geographically contiguous area should not be subdivided; and*

*(7) the number of job order contracts to be awarded.* /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

**Amendment No. 6**

Senator SETZLER proposed the following amendment (5201R017.SP.NGS), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part I, SECTION 3, by striking subsection (D)(1) and inserting:

/ (D)(1) The Department of Parks, Recreation, and Tourism shall award at least $5,000,000 in grants from the funds appropriated in item (B)(6) for Marketing Outreach for Statewide Tourism Recovery to support recovery through the Emerging Destination Marketing program and the Undiscovered SC program. The program match requirements for these funds are suspended. The eleven regional tourism offices that comprise the South Carolina Association of Tourism Regions are eligible to apply for these funds. The balance of the funds appropriated in item (B)(6) shall be used for advertising and marketing programs for increasing the number of people traveling within and to the State. /

Renumber sections to conform.

Amend title to conform.

**Motion Adopted**

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

The question then was second reading of the Bill.

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

**Ayes 40; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Climer

Corbin Cromer Davis

Fanning Gambrell Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Cash Rice Senn

**Total--3**

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

**H. 5201--Ordered to a Third Reading**

On motion of Senator ALEXANDER, with unanimous consent, H. 5201 was ordered to receive a third reading on Wednesday, September 16, 2020.

**Statement by Senator SENN**

Earlier today I made a remark that the amendment which was before us to the Budget Bill did a lot of good things but it failed to appropriate funds for the teacher raises which we have been promising for two years. Education is a top priority for many South Carolinians including me.  In looking at the amendment, I saw 40 million dollars going to Parks, Recreation and Tourism with only 50 million dollars going to minor step raises for teachers. Because Parks, Recreation and Tourism has a history of a place to hide hidden earmarks, I was concerned about the optics of providing 40 million dollars of state money to what most people think go to “parks” since that word is what Parks, Recreation and Tourism starts with and NOT appropriating enough to cover the promised teachers raises.

My remark in no way was meant to object to funds which would go to food and beverage or other tourism-related businesses which have suffered greatly, in fact the most of any industry, due to Covid-19.   My work since Covid-19 caused the shut-down of our business has not been insignificant.  I worked many long hours helping not just the food and beverage industry but others to guide their employees through the unemployment system, something most of them had never been through before.  This was at a time when our unemployment system was overwhelmed and unable to process the numerous unemployment claims while at the same time laid off workers were panicking as to how they could make ends meet with no job and no unemployment assistance.  I feel sure many food and beverage and tourism-related employees who live in my district will attest to the substantial effort my staff and I gave to successfully assist them. Further, I pushed the Governor’s office to reopen our economy to include tourism and food and beverage related businesses and our beaches and parks. Thus, my intent was to chastise the fact that we did not appropriate enough funds for teacher raises as we had promised and yet provided 40 million dollars in funding to what most people think are “parks” where it was revealed last year that the Parks, Recreation and Tourism budget historically contained earmarks for pet projects of legislators.

The more appropriate remark that I should have made was that we, in the Senate, failed to appropriate the needed teacher raises and ended it there without a making a distinction as to money budgeted to go elsewhere. I do support any funding that will go to help our food and beverage and other tourism driven or other businesses thrive.

I did not vote for the Budget Bill for the reason I stated, however-- which was that we should have appropriated teacher funding.

**Motion Adopted**

On motion of Senator ALEXANDER, with unanimous consent, the Senate proceeded to consideration of H. 3210.

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AMEND ACT 80 OF 2013, RELATING TO THE HIGH GROWTH SMALL BUSINESS JOB CREATION ACT, SO AS TO REAUTHORIZE THE ACT FOR AN ADDITIONAL SIX YEARS.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (3210R004.KMM.HKL), which was adopted:

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

/ PART I

Expenditure Authorizations and Reimbursement

SECTION 1. The State of South Carolina received funds from the federal “Coronavirus Aid, Relief, and Economic Security Act” (hereinafter referred to as the CARES Act). A portion of those funds have been reimbursed for authorized expenditures pursuant to Act 142 of 2020. The source of revenue authorized for expenditure and reimbursement in SECTION 3 is the remaining portion of the CARES Act funds that remain on deposit in the Coronavirus Relief Fund established and maintained by the Executive Budget Office pursuant to Act 135 of 2020.

SECTION 2. (A) The expenditure authorizations contained in SECTION 3(A), (C), and (G) are supplemental to the expenditure authorizations for the same purposes as contained in Act 142 of 2020. The remaining expenditure authorizations contained in SECTION 3 may be reimbursed by the Executive Budget Office from the Coronavirus Relief Fund.

(B) State agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals shall maximize the use of federal funds made available in this act wherever possible within the allowable uses. If any reimbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, then the recipient or subrecipient shall promptly return the funds disbursed to the Executive Budget Office for deposit in the Coronavirus Relief Fund.

(C) To maximize the benefit of all funds received by the State, all state agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals are directed to coordinate expenditure reimbursements through, and in consultation with, the Department of Administration and the grant manager. State agencies, and institutions of higher learning, including technical colleges, shall submit to the Executive Budget Office a detailed budget plan for any funding received that is related to COVID-19, regardless of the source. Counties, municipalities, special purpose districts, hospitals, and independent colleges and universities shall submit to the Executive Budget Office information sufficient to identify other COVID-19 related funding that they are receiving, regardless of the source, and provide a detailed accounting of how the funding is being used.

SECTION 3. State agencies are authorized to expend federal funds in the Coronavirus Relief Fund if the expenditure is in compliance with the CARES Act. The Executive Budget Office is authorized to reimburse from the Coronavirus Relief Fund, up to the amounts listed below in each category, expenditures compliant with the CARES Act by the following sectors: state agencies, institutions of higher learning, counties, municipalities, special purpose districts, public and private hospitals, non-profit and minority businesses.

(A) Department of Health and Environmental Control Statewide Testing and Monitoring……..……………………………$73,022,613

(B) Medical University of South Carolina Statewide Testing……………………….……………………………$20,150,000

(C) Department of Employment and Workforce UnemploymentTrust Fund……………………………………………………...$420,000,000

(E) Department of Administration Nonprofit (501(c)(3)) Relief Program……………………………………………………$20,000,000

(F) Department of Administration Minority Business Relief Program…………………………………………………….$20,000,000

(G) Department of Administration State, Local Government, Independent College and University Expenditures ……… $115,000,000

PART II

Directives to Receiving Entities

SECTION 4. The Department of Education is authorized to utilize unexpended authorizations contained Section 3(B) of Act 142 of 2020 for the costs associated with the following:

(1) School safety measures taken in response to COVID-19, including, but not limited to, purchasing masks, gloves, wipes, hand sanitizer, face shields, cleaning solution, Plexiglas, and other cleaning equipment and supplies.

(2) Additional expenses incurred by Virtual SC in response to COVID-19.

(3) Hire or contract for school nurse services for those schools that do not have a full-time school nurse.

(4) Tutoring, supplemental services, and support services to include services for unengaged students, interventionists, and after school learning extensions that prioritize face-to-face instruction focused on students with identified reading or math difficulties and students with IEPs to address deficits resulting from COVID-19.

(5) Technology purchases of devices and connectivity equipment to support online learning resulting from COVID-19.

It is the intent of the General Assembly that reimbursements for item (1) - school safety measures - be the department’s first priority for reimbursement.

SECTION 5. (A) There is established through the SC CARES Grant Management Program a nonprofit entity reimbursement grant program with the funds authorized in Section 3(E). The program shall award grants to qualifying nonprofit entities to reimburse the qualifying nonprofit entity for some, or all, of the costs associated with qualifying expenditures incurred, or expected to be incurred, by the qualifying nonprofit entity between March 1, 2020, and December 1, 2020. A qualifying nonprofit entity may receive a grant in an amount between two thousand five hundred dollars and fifty thousand dollars. Nonprofit entities must apply for grants no later than November 1, 2020.

(B)(1) Applications for grants shall be made to the panel established in item (2). An applicant shall provide the panel with information concerning the applicant’s expenditures for which the applicant seeks a grant. Grants shall be awarded for qualifying expenditures in amounts determined by the panel. Priority shall be given to applications for expenditures related to (1) food assistance, including prepared meals; (2) rent or mortgage assistance; (3) utilities assistance; (4) mental health counseling; and (5) health care services and access to health care supplies.

(2)(a) Applications for grants shall be evaluated and awarded by a panel consisting of:

(i) the Director of the Department of Social Services, or his designee;

(ii) the Director of the Department of Mental Health, or his designee;

(iii) the Director of the Department of Consumer Affairs, or his designee;

(iv) the Director of the Department of Health and Human Services, or his designee;

(v) the Director of the Department of Alcohol and Other Drug Abuse Services, or his designee; and

(vi) the Secretary of State, or his designee.

(b) The panel shall meet as often as is necessary to fulfill its obligations as provided herein. The panel may utilize remote technology for meetings or other activities as necessary. The Department of Administration shall assist with the coordination of the panel’s meetings.

(c) The panel shall develop an application and establish criteria for the evaluation of applications that is consistent with the requirements contained herein, including the priorities identified in item (B)(1). During its evaluation of applications, the panel shall give consideration to the geographic distribution of services provided by the qualifying expenditures so that grants are awarded on a statewide basis.

(d) The Department of Administration shall provide staff support for the panel. The Department of Administration, in conjunction with SC CARES Grant Management Program, shall confirm that all reimbursement requests in the grant applications comply with federal CARES Act requirements.

(C) For the purposes of the nonprofit entity reimbursement grant program established herein:

(1) ‘qualifying nonprofit entity’ means a 501(c)(3) that has been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020; and

(2) ‘qualifying expenditure’ means an expenditure of funds related to services provided to people in response to the COVID-19 public health emergency. The definition of qualifying expenditure does not include any expenditure that qualified the nonprofit entity to receive federal emergency relief funds, including the Paycheck Protection Program, if the nonprofit entity has, or will, receive the federal emergency relief funds.

SECTION 6. (A) There is established through the SC CARES Grant Management Program a minority business enterprise reimbursement grant program with the funds authorized in Section 3(F). The program shall award grants to qualifying minority business enterprises to reimburse the enterprise for some, or all, of the costs associated with qualifying expenditures incurred, or expected to be incurred, by the qualifying minority business enterprise between March 1, 2020, and December 1, 2020. A qualifying minority business enterprise may receive a grant in an amount between two thousand five hundred dollars and fifty thousand dollars. Minority business enterprises must apply for grants no later than November 1, 2020.

(B) Applications for grants shall be made to the SC CARES Grant Management Program. An applicant shall provide the SC CARES Grant Management Program with information concerning the applicant’s expenditures for which the applicant seeks a grant. The grant manager shall evaluate grant applications to confirm that all reimbursement requests in the grant applications comply with federal CARES Act requirements.

(C) Funding priority shall be given to a minority business enterprise as certified in item (D)(1) that is also economically and socially disadvantaged as defined by the Small Business Administration. This funding priority shall be determined by the Commission for Minority Affairs and forwarded to the SC Cares Grant Management Program. The SC CARES Grant Management Program shall award grants consistent with the requirements of this section and in order of the funding priority established by the Commission on Minority Affairs. Should the total amount awarded to applicants assigned priorities exceed the amount authorized in Section 3(F), then amounts shall be awarded to priority applicants in order of the date the application was received.

(D) For the purposes of the minority business enterprise reimbursement grant program:

(1) ‘minority business enterprise’ means an enterprise certified by the South Carolina Division of Small and Minority Business Contracting and Certification Office that has been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020; and

(2) ‘qualifying expenditure’ means costs associated with business interruptions resulting from the COVID-19 public health emergency and any expenses deemed necessary and incurred as a result of the COVID-19 health emergency. The definition of qualifying expenditure does not include any expenditure that qualified the minority business enterprise to receive federal emergency relief funds, including the Paycheck Protection Program, if the minority business enterprise has, or will, receive the federal emergency relief funds.

SECTION 7. The funds authorized for the Department of Health and Environmental Control pursuant to Section 3(A) must be utilized in the manner prescribed for the Statewide Testing Plan established in Section 7 of Act 142 of 2020.

SECTION 8. The funds authorized for the Medical University of South Carolina pursuant to Section 3(B) for statewide testing shall be utilized to continue the Medical University’s COVID-19 at-risk testing initiative.

SECTION 9. (A)(1) State agencies, public institutions of higher learning, counties, municipalities, and special purpose districts are authorized to apply for reimbursement of expenditures necessary for the response to the COVID-19 public health emergency incurred, or expected to be incurred, between July 1, 2020, and December 30, 2020.

(2) Independent colleges and universities that are member institutions of the South Carolina Independent Colleges and Universities non-profit corporation are authorized to apply for reimbursement of expenditures that were necessary for the response to the COVID-19 public health emergency incurred, or expected to be incurred, between March 1, 2020, and December 30, 2020.

(3) All applications for reimbursement shall be submitted to the SC CARES Grant Management Program on or before November 15, 2020.

(B) If the Executive Budget Office determines that the amount of eligible expenditures through December 30, 2020, exceeds the authorizations provided for in Act 142 of 2020 and Section 3(G) of this act, then the Executive Budget Office is authorized to prioritize the remaining reimbursements for expenses incurred as a result of COVID-19 in the following order:

(1) institutions of higher learning, including member institutions of the South Carolina Independent Colleges and Universities non-profit corporation, for expenses related to providing virtual and in-person educational services for students enrolled for the fall 2020 semester;

(2) state agencies;

(3) county governments;

(4) municipal governments; and

(5) special purpose districts.

SECTION 10. Excess funds authorized in Section 9 of Act 142 of 2020 for the Hospital Relief Fund shall be used for the reimbursement of eligible hospital expenditures incurred on or before September 30, 2020. No hospital shall be reimbursed for expenses that were already reimbursed from the fund or which were eligible for reimbursement from any other fund source. The Executive Budget Office shall distribute the balance of the Hospital Relief Fund to hospitals based upon their respective shares of their unreimbursed and validated expenditures incurred due to the COVID-19 public health emergency.

SECTION 11. To ensure that the State of South Carolina maximizes the use of federal funds authorized through the Coronavirus Relief Fund, the Director of the Executive Budget Office is authorized to reallocate any unused authorization in a particular enumerated item in this act and in Act 142 of 2020 to any enumerated item for which approved reimbursements exceed the authorization. This reallocation may not be implemented prior to December 1, 2020. Should this condition be met in multiple authorizations, the Director shall reallocate any unused authorization according to the following prioritization:

(1) Department of Employment and Workforce - Unemployment Trust Fund;

(2) Department of Health and Environmental Control - Statewide Testing and Monitoring;

(3) Medical University of South Carolina - Statewide Testing;

(4) State Department of Education - Uses Authorized in SECTION 4 of this Act;

(5) Department of Administration - State, Local Government, Independent Colleges and University Expenditures;

(6) Department of Administration - Minority Business Relief Program;

(7) Department of Administration - Nonprofit (501(c)(3)) Relief Program;

(8) Department of Administration - Executive Budget Office Hospital Relief Program;

(9) Adjutant General - Emergency Management Division Personal Protective Equipment Stockpile and Supply Chain; and

(10) Office of Regulatory Staff - Broadband Mapping and Planning, Infrastructure, and Mobile Hotspots.

PART III

Miscellaneous Provisions

SECTION 12. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 13. The provisions of this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

Senator VERDIN proposed the following amendment (3210R006.KMM.DBV), which was adopted:

Amend the bill, as and if amended, in Part II, by adding a sentence at the end of SECTION 9(A)(2) to read:

/ Bob Jones University is also authorized to apply for reimbursement of expenditures that were necessary for the response to the COVID-19 public health emergency that were incurred, or expected to be incurred, between March 1, 2020, and December 30, 2020. /

Amend the bill further, as and if amended, in Part II, by striking SECTION 9(B)(1) and inserting:

/ (1) institutions of higher learning, including member institutions of the South Carolina Independent Colleges and Universities non-profit corporation and Bob Jones University, for expenses related to providing virtual and in-person educational services for students enrolled for the fall 2020 semester; /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

Senators SCOTT and FANNING proposed the following amendment (3210R013.KM.JS), which was adopted:

Amend the bill, as and if amended, in Part II, by adding a sentence at the end of SECTION 9(A)(2) to read:

/Clinton College is also authorized to apply for reimbursement of expenditures that were necessary for the response to the COVID-19 public health emergency that were incurred, or expected to be incurred, between March 1, 2020, and December 30, 2020. /

Amend the bill further, as and if amended, in Part II, by striking SECTION 9(B)(1) and inserting:

/ (1) institutions of higher learning, including member institutions of the South Carolina Independent Colleges and Universities non-profit corporation and Clinton College, for expenses related to providing virtual and in-person educational services for students enrolled for the fall 2020 semester; /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (3210R008.KMM.VAS), which was adopted:

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

/ SECTION \_\_. Section 108 of Part IB of Act 91 of 2019, relating to the Public Employee Benefit Authority, which was extended pursuant to Act 135 of 2020, is amended by adding an appropriately numbered new proviso to read:

*(PEBA: COVID-19 Return to Work Extension) For Fiscal Year 2020-21, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state’s public health preparedness and response to the COVID-19 virus.* /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator TALLEY proposed the following amendment (3210R010.KMM.SFT), which was adopted:

Amend the bill, as and if amended, Part I, SECTION 5, by striking subsection (B)(1) and inserting:

/ (B)(1) Applications for grants shall be made to the panel established in item (2). An applicant shall provide the panel with information concerning the applicant’s expenditures for which the applicant seeks a grant. Grants shall be awarded for qualifying expenditures in amounts determined by the panel. Priority shall be given to applications for expenditures related to (1) food assistance, including prepared meals; (2) rent or mortgage assistance; (3) utilities assistance; (4) mental health counseling; (5) health care services and access to health care supplies; and (6) criminal domestic violence and children’s advocacy services. /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

Senator HARPOOTLIAN proposed the following amendment (3210R011.SP.RAH), which was withdrawn:

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

/ SECTION \_\_. (A) Of the funds appropriated to the Department of Health and Environmental Control in SECTION 3(A), the department must use up to $500,000 to facilitate the Health and Equity Corps partnership between the City of Columbia and the University of South Carolina to carry out the following purposes:

(1) to train community health workers and facilitate the development of a community health worker program in under-resourced, vulnerable communities to address immediate health needs and social determinants of health, thereby advancing health equity and reducing health disparities;

(2) to develop a culturally competent contact tracing program with community health workers representing diverse backgrounds and engaging community involvement; and

(3) to include community health workers and other change agents in communities of color and underserved communities. /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

Senator CASH proposed the following amendment (3210R012.KMM.RJC), which was tabled:

Amend the bill, as and if amended, PART II, by striking SECTION 6 in its entirety and inserting:

/SECTION 6. (A) There is established through the SC CARES Grant Management Program a qualifying business reimbursement grant program with the funds authorized in SECTION 3(F). The program shall award grants to qualifying businesses to reimburse the businesses for some, or all, of the costs associated with qualifying expenditures incurred, or expected to be incurred, by the qualifying businesses between March 1, 2020, and December 1, 2020. Grants shall be awarded on a first come, first served basis. A qualifying business may receive a grant in an amount between two thousand five hundred dollars and fifty thousand dollars. Businesses must apply for grants no later than November 1, 2020.

(B) Applications for grants shall be made to the SC CARES Grant Management Program. An applicant shall provide the SC CARES Grant Management Program with information concerning the applicant’s expenditures for which the applicant seeks a grant. The grant manager shall evaluate grant applications to confirm that all reimbursement requests in the grant applications comply with federal CARES Act requirements.

(C) For the purposes of the qualifying business reimbursement grant program:

(1) “Qualifying business” means a business for which its owner has an adjusted gross income of fifty thousand dollars or less on his most recent federal income tax return.

(2) “Qualifying expenditure” means costs associated with business interruptions resulting from the COVID-19 public health emergency and any expenses deemed necessary and incurred as a result of the COVID-19 health emergency. The definition of qualifying expenditure does not include any expenditure that qualified the qualifying business to receive federal emergency relief funds, including the Paycheck Protection Program, if the qualifying business has, or will, receive federal emergency relief funds. /

Amend the bill further, as and if amended, PART I, SECTION 3, by striking subsection (F) and inserting:

/ (F) Department of Administration Low-Income Business Relief Program…………………………………………………...$ 20,000,000 /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 19; Nays 21; Abstain 2**

**AYES**

Alexander Allen Fanning

Harpootlian Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Matthews, Margie* McLeod

Nicholson Reese Sabb

Scott Setzler Sheheen

Williams

**Total--19**

**NAYS**

Bennett Campbell Campsen

Cash Climer Corbin

Davis Gambrell Gregory

Grooms Hembree Loftis

Martin Massey Peeler

Rankin Shealy Talley

Turner Verdin Young

**Total--21**

**ABSTAIN**

Rice Senn

**Total--2**

The motion to lay the amendment on the table failed.

The amendment was carried over.

Senator JACKSON spoke on the amendment.

Senator JACKSON moved to lay the amendment on the table.

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

**Ayes 28; Nays 12; Abstain 1**

**AYES**

Alexander Allen Bennett

Campbell Cromer Davis

Fanning Gregory Harpootlian

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Matthews, Margie* McLeod

Nicholson Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Williams

Young

**Total--28**

**NAYS**

Campsen Cash Climer

Corbin Grooms Loftis

Martin Massey Peeler

Talley Turner Verdin

**Total--12**

**ABSTAIN**

Rice

**Total--1**

The amendment was laid on the table.

Senator SABB spoke on the Bill.

**RECESS**

At 2:58 P.M., on motion of Senator SABB, the Senate receded from business until 3:00 P.M.

At 3:00 P.M., the Senate resumed.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Climer

Corbin Cromer Davis

Fanning Gambrell Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Martin Massey

*Matthews, Margie* McLeod Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Cash Rice

**Total--2**

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

**H. 3210--Ordered to a Third Reading**

On motion of Senator ALEXANDER, H. 3210 was ordered to receive a third reading on Wednesday, September 16, 2020.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow at 1:00 P.M.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Jason Winfield Stapleton, 71 Clemson Street, Williston, SC 29853-6501

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

Whilden V. Baggett, 105 Bonneau Street, Bonneau, SC 29431-8620

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

Ava Bryant, 14 North Basilica Ave., Hanahan, SC 29410-8648

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

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

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

Ellen L. Karesh, 105 Haleswood Circle, Goose Creek, SC 29455-7081

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

Paula F. McElvogue, 105 Worlingham Ct., Goose Creek, SC 29445-5333

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

Brian B. West, 1618 Pinopolis Road, Moncks Corner, SC 29461-5919

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

Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468-3211

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

Craig L. LaCross, 115 Camp Road, Darlington, SC 29532-6220

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

Charles Frances Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

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

Curtis Cousins, 1633 Kallaramo Rd., Rock Hill, SC 29732-1548 *VICE* Lewis D. Malphrus

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

William Brown Simpson, Jr., 1363 Auten Rd., Rock Hill, SC 29730-8632

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator McLEOD were ordered printed in the Journal of September 2, 2020:

**Remarks by Senator McLEOD**

I don’t come to the well often. In fact, this is the first time I’ve been back to this Chamber since we abruptly adjourned in March, shortly after this global pandemic was announced.

I think South Carolina was anticipating about 8,000 coronavirus cases by August...which, at the time, seemed like a lot. But, by the beginning of August, we actually had probably ten times that many cases and too many deaths.

And over the past five months, each of us has lost someone we know or someone we love to this deadly virus and yet, we’re still playing Russian roulette instead of figuring out a way for those of us who have preexisting health conditions or those who are of advanced age to safely participate in the legislative and elections processes.  
 We say we’re family, but families look out for each other. Families protect each other. How can we say we’re family when we know that each time we reconvene in this Chamber -- in this building -- we’re risking the lives of our own family members? And I’m not just talking about us. I’m talking about our staff members and their families, too.

Many of them are risking their lives to be here, just like I am. Why does it take death for us to make even the smallest changes? Now that we know the pain of losing loved ones, how can we even debate the fact that additional safety measures must be taken to protect our constituents and community members when they go to their polling places this November.

Exercising our Constitutional right to vote should be fiercely protected at all costs -- at all times -- especially during a deadly pandemic that continues to wreak havoc on our state’s most vulnerable.

I came to this well earlier this year because we lost a dear colleague and friend to sickle cell anemia. She and I had that disease in common. And what you may not know about battles with sickle cell is that I’ve had pneumonia at least four times over the course of my life -- some of those times were near-death experiences. I’ve also had other complications of sickle cell --blood clots and a stroke five years ago.

What we now know about COVID-19 is that it causes all of those life-threatening complications -- even for some who have no preexisting conditions like sickle cell. Imagine the concerns of voters across S.C. who will have to make a life or death decision in November if we don’t do the right thing today. We say we’re family -- let’s do what families do. Let’s protect each other.

**Motion Adopted**

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

**ADJOURNMENT**

At 4:02 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

\* \* \*

**SENATE JOURNAL INDEX**

Amendment No. 1 **47**

Amendment No. 2 **51**

Amendment No. 3 **48**

Amendment No. 4 **49**

Amendment No. 5 **50**

Amendment No. 6 **53**, **56**

Amendment No. 7 **52**

Amendment No. 8 **50**

Amendment No. 9 **53**

Amendment No. 10 **54**

Amendment No. 11 **54**

S. 1121 **15**

S. 1259 **4**

S. 1263 **23**

S. 1264 **7**

S. 1265 **8**

S. 1266 **8**

S. 1267 **8**

S. 1268 **9**

S. 1269 **9**

S. 1270 **9**

S. 1271 **9**

S. 1272 **9**

H. 3200 **13**

H. 3210 **10**, **59**

H. 3257 **6**

H. 3351 **26**

H. 3485 **37**

H. 3596 **24**

H. 3755 **24**

H. 3800 **5**

H. 4327 **25**

H. 4431 **10**

H. 4663 **11**

H. 4724 **36**

H. 4831 **28**

H. 4938 **11**

H. 4940 **6**

H. 4963 **7**

H. 5030 **11**

H. 5034 **14**

H. 5149 **34**

H. 5201 **12**, 38

H. 5202 **14**

H. 5413 **4**