**NO. 52**

**JOURNAL**

**OF THE**

**SENATE**

**OF THE**

**STATE OF SOUTH CAROLINA**

****

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

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**TUESDAY, SEPTEMBER 22, 2020**

**Tuesday, September 22, 2020**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Proverbs 4:13

“Take hold of instruction, do not let go. Guard her, for she is your life.”

Let us pray. Gracious God, providing a good education for all our children is fundamental to their ability to succeed and be useful members of this great country.

Today we lift up to You in prayer all those who are involved in education here in South Carolina: public and private classroom teachers and aides, parents who are trying to facilitate learning at home, college and university professors, staff and administrators and also all those who are helping to innovate and teach in this Covid-19 pandemic.

We also pray for all students who must now learn in a new and sometimes confusing environment. Give them patience and perseverance.

Gracious God, we pray that You will guide and encourage our Governor and our Senators and all elected officials as they strive to work together to fund and to educate in an unknown future. May they all know and feel Your assurance that You, O Lord, have a plan for our future.

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

**Point of Quorum**

At 12:07 P.M., Senator KIMPSON made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Deatrice Barrett Curtis, P. O. Box 185, Darlington, SC 29540-0185

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

Robert A. Stanton, Jr., P.O. Box 418, Bennettsville, SC 29512-0418

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Patty Smith, 3145 Upper Mill Road, McCormick, SC 29835-7243

Reappointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence June 30, 2020, and to expire June 30, 2024

Michael D. Snow, 3404 Pampas Drive, Myrtle Beach, SC 29577

Reappointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence June 30, 2020, and to expire June 30, 2024

Myrtle Beach City Council:

Walt Whittier, 305 Sunset Trail, Myrtle Beach, SC 29577

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

Isaac B. Dickson, Jr., 109 Lakeland Ave., Moore, SC 29369-9799 *VICE* Donnie Benjamin Blackley

Initial Appointment, Spartanburg County Master-in-Equity, with the term to commence April 30, 2019, and to expire April 30, 2023

Ollie Dean Ledford, Jr., 500 Independence Dr., Roebuck, SC 29376-3339

**Leave of Absence**

At 12:11 P.M., Senator SABB requested a leave of absence for Senator SHEHEEN for the day.

**Leave of Absence**

At 12:11 P.M., Senator FANNING requested a leave of absence for Senator McLEOD until 12:40 P.M.

**Leave of Absence**

At 12:12 P.M., Senator TURNER requested a leave of absence for Senator SHEALY for the day.

**Leave of Absence**

At 12:12 P.M., Senator HEMBREE requested a leave of absence for Senator BENNETT for the day.

**Leave of Absence**

At 2:19 P.M., Senator M.B. MATTHEWS requested a leave of absence for Senator DAVIS for the day.

**Leave of Absence**

At 2:19 P.M., Senator CORBIN requested a leave of absence for Senator MARTIN for the day.

**Expression of Personal Interest**

Senator KIMPSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator M.B. MATTHEWS rose for an Expression of Personal Interest.

**CO-SPONSOR ADDED**

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

S. 719 Sen. Campsen

**RECALLED AND READ THE SECOND TIME**

H. 3359 -- Reps. Yow and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑151 SO AS TO PROVIDE THAT AN APPLICANT FOR A DRIVER’S LICENSE MAY APPLY TO OBTAIN A VETERAN DESIGNATION ON HIS DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS AND DRIVERS’ LICENSES THAT CONTAIN A VETERAN DESIGNATION, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT AN APPLICANT FOR A DRIVER’S LICENSE MAY APPLY TO OBTAIN A VETERAN DESIGNATION ON HIS DRIVER’S LICENSE.

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

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

Senator GROOMS asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator GROOMS, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**Motion Under Rule 26B**

Senator GROOMS asked unanimous consent to make a motion to give the Bill second reading and take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**Call of the Senate**

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

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Davis

Fanning Goldfinch Gregory

Grooms Hembree Hutto

Jackson Johnson Kimpson

Leatherman Loftis Malloy

Martin Massey *Matthews, John*

*Matthews, Margie* McElveen McLeod

Nicholson Peeler Rankin

Reese Rice Sabb

Scott Setzler Talley

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

**ACTING PRESIDENT PRESIDES**

Senator CAMPBELL assumed the Chair.

**Retirement Recognition for Senator JOHN MATTHEWS**

S. 1275 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE JOHN W. MATTHEWS, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS THIRTY-SIX YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

Senator JOHN MATTHEWS addressed the Senate.

On behalf of the Governor Henry D. McMaster, the PRESIDENT presented the Order of the Palmetto to Senator JOHN MATTHEWS.

On behalf of Congressman James Clyburn, Senators JACKSON and McELVEEN presented a copy of the Congressional Record.

**ACTING PRESIDENT PRESIDES**

Senator CAMPBELL assumed the Chair.

**Retirement Recognition for Senator CAMPBELL**

S. 1276 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE PAUL G. CAMPBELL, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS THIRTEEN YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

Senator CAMPBELL addressed the Senate.

On behalf of the Governor Henry D. McMaster, the PRESIDENT presented the Order of the Silver Crescent to Senator CAMPBELL.

**ACTING PRESIDENT PRESIDES**

Senator JOHN MATTHEWS assumed the Chair.

**Retirement Recognition for Senator GREGORY**

S. 1277 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE CHAUNCEY K. "GREG" GREGORY UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS COMBINED TWENTY-FIVE YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

Senator GREGORY addressed the Senate.

On behalf of the Governor Henry D. McMaster, the PRESIDENT presented the Order of the Palmetto to Senator GREGORY.

**Remarks to be Printed**

On motion of Senator SETZLER, with unanimous consent, the remarks of Senators GREGORY, CAMPBELL and JOHN MATTHEWS, when reduced to writing and made available to the Desk, would be printed in the Journal.

**PRESIDENT PRESIDES**

At 1:45 P.M., the PRESIDENT assumed the Chair.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1275 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE JOHN W. MATTHEWS, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS THIRTY-SIX YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1276 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE PAUL G. CAMPBELL, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS THIRTEEN YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1277 -- Senators Peeler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND RECOGNIZE THE HONORABLE CHAUNCEY K. "GREG" GREGORY UPON THE OCCASION OF HIS DEPARTURE FROM THE SOUTH CAROLINA SENATE, TO COMMEND HIM FOR HIS COMBINED TWENTY-FIVE YEARS OF DISTINGUISHED SERVICE TO THIS BODY, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1278 -- Senators M. B. Matthews, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE PERRY M. BUCKNER III UPON THE OCCASION OF HIS RETIREMENT FROM THE FOURTEENTH JUDICIAL CIRCUIT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1279 -- Senators M. B. Matthews, Kimpson, Nicholson, McElveen, Allen, Johnson and Shealy: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF THE HONORABLE RUTH BADER GINSBURG AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

**Recorded Vote**

Senator VERDIN desired to be recorded as voting against the adoption of the Resolution.

S. 1280 -- Senators Davis, Campsen and M. B. Matthews: A JOINT RESOLUTION TO PROVIDE THAT A DEFAULTING TAXPAYER, ANY GRANTEE FROM THE OWNER, OR ANY MORTGAGE OR JUDGMENT CREDITOR MAY WITHIN TWENTY-FOUR MONTHS FROM THE DATE OF THE DELINQUENT TAX SALE REDEEM EACH ITEM OF REAL ESTATE

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

S. 1281 -- Senators McElveen, Johnson, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, AUGUST 10, 2021, AS "JA MORANT DAY" IN SOUTH CAROLINA IN HONOR OF THIS OUTSTANDING ATHLETE AND TO CONGRATULATE HIM FOR BEING NAMED THE 2020 NBA ROOKIE OF THE YEAR.

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

S. 1282 -- Senators McElveen, Sheheen, McLeod, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AND RECOGNIZE HAROLD BROWN, CHIEF OF THE ELGIN POLICE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF EXEMPLARY SERVICE, AND TO HONOR HIS DEDICATION TO PROTECTING THE CITIZENS OF THE ELGIN COMMUNITY.

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

**REPORTS OF STANDING COMMITTEES**

**Appointments Reported**

Senator HEMBREE from the Committee on Education submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2019, and to expire August 1, 2022

At-Large - Gubernatorial:

Randall S. Page, 409 Library Drive, Greenville, SC 29609 *VICE* Linzie R. Staley

Received as information.

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.

Received as information.

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. Newton, Williams and Jefferson to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 3485--CONFERENCE COMMITTEE APPOINTED**

Whereupon, Senators CROMER, GREGORY and NICHOLSON were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 719 -- Senators Hembree, Fanning and Campsen: A BILL TO AMEND SECTION 33‑57‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS, SO AS TO AUTHORIZE NONPROFIT ORGANIZATIONS RECOGNIZED AS TAX‑EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) TO CONDUCT A RAFFLE AND TO REMOVE THE PROHIBITION ON THE USE OF FUNDS RAISED BY THE RAFFLE TO PURCHASE ATHLETIC EQUIPMENT; TO AMEND SECTION 33‑57‑140, AS AMENDED, RELATING TO STANDARDS FOR RAFFLES, SO AS TO INCREASE THE FAIR MARKET VALUE OF INDIVIDUAL PRIZE AND TOTAL PRIZE LIMITS; AND TO REPEAL SECTION 33‑57‑200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator CAMPSEN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill.

**CONCURRENCE**

S. 719 -- Senators Hembree and Fanning: A BILL TO AMEND SECTION 33‑57‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS, SO AS TO AUTHORIZE NONPROFIT ORGANIZATIONS RECOGNIZED AS TAX‑EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) TO CONDUCT A RAFFLE AND TO REMOVE THE PROHIBITION ON THE USE OF FUNDS RAISED BY THE RAFFLE TO PURCHASE ATHLETIC EQUIPMENT; TO AMEND SECTION 33‑57‑140, AS AMENDED, RELATING TO STANDARDS FOR RAFFLES, SO AS TO INCREASE THE FAIR MARKET VALUE OF INDIVIDUAL PRIZE AND TOTAL PRIZE LIMITS; AND TO REPEAL SECTION 33‑57‑200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CAMPSEN explained the amendments.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

On motion of Senator CAMPSEN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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

**H. 3210--CONFERENCE COMMITTEE REAPPOINTED**

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 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.

Whereupon, Senators ALEXANDER, JACKSON and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

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.

H. 4945 -- Reps. Hewitt, Erickson, Bradley, Hiott, R. Williams, Jefferson, Rivers and Mace: A BILL TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONSTRUCTION SEAWARD OF THE BASELINE, SO AS TO ALLOW FOR CERTAIN EROSION CONTROL STRUCTURES TO HAVE THE DAMAGE ASSESSMENT BASED ON A SINGLE DISTINCT CONTINUOUS SEAWALL OR BULKHEAD RATHER THAN ON A LOT BY LOT BASIS.

**AMENDED, READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (WAB\  
3257C001.RT.WAB20) which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 59‑32‑20(D), by deleting the subsection and inserting:

/ (D) At the next cyclical review of the health standards, the board shall continue to revise existing age appropriate standards and concepts that address mental, emotional, and social health. Before September 1, 2021, in addition to the current standards, the board shall continue to make standards aligned instructional materials available to districts. Districts shall continue to adopt or develop curriculum locally. /

Amend the bill further, SECTION 2, Section 59‑32‑30(A)(4), by deleting the item and inserting:

/ (4) Beginning with the 2021‑2022 School Year, each:

(a) seventh grade student must be offered one unit of instruction in mental health and wellness based on the instructional unit selected or adopted by the board in Section 59‑32‑20(D); and

(b) ninth grade student shall receive and successfully complete a one unit course of study in mental health and wellness based on the instructional unit selected or adopted by the board in Section 59‑32‑20(D). /

Renumber sections to conform.

Amend title to conform.

Senator FANNING proposed the following amendment (3257R001.SP.MWF), which was adopted:

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

/SECTION 1. Section 59‑32‑20 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) At the next cyclical review of the health standards, the board shall continue to revise existing age-appropriate standards and concepts that address mental, emotional, and social health.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator CORBIN desired to be recorded as voting against the adoption of the amendment.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (4431R001.SP.RWC), which was adopted:

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

/SECTION 1. This act may be cited as the “South Carolina Business License Tax Standardization Act”.

SECTION 2. Article 3, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑400. (A)(1) Unless otherwise specifically provided for by state law, a county or municipality that levies a business license tax must comply with the provisions of this article.

(2) As used in this article:

(a) ‘Business license’ means a license issued to a taxpayer by a county or municipality for the privilege of doing business in that county or municipality.

(b) ‘Taxing jurisdiction’ means a county or municipality levying a business license tax.

(c) ‘Taxpayer’ means an individual, firm, partnership, limited liability partnership, limited liability corporation, corporation, trust, estate, association, or company.

(B)(1) A business license must be issued to a taxpayer for a twelve‑month period beginning May first and ending April thirtieth. Each business license issued must expire April thirtieth or, if issued on a construction contract, at the completion of the construction project. The business license must be renewed before May first of the year in which it expires. If the tax is not paid before May first, then a taxing jurisdiction may impose penalties, except that an admitted insurance company may pay before June first without penalty.

(2) The business license tax must be computed based on the gross income for the calendar year preceding the due date, for the business’s twelve‑month fiscal year preceding the due date, or on a twelve‑month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per project basis, at the option of the taxpayer.

(3) A taxpayer is entitled to a refund if he submits a business license tax payment that is greater than the amount owed. The refund must be requested by the taxpayer before June first. The taxing jurisdiction shall issue the refund to the taxpayer within thirty days of the taxpayer’s request for the refund.

(C) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the taxing jurisdiction. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer. The provisions of this article do not amend or repeal Sections 12‑21‑1085 or 12‑33‑20.

(D)(1) For the purposes of this article:

(a) ‘Charitable organization’ means an organization that is determined by the Internal Revenue Service to be exempt from federal income taxes under 26 U.S.C. Section 501 (c)(3), (4), (6), (7), (8), (10) or (19).

(b) ‘Charitable purpose’ means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of a charitable organization.

(2) A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any for‑profit affiliate of a charitable organization, that reports income from for‑profit activities, or unrelated business income, for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for‑profit activities or unrelated business income.

(3)(a) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if:

(I ) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this section; or

(ii) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this section.

(b) Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of a charitable organization shall not be deemed a necessary expense of operation.

(E)(1) For the purposes of this article:

(a) ‘Gross income’ means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within a taxing jurisdiction. For taxing jurisdictions in which the person or business has a domicile, business done within that taxing jurisdiction shall include all gross receipts or revenue received or accrued by such person or business, excepting income earned outside of the taxing jurisdiction on which a license tax is paid by the person or business to some other taxing jurisdiction and fully reported to the taxing jurisdiction. For taxing jurisdictions in which the person or business does not have a domicile, business done within that taxing jurisdiction shall include only gross receipts or revenue received or accrued within such taxing jurisdiction. In all cases, if the taxpayer pays a business license tax to another county or municipality, then the taxpayer’s gross income for the purpose of computing the tax within the taxing jurisdiction must be reduced by the amount of gross income taxed in the other county or municipality.

(b) ‘Gross income for agents’ means gross commissions received or retained. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.

(c) ‘Gross income for insurance companies’ means gross premiums written.

(d) ‘Gross income for manufacturers of goods or materials with a location in a taxing jurisdiction’ is the lesser of gross income collected from business done at the location, the amount of income allocated and apportioned to that location by the business for purposes of the business’s state income tax return, or the amount of expenses attributable to the location as a cost center of the business. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

(e) Gross income for telecommunications providers is subject to the provisions of Article 20, Chapter 9, Title 58.

(2) Gross income for business license tax purposes may not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade in merchandise may be included in gross income.

(3) The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other governmental agencies.

(F) Each taxing jurisdiction shall accept a standard business license application as established and provided by the Director of the Revenue and Fiscal Affairs Office.

(G)(1) By December thirty-first of every odd year, a taxing jurisdiction levying a business license tax shall adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the Revenue and Fiscal Affairs Office. The Municipal Association of South Carolina shall determine and revise the Standardized Business License Class Schedule every even year using the latest available nationwide Internal Revenue Service statistics for the calculation of profitability of businesses and using the latest business classification codes of the latest North American Industry Classification System (NAICS).

(2) A taxing jurisdiction, upon a finding of a rational basis as explained in its ordinance and by a positive majority vote of county or municipal council, may provide for additional reasonable subclassifications, described by an NAICS sector, subsector, or industry, based upon particularized considerations as needed for economic stimulus or the enhanced or disproportionate demands by specific business subclassifications on taxing jurisdiction services or infrastructure.

(H)(1) Any special ordinance, formal agreement, or informal agreement entered into between a taxing jurisdiction and a taxpayer regarding rate classes, an annual flat fee, or the calculation of business license taxes that was adopted by ordinance or agreed to before enactment of this subsection is considered valid upon the approval of the taxpayer. A taxpayer may prove the existence and terms of an agreement through direct or circumstantial evidence, including evidence of prior payment accepted.

(2) This section does not impair or affect any future special business license ordinance passed for economic stimulus, an annual flat fee, or any future formal or informal agreement between a taxing jurisdiction and a taxpayer regarding the calculation of business license taxes.

(I)(1) A taxing jurisdiction must establish its 2022 Business License Tax Rate Schedule using the gross income reported by businesses for a twelve‑month period in the 2020 business license year so that the aggregate taxing jurisdiction business license tax calculated for 2022 does not exceed the aggregate taxing jurisdiction business license tax collected in 2020 from the same businesses.

(2) If the rate for an NAICS sector, subsector, or industry is unchanged from 2020 to 2022, then the business license tax collections may be excluded from the calculation set forth in item (1).

(J)(1) A taxing jurisdiction shall provide access to taxpayers for the reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the Revenue and Fiscal Affairs Office, subject to the availability and capability of the portal. Any limitations in portal availability or capability do not relieve taxpayers from existing business license or business license tax obligations. Any audit of income or assessment of tax reported through the business license tax portal must be undertaken by the taxing jurisdiction. Data obtained through the business license tax portal may not be used by parties other than the taxing jurisdictions for statewide analytics or any other purpose not specified in this section. Parties other than the taxing jurisdictions are prohibited from auditing a taxpayer using the business license tax portal. A taxing jurisdiction shall receive the entirety of the business license tax paid to it by a taxpayer through the business license tax portal. In addition to allowing a payment through the business license tax portal, a taxing jurisdiction shall allow a taxpayer to file and pay its business license tax in person at a location within the taxing jurisdiction, by telephone, by mail, or through an online payment system in existence on January 1, 2018 or prior, that is owned and operated by the taxing jurisdiction.

(2) The Revenue and Fiscal Affairs Office is authorized to contract with software providers and payment processors for the purposes of implementing the provisions of this section. The Revenue and Fiscal Affairs Office may promulgate regulations to carry out the provisions of this section. The software provider may not retain any portion of the business license tax paid by the taxpayer to a taxing jurisdiction through the business license tax portal.

(3) The Revenue and Fiscal Affairs Office is authorized to expend any funds carried forward from previous fiscal years for the purpose of implementing the provisions of this section. Expenditures may not exceed the actual cost of implementing the provisions of this section.

Section 6‑1‑410. (A) If a taxpayer fails or refuses to pay a business license tax by May first or, for business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 46 of Title 38, the date on which the business license tax is due, the taxing jurisdiction business license official may serve notice of assessment of the business license tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the taxing jurisdiction business license official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the taxing jurisdiction business license official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

(B) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing the completed appeal form with the taxing jurisdiction business license official, by mail or personal service, and by paying to the taxing jurisdiction in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the taxing jurisdiction council or its designated appeals officer or appeals board. The taxing jurisdiction council or its designee shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the taxing jurisdiction council or its designee. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the taxing jurisdiction council, its designee, or the appeals board must be held at a regular or special meeting of the taxing jurisdiction council or appeals board. At the appeals hearing, the taxpayer and the taxing jurisdiction have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The taxing jurisdiction council, its designee, or the appeals board shall decide the assessment by majority vote. The taxing jurisdiction council, its designee, the appeals board, or the designated appeals officer shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the taxing jurisdiction business license official and served on the taxpayer by mail or personal service. The decision is the final decision of the taxing jurisdiction on the assessment.

(C) Within thirty days after the date of postmark or personal service of the taxing jurisdiction’s written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

(D) For the purposes of this section, ‘business license official’ means the officer, employee, or agent designated by the taxing jurisdiction as having primary responsibility for business licensing within the taxing jurisdiction.

Section 6‑1‑420. (A) Notwithstanding Section 5‑7‑300, a taxing jurisdiction may contract by ordinance with an individual, firm, or organization to assist the taxing jurisdiction in collecting property or business license taxes. A private third‑party entity is prohibited from assessing or collecting business license taxes or requiring a business entity to remit confidential business license tax data to that private third party on behalf of a taxing jurisdiction. This section may not prohibit a taxing jurisdiction from contracting with a third‑party entity in assisting in the collection of business license taxes. For the purposes of this section, assisting in the collection of business license taxes is limited to a contractual agreement with a taxing jurisdiction for a third party to identify, through publicly available records, businesses that are operating within the contracting taxing jurisdiction without a business license, and to provide that identification to a taxing jurisdiction. The third party may also assist the contracting taxing jurisdiction with providing, by United States official mail, the taxing jurisdiction’s business license form, along with a self‑addressed envelope containing the taxing jurisdiction address, to identified businesses on behalf of the taxing jurisdiction, and the third party is strictly prohibited from any further contact with the business other than sending the letter to the identified business on behalf of the jurisdiction. A third party assisting in the collection of business license taxes as defined in this section is prohibited from collecting personal or proprietary information from the identified business and is prohibited from any further contact with the business.

(B) It is unlawful for any individual, firm, or organization to contact a business in this State regarding noncompliance with a business license ordinance unless the contact is made pursuant to a contract with a taxing jurisdiction in accordance with this section.

(C) This section may not prohibit a taxing jurisdiction from contracting with a third party solely for the purpose of providing payment processing services for the acceptance of business license tax payments.

(D) Except as needed for a third party to assess and collect business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38, a taxing jurisdiction is prohibited from entering into a contract with a third party to assist the taxing jurisdiction in assessing or collecting property or business license taxes that include a fee based on a percentage of taxes collected or otherwise depend on the specific result obtained. This subsection does not apply to a taxing jurisdiction that enters into a contract with a third party solely for the collection of delinquent taxes for which a liability has been established by the issuance of a proposed assessment of property or business license taxes by a governmental entity to a business and the failure of the business to appeal the proposed assessment in a timely manner.

(E) Except as needed for a third party to assess and collect business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38, a taxing jurisdiction may not share or disclose any information relating to business license tax applications with any third party, specifically including a private sector auditor or auditing firm that is paid on a contingency fee or success basis. Nothing in this section should be construed as prohibiting a person or entity that gathers and disseminates news, as defined in Section 19-11-100, from obtaining the information not protected by Section 6-1-120 found on the business license tax application from the taxing jurisdiction.

(F) The provisions of subsection (A) of this section do not apply to business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38.

(G)(1) A person or entity may bring a private right of action:

(a) based on a violation of this section or any regulations prescribed under this section to enjoin such violation;

(b) to recover for actual monetary loss from such a violation, or to receive five hundred dollars in damages for each violation, whichever is greater; or

(c) both actions described in subitems (a) and (b).

(2) If the court finds that the defendant wilfully or knowingly violated this section or any regulations prescribed under this section, then the court may, in its discretion, increase the amount of the award to an amount equal to no more than three times the amount available pursuant to item (1)(b).”

SECTION 3. Section 6-1-420 of this act takes effect upon approval by the Governor. The remaining sections of this act take effect January 1, 2022. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

Senators DAVIS and CAMPSEN proposed the following amendment (4431R003.SP.TD), which was adopted:

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

/SECTION \_\_. A. For the current tax year, the provisions in Section 12-51-90(A) and (C) are amended to read:

“Section 12-51-90. (A) The defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor may within ~~twelve~~ twenty-four months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (B) of this section. If prior to the expiration of the redemption period, the purchaser assigns his interest in any real property purchased at a delinquent tax sale, the grantee from the successful bidder shall furnish the person officially charged with the collection of delinquent taxes a conveyance, witnessed and notarized. The person officially charged with the collection of delinquent taxes shall replace the successful bidder's name and address with the grantee's name and address in the delinquent tax sale book.

(C) If the defaulting taxpayer, grantee from the owner, or mortgage or judgment creditor fails to redeem the item of real estate sold at the delinquent tax sale within the ~~twelve~~ twenty-four months provided in subsection (A) and after the passing of an additional twelve months, the tax deed issued is incontestable on procedural or other grounds.”

B. This SECTION applies to the current tax year. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (4431R002.SP.VAS), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 6-1-420 and inserting:

/ Section 6‑1‑420. (A) Notwithstanding Section 5‑7‑300, a taxing jurisdiction may contract by ordinance with an individual, firm, or organization to assist the taxing jurisdiction in collecting property or business license taxes. A private third‑party entity is prohibited from assessing business license taxes or requiring a business entity to remit confidential business license tax data to that private third party on behalf of a taxing jurisdiction. This section may not prohibit a taxing jurisdiction from contracting with a third‑party entity in assisting in the collection of business license taxes. For the purposes of this section, assisting in the collection of business license taxes is limited to a contractual agreement with a taxing jurisdiction for a third party to identify, through publicly available records, businesses that are operating within the contracting taxing jurisdiction without a business license, to provide that identification to a taxing jurisdiction, to communicate with those businesses identified to determine whether any business license taxes are due and owing, and to assist those businesses that owe a business license tax with paying the relevant taxing jurisdiction. The third party may also assist the contracting taxing jurisdiction with providing, by United States official mail or electronic mail, the taxing jurisdiction’s business license form, along with a self‑addressed envelope containing the taxing jurisdiction address, to identified businesses on behalf of the taxing jurisdiction. If a business requests in writing that the third party cease communication with the business, then the third party is strictly prohibited from any further contact. A third party assisting in the collection of business license taxes as defined in this section is prohibited from retaining personal or proprietary information from the identified business.

(B) It is unlawful for any individual, firm, or organization to contact a business in this State regarding noncompliance with a business license ordinance unless the contact is made pursuant to a contract with a taxing jurisdiction in accordance with this section.

(C) This section may not prohibit a taxing jurisdiction from contracting with a third party for the purpose of providing payment processing services for the acceptance of business license tax payments.

(D) Except as needed for a third party to assess and collect business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38, a taxing jurisdiction may not share or disclose any information relating to business license tax applications with any third party other than to acknowledge whether or not a business has paid the taxing jurisdiction’s business license tax for a relevant year. Nothing in this section should be construed as prohibiting a person or entity that gathers and disseminates news, as defined in Section 19-11-100, from obtaining the information not protected by Section 6-1-120 found on the business license tax application from the taxing jurisdiction.

(E) A third-party entity contracting with a taxing jurisdiction to assist in identifying and collecting outstanding business license taxes may not engage in any conduct in which the natural consequence is to harass a business including, but not limited to, the following:

(1) contacting a business in any capacity after the business informs the third-party entity in writing to cease communication;

(2) stating that a business is required to provide any information to the third-party entity; or

(3) contacting the business in a manner that the third-party entity knows or should know creates any meaningful business interruption.

(F) The provisions of subsection (A) of this section do not apply to business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38.

(G)(1) A person or entity may bring a private right of action:

(a) based on a violation of this section or any regulations prescribed pursuant to this section to enjoin such violation;

(b) to recover for actual monetary loss from such a violation, or to receive five hundred dollars in damages for each violation, whichever is greater; or

(c) for both actions described in subitems (a) and (b).

(2) If the court finds that a defendant wilfully or knowingly violated this section or any regulations prescribed pursuant to this section, then the court may, in its discretion, increase the amount of the award to an amount equal to no more than three times the actual monetary loss resulting from such violation. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**H. 4431--Ordered to a Third Reading**

On motion of Senator MASSEY, with unanimous consent, H. 4431 was ordered to receive a third reading on Wednesday, September 23, 2020.

**READ THE SECOND TIME**

H. 4021 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51‑3‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF SWIMMING OR USE OF CABINS AT STATE PARKS, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 51‑3‑50, RELATING TO THE POWER OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO OPEN PARKS TO NORMAL PUBLIC USE, SO AS TO REMOVE A LIMITATION ON THE DEPARTMENT’S POWER; TO REPEAL SECTION 51‑3‑20 RELATING TO LIMITATIONS ON THE FACILITIES AT STATE PARKS; TO REPEAL SECTION 51‑3‑30 RELATING TO PENALTIES FOR USING CABINS OR SWIMMING AT A STATE PARK; AND TO REPEAL SECTION 51‑3‑40 RELATING TO THE LIMITATIONS ON THE OPERATIONS OF CERTAIN STATE PARKS.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Davis

Fanning Goldfinch Gregory

Grooms Hembree Hutto

Johnson Kimpson Leatherman

Loftis Malloy Martin

Massey *Matthews, John Matthews, Margie*

Nicholson Peeler Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

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

**RECESS**

At 1:45 P.M., on motion of Senator PEELER, the Senate receded from business until 2:00 P.M.

At 2:11 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**S. 194--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

**REPORT OF THE COMMITTEE OF FREE CONFERENCE ADOPTED**

S. 194 -- Senators Shealy and Senn: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

**S. 194--Free Conference Powers Granted**

**Free Conference Committee Appointed**

Senator HUTTO asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Harpootlian Hembree Hutto

Jackson Johnson Kimpson

Leatherman Loftis Malloy

Massey *Matthews, Margie* McElveen

McLeod Nicholson Peeler

Rankin Reese Rice

Sabb Scott Senn

Setzler Talley Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

Free Conference Powers were granted.

Whereupon, Senators HUTTO, SHEALY and YOUNG were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Report of the Committee of Free Conference to S.194 was adopted as follows:

**S. 194--Free Conference Report**

The General Assembly, Columbia, S.C., September 22, 2020

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

S. 194 -- Senators Shealy and Senn: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 16-15-90 of the 1976 Code is amended to read:

“Section 16-15-90. (A) It shall be unlawful to:

(1) ~~Engage~~ engage in prostitution or offer oneself for the purpose of prostitution; or

(2) ~~Aid or abet prostitution knowingly;~~

~~(3)~~ ~~Procure or solicit for the purpose of prostitution;~~

~~(4)~~ ~~Expose~~ expose indecently the private person for the purpose of prostitution or other indecency~~;~~

~~(5)~~ ~~Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;~~

~~(6)~~ ~~Keep or set up a house of ill fame, brothel or bawdyhouse;~~

~~(7)~~ ~~Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;~~

~~(8)~~ ~~Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;~~

~~(9)~~ ~~Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;~~

~~(10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or~~

~~(11)~~ ~~Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited~~.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days, or both;

(2) for a second offense, must be fined not more than one thousand dollars or imprisoned not more than six months, or both;

(3) for a third or subsequent offense, must be fined not more than three thousand dollars or imprisoned not more than one year, or both.

(C) It is an affirmative defense to a prosecution for a violation of this section subject to the requirements of Section 16-3-2020(F),that, during the commission of the offense, the defendant was a victim of trafficking in persons as defined by Section 16-3-2010(9).

(D) Notwithstanding the other provisions of this section, a minor under the age of eighteen at the time of the incident may not be prosecuted pursuant to this section.”

SECTION 2. Section 16-15-100 of the 1976 Code is amended to read:

“Section 16-15-100. (A) It shall ~~further~~ be unlawful to:

(1) procure or solicit a person for the purpose of prostitution;

~~(1)~~(2) ~~Procure~~ procure a ~~female~~ person to be an inmate for a house of prostitution;

~~(2)~~(3) ~~Cause~~ cause, induce, persuade, or encourage by promise~~, threat, violence, or by any scheme or device~~ a ~~female~~ person to become a prostitute or to remain an inmate of a house of prostitution;

~~(3)~~(4) ~~Induce~~ induce, persuade, or encourage a ~~female~~ person to come into or leave this State for the purpose of prostitution or to become an inmate in a house of prostitution;

~~(4)~~(5) ~~Receive~~ receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure ~~any female~~ a person to become a prostitute or an inmate in a house of prostitution;

~~(5)~~(6) ~~Accept~~ accept or receive knowingly any money or other thing of value without consideration from a prostitute; ~~or~~

(7) reside in, enter, or remain in a place, structure, building, vehicle, trailer, or conveyance for the purpose of lewdness, assignation, or prostitution;

(8) keep or set up a house of ill fame, brothel, or bawdyhouse;

(9) receive a person for purposes of lewdness, assignation, or prostitution into a vehicle, conveyance, trailer, place, structure, or building;

(10) permit a person to remain for the purpose of lewdness, assignation, or prostitution in a vehicle, conveyance, trailer, place, structure, or building;

(11) direct, take, or transport, offer or agree to take or transport, or aid or assist in transporting a person to a vehicle, conveyance, trailer, place, structure, or building, or to another person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(12) lease, rent, or contract to lease or rent a vehicle, conveyance, trailer, place, structure, building, or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or

~~(6)~~(13) ~~Aid~~ knowingly aid, abet, or participate ~~knowingly~~ in the doing of any of the acts ~~herein~~ prohibited in this section.

(B)(1) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined not less than two hundred fifty dollars and not more than one thousand dollars or imprisoned not more than thirty days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, a first offense charged for this item may be tried in magistrate or municipal court;

(b) for a second offense, must be fined not less than five hundred dollars and not more than three thousand dollars or imprisoned not more than six months, or both;

(c) for a third or subsequent offense, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars or imprisoned not more than one year, or both.

(2) A person who violates a provision of this section where the prostitute has been adjudicated or meets the definition to be found severely or profoundly mentally disabled beyond a reasonable doubt, is guilty of a felony and, upon conviction, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars or imprisoned not more than two years, or both.”

SECTION 3. Section 16-15-110 of the 1976 Code is repealed.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. 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 6. This act takes effect upon approval by the Governor./

Amend title to conform.

/s/Sen. Brad Hutto /s/Rep. Chris Murphy

Sen. Katrina Frye Shealy Rep. Russell W. Fry

/s/Sen. Tom Young Jr. /s/Rep. Justin T. Bamberg

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

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

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 993 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-555, SO AS TO PROVIDE FOR A PERMIT ALLOWING LICENSED WINERIES, BREWERIES, AND MICRO-DISTILLERIES TO SELL THEIR WINE, BEER, AND ALCOHOLIC LIQUORS AT FESTIVALS AND TO PROVIDE SAMPLES OF THESE PRODUCTS AT FESTIVALS; BY ADDING SECTION 61-4-721, SO AS TO PERMIT LICENSED WINERIES TO OBTAIN WINERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; BY ADDING SECTION 61-4-970, SO AS TO PERMIT LICENSED BREWERIES TO OBTAIN BREWERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; AND BY ADDING SECTION 61-6-1155, SO AS TO PERMIT LICENSED MICRO-DISTILLERIES TO OBTAIN MICRO-DISTILLERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator TALLEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill.

**NONCONCURRENCE**

S. 993 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-555, SO AS TO PROVIDE FOR A PERMIT ALLOWING LICENSED WINERIES, BREWERIES, AND MICRO-DISTILLERIES TO SELL THEIR WINE, BEER, AND ALCOHOLIC LIQUORS AT FESTIVALS AND TO PROVIDE SAMPLES OF THESE PRODUCTS AT FESTIVALS; BY ADDING SECTION 61-4-721, SO AS TO PERMIT LICENSED WINERIES TO OBTAIN WINERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; BY ADDING SECTION 61-4-970, SO AS TO PERMIT LICENSED BREWERIES TO OBTAIN BREWERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; AND BY ADDING SECTION 61-6-1155, SO AS TO PERMIT LICENSED MICRO-DISTILLERIES TO OBTAIN MICRO-DISTILLERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator TALLEY explained the amendments.

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

**Ayes 0; Nays 40**

**AYES**

**Total--0**

**NAYS**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

On motion of Senator TALLEY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 207 -- Senator Young: A BILL TO AMEND SECTION 12‑43‑220(c)(2) OF THE 1976 CODE, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12‑43‑220(c) WHO IS RESIDING AT A NURSING HOME RETAINS THE SPECIAL ASSESSMENT RATIO OF FOUR PERCENT FOR AS LONG AS THE OWNER REMAINS IN THE NURSING HOME.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator CAMPBELL, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 207 -- Senator Young: A BILL TO AMEND SECTION 12‑43‑220(c)(2) OF THE 1976 CODE, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12‑43‑220(c) WHO IS RESIDING AT A NURSING HOME RETAINS THE SPECIAL ASSESSMENT RATIO OF FOUR PERCENT FOR AS LONG AS THE OWNER REMAINS IN THE NURSING HOME.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator CAMPBELL explained the House amendments.

Senator CAMPBELL proposed the following amendment (DG\  
207C001.NBD.DG20), which was adopted:

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

/ SECTION \_\_\_. Section 31-6-30(6) of the 1976 Code is amended to read:

“(6) ‘Redevelopment project’ means any buildings, improvements, including street, road, and highway improvements, water, sewer and storm drainage facilities, parking facilities, tourism and recreation‑related facilities, energy production or transmission infrastructure, communications technology, and public transportation infrastructure including, but not limited to, rail and airport facilities. Any project or undertaking authorized under Section 6‑21‑50 also may qualify as a redevelopment project under this chapter. All the projects are to be publicly owned. A redevelopment may be located outside of the redevelopment area provided the municipality makes specific findings of benefit to the redevelopment project area and the project area is located within the municipal limits. A redevelopment project for purposes of this chapter also includes affordable housing projects where all or a part of new property tax revenues generated in the tax increment financing district are used to provide or support publicly and privately owned affordable housing in the district or is used to provide infrastructure projects to support publicly and privately owned affordable housing in the district. The term ‘affordable housing’ as used herein means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed eighty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Johnson

Kimpson Leatherman Loftis

Malloy Massey *Matthews, Margie*

McElveen McLeod Nicholson

Peeler Rankin Reese

Rice Sabb Scott

Senn Setzler Talley

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**Message from the House**

Columbia, S.C., September 22, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 545 -- Senator Alexander: A BILL TO AMEND SECTION 12‑43‑335(A) OF THE 1976 CODE, RELATING TO ASSESSING THE PROPERTY OF MERCHANTS AND OTHER RELATED BUSINESSES, TO REQUIRE THE DEPARTMENT OF REVENUE TO FOLLOW CERTAIN NORTH AMERICAN CLASSIFICATION SYSTEM MANUAL PROVISIONS; AND TO REPEAL SECTION 12‑39‑70 OF THE 1976 CODE, RELATING TO APPRAISING AND ASSESSING THE PERSONAL PROPERTY OF BUSINESSES UNDER THE JURISDICTION OF THE COUNTY AUDITOR.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator ALEXANDER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 545 -- Senator Alexander: A BILL TO AMEND SECTION 12‑43‑335(A) OF THE 1976 CODE, RELATING TO ASSESSING THE PROPERTY OF MERCHANTS AND OTHER RELATED BUSINESSES, TO REQUIRE THE DEPARTMENT OF REVENUE TO FOLLOW CERTAIN NORTH AMERICAN CLASSIFICATION SYSTEM MANUAL PROVISIONS; AND TO REPEAL SECTION 12‑39‑70 OF THE 1976 CODE, RELATING TO APPRAISING AND ASSESSING THE PERSONAL PROPERTY OF BUSINESSES UNDER THE JURISDICTION OF THE COUNTY AUDITOR.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator ALEXANDER explained the House amendments.

Senator ALEXANDER proposed the following amendment (DG\545C003.NBD.DG20), which was adopted:

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

/ SECTION \_\_\_. A. Section 12‑6‑40(A)(1)(a) and (c) of the 1976 Code, as last amended by Act 16 of 2019, is further amended to read:

“(a) Except as otherwise provided, ‘Internal Revenue Code’ means the Internal Revenue Code of 1986, as amended through December 31, ~~2018~~ 2019, and includes the effective date provisions contained in it.

(c) If Internal Revenue Code sections adopted by this State which expired or portions thereof expired on December 31, ~~2017, or during 2018~~ 2019, are extended, but otherwise not amended, by congressional enactment during ~~2019~~ 2020, these sections or portions thereof also are extended for South Carolina income tax purposes in the same manner that they are extended for federal income tax purposes.”

B. Notwithstanding any other provision of law, for purposes of any law that provides for taxes administered by the Department of Revenue, the State specifically does not adopt the provisions of Section 204(a) of the Taxpayer Certainty and Disaster Tax Relief Act of 2019 as it pertains to individuals. In administering taxes, the Department of Revenue shall account for the nonadoption set forth in this section.

C. This SECTION takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 38; Nays 0; Abstain 2**

**AYES**

Alexander Allen Campbell

Campsen Cash Climer

Corbin Cromer Fanning

Gambrell Goldfinch Gregory

Grooms Harpootlian Hembree

Hutto Jackson Kimpson

Leatherman Loftis Massey

*Matthews, Margie* McElveen McLeod

Nicholson Peeler Rankin

Reese Rice Sabb

Scott Senn Setzler

Talley Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

**ABSTAIN**

Johnson Malloy

**Total--2**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**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 morning at 10:00 A.M.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence June 30, 2020, and to expire June 30, 2024

Myrtle Beach City Council:

Walt Whittier, 305 Sunset Trail, Myrtle Beach, SC 29577

Reappointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence June 30, 2020, and to expire June 30, 2024

Michael D. Snow, 3404 Pampas Drive, Myrtle Beach, SC 29577

Initial Appointment, Spartanburg County Master-in-Equity, with the term to commence April 30, 2019, and to expire April 30, 2023

Ollie Dean Ledford, Jr., 500 Independence Dr., Roebuck, SC 29376-3339

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Patty Smith, 3145 Upper Mill Road, McCormick, SC 29835-7243

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

Robert A. Stanton, Jr., P.O. Box 418, Bennettsville, SC 29512-0418

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

Deatrice Barrett Curtis, P. O. Box 185, Darlington, SC 29540-0185

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

Isaac B. Dickson, Jr., 109 Lakeland Ave., Moore, SC 29369-9799 *VICE* Donnie Benjamin Blackley

**ADDENDUM TO THE JOURNAL**

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

**Remarks by Senator JACKSON**

I’ll be very brief. This past week we lost a superstar, Chadwick Boseman. I had the privilege of knowing some of his family members. I want this Resolution read in honor of Chadwick. I'll leave you with one of my favorite quotes from Einstein. It says imagination is more important than knowledge. I think the legacy that Chadwick Boseman leaves is the power of imagination. So many young people now can say, “You can be from anywhere and be a superstar.”

The Jackie Robinson movie, the Thurgood Marshall movie -- go back and Google -- and his work with St. Jude hospital -- particularly one of the last speeches he gave talked about how he worked with two young kids who were dying of cancer and said to him that they are trying to hold on to until the movie comes out. At the same time, Chadwick was suffering himself with stage 4 colon cancer that no one knew about. He was a great humanitarian and a great South Carolinian. I thought it would be appropriate if the South Carolina Senate recognized and honored him today. We ask the clerk to read the Resolution.

\*\*\*

**Motion Adopted**

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

**ADJOURNMENT**

At 2:50 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*

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